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Current Notes

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CURRENT NOTES

NEWMAN F. BAKER [Ed.]

Northwestern University Law School
Chicago, Illinois

Broadcast Trials?—A recent debate on this subject appeared in the *Rotarian* for October, 1937. Mitchell Dawson, Esq., declared that we should broadcast notorious criminal trials for two reasons: first, "because the only effective alternative is profound secrecy concerning criminal trials." Mr. Dawson says this is undesirable and impossible in a democracy. Second, "because broadcasting will tend to deflate the emotionalism engendered by such trials."

He said: "Our dilemma is acute: we must satisfy the democratic tradition that the public has a right to attend criminal trials and at the same time curtail the evils consequent upon the exercise of that right. I believe that the radio is an instrument providentially available to solve that dilemma. Television, when it comes, will be even more effective. . . . The broadcasting of criminal trials, under the control of the courts, is desirable, I believe, not only because it is a logical extension of the public's right to attend such trials, but also because it will counteract the perversions of the press. As a device for conveying a factual account of court proceedings speedily and accurately, it has decided advantages over the printed word."

Arguing that we should not

broadcast criminal trials was Robert Bernays, a member of the British Parliament, who was quite alarmed at the suggestion. Mr. Bernays pointed out that it certainly would be bad for children to hear over the radio such things as the salacious portions of criminal evidence, with an expert commentator to heighten the sensation and intensify the drama. He declared that it would not only harm children, but grown-ups as well, because "there is in all of us an element of sadism" that would be strengthened by listening to criminal trials on the air. Such would appeal to the savage that lies deep in all of us. Mr. Bernays says: "if certain trials are to be broadcast, why not floggings and executions, too?"

In addition, Mr. Bernays thinks that broadcasting would have harmful consequences to the criminal himself in that it would give him a sense of importance and build up his conceit. Moreover, the broadcasting of trials would place a wholly false emphasis on the importance of the crime, and the trials would not be conducted with the idea of securing justice, but the lawyers and the judge would have one eye on the evidence and the other on their unseen listeners. Moreover, it would make the court a place of enter-

tainment. He concludes: "To broadcast the administration of justice would be to degrade it to the level of a pasteboard scene in a Hollywood studio, and would make but a painted backcloth of what is after all the central pillar of civilized and ordered society."

Message from Judge Otis—A letter from Federal Judge Merrill E. Otis is printed below:

October 5, 1937.

"My dear Mr. Editor:

The enclosed address is a discussion of the proposal now again made in Congress to take away the power of Federal Judges to review and comment on the facts in charges to juries. The matter is of such great significance (both the Conference of Senior Circuit Judges and the American Bar Association within the last ten days have taken strong action against the pending bill) that I thought you might desire to make some reference to it in the Journal of Criminal Law and Criminology. If there is anything in my address you care to use, of course you are welcome to it. It is of vital importance to the administration of justice in the Federal Courts that such a measure should not be enacted into law, at least until it has been carefully considered by the scholars of our profession.

Very truly yours,
(Signed) Merrill E. Otis."

Accompanying Judge Otis' letter was a booklet of 55 pages, published by the Executive Committee of the Lawyers Association of Kansas City, Missouri. Included therein was an address by Judge Otis before the State Bar of Cali-

fornia, September 10, 1937, and several appendices giving citations and a variety of opinions from lawyers and laymen concerning the subject.

Coming at a time when many Bar Associations are advocating as a reform the Federal system of allowing the judges to review and comment on the facts, this proposal made in Congress to take away the power of Federal judges is quite surprising. It is thought that no one who has carefully studied the matter would favor such an enactment. It is hoped that the action of the Circuit judges and the American Bar Association in opposing the bill will receive the endorsement of the readers of this Journal.

Federal Offenders—The United States Department of Justice, Bureau of Prisons, has issued its Federal Offenders for 1935-36. This attractive book of 309 pages was printed by the press at Leavenworth prison. It reviews the work of the Federal Bureau of Prisons for the fiscal year which ended June 30, 1936, and also included statistics of Federal prisoners and Federal parole and probation. It brings together the annual reports of the Director of Prisons and of the heads of the various penal and correctional institutions.

The Statistical Review, which begins on p. 129, was written by Bennet Mead, Statistician of the Bureau of Prisons, who also directed the preparation of statistical tables which in themselves cover a hundred pages.

Some of the outstanding administrative policies of the Bureau of Prisons have been: (1) The

marked emphasis placed on the greater use of probation; (2) the more effective selection and preparation of prisoners for parole, and the improvement of parole supervision; (3) the development of individualized treatment, especially in the federal institutions; and (4) the improvement of the conditions under which prisoners are kept in the jails, and the decreased use of jail detention for trial. Through

the comparison of figures for the past several years, it is to some extent possible to determine how these broad policies of the Bureau are being carried out.

We do not have the space to present the interesting factual matter contained in Mr. Mead's contributions. We think it of general interest, however, to include at least the general population table:

SENTENCED FEDERAL OFFENDERS

UNDER SUPERVISION OF THE BUREAU OF PRISONS ON JULY 1 OF EACH YEAR: 1930 TO 1936

Group	Number under Supervision July 1—						
	1930	1931	1932	1933	1934	1935	1936
Prisoners:							
In federal penitentiaries, reformatories, medical centers, and camps.....	13,106	13,657	13,698	12,148	11,117	13,708	15,055
Non-federal institutions and federal jails.....	8,432	8,267	8,756	6,240	2,570	5,019	4,522
Total prisoners	21,538	21,924	22,454	18,388	13,687	18,727	19,577
Parole cases	1,709	2,628	3,327	3,306	2,762	2,285	2,011
Conditional release cases.....				106	613	1,044	1,578
Probation cases	4,281	13,321	23,200	30,870	22,926	17,233	22,027
Total	27,528	37,873	48,981	52,670	39,988	39,289	45,193

Justin Miller Made Judge—Criminologists and professors of criminal law will be interested in the appointment of Mr. Justin Miller to the bench of the United States Court of Appeals, after a short service upon the bench of the United States Board of Tax Appeals. After years of service as Chairman of the Section of Criminal Law of the American Bar Association and as a leader in the Association of American Law Schools, Mr. Miller went from Duke University in 1934 to serve

as a Special Assistant to Attorney General Cummings. He was a moving force in the Attorney General's Conference on Crime, and has done much to further the Attorney General's program. His host of friends will be pleased with his appointment.

Hoover's Remarks—On September 30, 1937, J. Edgar Hoover, Director of the Federal Bureau of Investigation addressed the 23rd annual convention of the International As-

sociation for Identification. During the course of his remarks he made a number of statements which have proved to be of great interest and concern to criminologists throughout the country. Although Mr. Hoover's addresses are scattered far and wide in mimeograph form, and usually are reprinted in part in the daily newspapers, an accurate reprint of Mr. Hoover's remarks is thought to be advisable. The editor of this Section refrains from making any editorial comment.

"There is only one undying motto of criminality and that is the belief that the man committing a crime can get away with it. Theorists may come and theorists may go, charlatans may preach their wild-eyed ideas, sentimentalists may tell us that we should slap criminals on the wrist and turn our other cheek so that they may once more hit us with a blackjack. But I insist that the true way to end crime is to build in the minds of everyone a respect for law, for the majesty of justice and surety of punishment for those who offend against the law.

"There is no medicine bottle in the world big enough to hold the nostrums of quacks who believe they can make criminals stop committing crimes by merely asking them to be good. There is no laboratory large enough to act as a central repository for all of the hashish dreams of moo-cow sentimentalists who believe that most criminals are nice boys who are misunderstood and who should be given probation or early parole instead of substantial prison sentences.

"We shall always be afflicted with these persons and, therefore, we

must resign ourselves to the impediments they present to our progress. Nevertheless, we must not for a moment lose sight of our goal, to teach the criminal that regardless of his subterfuges, his squirming, his twisting, and slimy wriggling, he cannot escape the one inexorable rule of proper law-enforcement: **YOU CAN'T GET AWAY WITH IT.**"

Ulman's Speech—In contrast to the extremely pungent remarks of the Director of the Federal Bureau of Investigation, is a short paragraph from an address by Joseph N. Ulman, Judge of the Supreme Bench of Baltimore City, made before the Federal Judicial Conference of the Fourth Circuit. Judge Ulman said:

"Above all, we need a reasoned plan for curbing crime instead of the chaos that proceeds from ever changing emotional swings. At the moment, there is emphasis upon measures of repression. The G-man is the hero of the hour. And he is my hero too, for we must begin by efficient policing. But that is not the whole story. Of course the gangster, the racketeer, the kidnaper must be caught. I am all for hard-boiled justice for the hard-boiled criminal. But the great bulk of those who pass through our criminal courts are not gangsters. They are mal-adjusted, under-privileged persons who have been too ignorant or too weak to meet life's problems. In our zeal to punish the wicked, we must never forget our duty to help the unfortunate."

Survey Progressing—During the fall and winter the Attorney Gen-

eral's Survey of Release Procedures is being reduced to writing. Dean Morse, in general charge of the Survey is writing up Probation. Professor Raymond is preparing the materials on Parole. Professor Wiehofen is devoting his attention to Pardon and Miscellaneous Release Procedures. At the Washington office Howard Gill is analyzing the schedules on Prison Administration. Criminologists everywhere are awaiting with great interest the final reports of these men.

Prison Congress—Nearly six hundred delegates from forty-five states came to Philadelphia on October 10th to attend the sixty-seventh Annual Congress of the American Prison Association.

That Association, organized in 1870, thereby participated in the 150th Anniversary of the Pennsylvania Prison Society, which in its earlier years was known as the "Society for the Alleviation of the Miseries of Public Prisoners."

The "miseries" that properly characterized most prisons of the eighteenth century was still evident in the discussions of the County Jail Section of this Conference, where some nine papers were presented. Nevertheless the dominant note of the Conference was away from Institutions, both bad and good, and toward the study and welfare of individual inmates.

Whereas, in previous years, the Wardens' problems of custody, discipline, diet, etc., occupied the chief part of the program, even their discussions now had to do with recreation, education, and the wholesome employment of prisoners.

This trend toward treatment rather than punishment of prisoners was further shown by the emphasis placed upon psychiatry, social background, and the rehabilitation of prisoners.

In other words, it was stated again and again that the prison system, conducted as an end in itself, has proven a failure. If continued, it must include not only correction, but constructive preparation for future citizenship.

As evidence in this direction, no less than eleven papers were read with reference to educational work in correctional institutions. Furthermore, adult probation was presented by twelve speakers, as a feasible method of dealing with offenders without imprisonment. The subject of parole was widely discussed in addition to the nine formal papers presented. In spite of the current criticism by the press on this subject, this Conference was in agreement that, when properly administered, more paroles, rather than less, might well be granted, as the wiser way to deal with the offender, rather than merely with the offense.

It was made evident, however, that more and more of the States are realizing that parole should mean something besides releasing men without supervision. Wider cooperation between the different States is necessary in this connection. The principle of the Central States Parole Conference, organized in Illinois some five years ago has now been extended to twenty or more States with the title of Interstate Crime Commission. Under its provisions prisoners from these States, are interchanged for mutual supervision and protection. To be sure, this more careful

planning of parole, and the requirement that all must have pre-arranged employment and sponsorship, has kept many inmates in prison for months, at the expense of the tax-payer, when they should be supporting themselves and their dependents. Yet all discussants agreed that such planned parole was both kinder and better than to discharge men with no responsibility for their welfare and recovery.

This point of view was emphasized in the opening address of the President, Wm. J. Ellis of New Jersey. He declared that the remedy for parole abuses is not abolition of parole, but placing it on a more scientific basis. He held that after the finding of guilty by the courts there should be, "central sentencing and treatment tribunals, where intensive study can be substituted for hasty judgment. "Effective Parole" Mr. Ellis stressed, "presupposes a plan of discriminating release. It assumes that after release, there will be careful supervision by trained parole officers under civil service, until fully adjusted from the restrictions of prison life to the responsibilities of freedom."

Another outstanding subject for discussion in this Congress was the matter of prison labor, or rather of prevailing idleness in most correctional institutions. Mr. Harold E. Donnell, Maryland's Superintendent of Prisons, stated that "at least 75,000 of an estimated 150,000 prisoners in the United States are idle, or dawdling at small tasks."

In urging more vocational training for convicts, Mr. Donnell declared that under present conditions of unemployment in prisons,

"wardens are sitting on kegs of dynamite."

Twelve other speakers presented their views on this vexing problem of prison labor. No marked progress seems to have been made towards its solution. To be sure, the government Prison Industries Reorganization Administration, though of uncertain tenure, has made a wide and intensive survey of this situation. Their findings were presented to the Prison Congress, and the discussion was led by the valiant Prof. Louis N. Robinson of Swarthmore College, who has hopes. Neither this effort, however, nor the attempted Interstate Prison Labor Compacts have as yet offered large promise of success. Meanwhile, many wardens reported at the Conference that five or six hundred men in their prisons were idle in their cells, or frittering away their "time" in the prison yard.

Present at this Conference was Mrs. Franklin D. Roosevelt, who spoke informally at a luncheon of the delegates. She said, "The crying need of the Nation's penal institutions today is a more highly trained personnel, backed by a better understanding of the Community." "The Public," she declared, "should know a great many things it does not now." She issued a challenge to magazine and newspaper editors: "When you're going to write about something, suppose you take the trouble first, to learn the facts about it at first hand." Communities should do their share in preventing crime, she said, while the prisons are doing the work of rehabilitation. This lack of public interest in the problem of crime, it would seem, was indicated by the limited pub-

licity given to the Conference, and by the small percent of voluntary attendance by others than paid officials in the prison, parole and probation field of work.

Further evidence was furnished at this Conference that other States are following the example of Illinois in providing for a better classification of prisoners. Pennsylvania, especially, in planning for a new Reformatory and a maximum security prison will follow the pattern of Illinois' Diagnostic Depot and the Federal Bureau of Prisons in giving appropriate treatment and training for different types of prisoners.

The 1938 Meeting of the Prison Congress will be held at St. Paul, Minnesota, and Warden Rice M. Youell of Richmond, Virginia, was chosen as the next President. Mr. Edward R. Cass was re-elected as the General Secretary. He may be addressed for further information at 135 East 15th Street, New York, N. Y.—F. E. L.

Federal System Described—One of the most concentrated but authoritative descriptions of the Federal Prison system is contained in the October, 1937, "News Bulletin" published by the Osborne Association, 114 East 30th Street, New York City. The author is James A. Johnston, Warden of the Alcatraz Penitentiary. In this article Warden Johnston describes the work of the Bureau of Prisons and its relations to the Department of Justice. He discusses the various officers of the Bureau of Prisons and their jobs. He names the Federal institutions and the method of classifying prisoners within these institutions. He has a short sum-

mary of such topics as punishments within prisons, educational work, prison labor, and Federal probation and parole. The scholar who wants a bird's-eye picture of the entire system would do well to consult this article.

Connecticut Prison Labor—In the Report of the Directors of the Connecticut State Prison to the Governor of the State, they said:

"The labor problem is still a difficult one but, notwithstanding legislation and prejudice against prison-made goods and prison labor, very excellent results have been obtained by the development of what is known as the 'state-use' system. In this connection we wish to say that the Warden is receiving fine cooperation from other state institutions and departments. Special attention is called to the splendid help given by the State Highway Department. Productive work is necessary to rehabilitation and should be provided for all able-bodied prisoners."

The Warden, Ralph H. Walker, in his report made this statement:

"The Hawes-Cooper law which became effective January 19, 1934, forced the majority of our inmates into idleness and it became necessary to introduce a new industrial program of diversified industries here at the prison which has been accomplished in part. In place of the manufacture of shirts under contract, a number of inmates are now employed in making and painting wooden road signs for the State Highway Department; in the tailoring department clothing is made for this and other state institutions. There is also a department for the manufacture of rugs,

brushes and brooms. Other inmates are employed in the mechanical and maintenance departments, on the prison farm and in the regular operation of the institution so that we are able to give employment to every inmate in the institution."

We were particularly impressed by the statement that the Connecticut Warden receives fine cooperation from other State institutions and departments. Even though prison labor seems to be facing insurmountable obstacles at the present time, cooperation within the State can solve many difficulties. The Connecticut report is refreshing contrast to reports from other States which the editor has read in recent months. Too often the complaint is made that the lack of cooperation from other State institutions and departments makes it impossible to keep more than a small percentage of inmates employed.

Prison Directory—The American Prison Association has recently issued the official directory of State and National correctional institutions of the United States and Canada. Copies can be obtained from the American Prison Association at the office of Mr. Cass, the General Secretary, 135 East 15th Street, New York City.

This publication lists the institutions by States arranged in alphabetical order. It gives all of the State institutions and their locations, and the wardens. Other data includes when the institution was opened, its capacity, 1936 population, felonies or misdemeanors, age when admitted (minimum and maximum), total operating budget, etc.

Sex Criminal Bill—States Attorney Thomas J. Courtney of Cook County, Illinois, and eleven leading citizens of the community have proposed a State law which will make it possible to imprison for life incurable psychopathic persons of sexually criminal tendencies, even before they commit crimes. The sex psychopath does not have to be feeble-minded or insane to come within the scope of the proposed act. He need only suffer from a mental disorder to be liable for prosecution which upon conviction would call for his detention in the psychopathic division of the state penitentiary. The definition of criminal sexual psychopaths reads as follows: "All persons suffering from a mental disorder, and not insane or feeble-minded, which mental disorder has existed for a period of not less than one year, coupled with criminal propensities to the commission of sex offenses, are hereby declared to be criminal sexual psychopathic persons."

State Police Report—The 19th annual report of the New York State Troopers has been issued as Legislative Document 108 (1937). The report contains a large number of splendid illustrations showing the work of the New York State Police, and is a most entertaining report as well as a report of some value from the statistical angle. As Superintendent John A. Warner says, "the accomplishments of the police are made possible, in no small degree, through the loyal and unselfish efforts of its membership. Hours of service are long. Duties are very arduous, and often dangerous, and little time away

from service may be granted. The response of our troopers under these conditions has indeed been admirable, and I am proud to command the organization."

Crime Prevention—Honorable Homer Cummings, Attorney General of the United States, recently wrote four articles which appeared in *Liberty Magazine* under the title, "We Can Prevent Crime—the American Program." These have been reprinted in one small volume and are available for distribution through *Liberty Magazine*.

Commission on Penal Institutions—In a letter dated September 16, 1937, Senator George L. Berry, of Tennessee, has informed the editor of a joint resolution proposing the establishment of a commission to make a study of penal institutions in the United States "with a view to developing a more effective, economic, and uniform plan in handling one of the most important subjects confronting the nation." Senator Berry says this bill is of great importance because it is quite apparent to all who have given study to the subject that there is no uniformity, very little science, and very little economy in the handling of the tremendous number of human beings that are incarcerated in the penal institutions in this country. The commission would consist of seven members who would be charged with investigating and reporting the total annual cost of crime in the United States, in addition to a study of the granting of paroles and pardons, and the administra-

tion and management of all penal and corrective institutions.

Morse on Probation—The October, 1937, issue of "Probation," published by the National Probation Association, carries as the leading article "The Function of a State Probation System," by Wayne L. Morse, Dean of the University of Oregon School of Law. His concluding paragraph was: "A carefully devised state probation system affords the community an opportunity to assume part of its obligation in the prevention and control of crime. Such a system is a basic part of an enlightened crime prevention and crime control program. It is no sentimentalist's gushing pool of sublimation, but it is a proven and effective treatment process for intelligent use by the realist in criminal law administration."

Report—William L. Stuckert, Chief Probation Officer, Supreme Bench of Baltimore City, recently sent to the *Journal of Criminal Law and Criminology* the 7th annual report, a 50-page booklet, containing statistics and other materials of considerable value.

The Cincinnati Regional Crime Committee has recently issued its report for the first and second quarters, January 1 to June 30, 1937. It shows that the upward trend in major offenses that began in the third quarter of 1936 has continued through the first two quarters of 1937. Particularly have the crimes of robbery and burglary increased. The report also states that considering the difficult problems with which the police were

forced to contend during the flood period, the total value of property stolen is exceedingly low, and speaks well for police activity during this period.

Vocational Guidance in Austria—

Reforms in juvenile welfare activities have given increased impetus to the vocational guidance of criminal boys in Austria. This type of service formerly received scant attention in corrective institutions. The Austrian Juvenile Court Law of 1928 delegated to the federal institution *Kaiserebersdorf* the task of reclaiming destitute criminal boys throughout the land and by educational measures restoring them to society. A vocational guidance department, equipped with every modern scientific facility, has been organized.

A knowledge of the boy's entire personality, physical and mental, being essential to efficient guidance, every entrant is subjected to a series of tests, observations and analyses. On admission the boys are assigned to a "beginner group" directed by the vocational adviser, serving the purposes of observation and adjustment. Next they are examined by the resident physician whose somatic diagnosis serves to indicate what vocations, from the medical standpoint, the boy should not follow.

This examination is followed by mental therapy tests and in certain cases by psychiatric tests. On the basis of these diagnoses the boys are then placed in homogeneous groups.

In vocational diagnosis the Kretschmer classification of the four physical types is highly important, since the correlation be-

tween vocational preferences and constitutional type is very close.

Before their vocational classification all boys in this institution are subjected to comprehensive psychotechnical tests, which must be conducted with extreme care and skill.

An analysis of the vocational wishes of these boys makes it possible to take into consideration the unconscious factors of vocational choice. One of these factors, very common among criminal youth, is the effort to compensate in such vocation certain organic and psychic inferiority complexes.

Before final selection of a vocation, the boys are assigned to a general shop including numerous types of unskilled work, where their behavior is carefully noted—their choice of material to work with being a very significant factor. Their manual skill, visual efficiency, ability to gauge dimensions, all factors significant in trades, as well as characterological qualities, such as carefulness, industry and endurance are studied. The vocation must be suited to the talents and qualities of the boy as well as to his physical characteristics. It must likewise in no way appeal to any former criminal instincts or habits. The moral aspects of the vocation are carefully considered.

After final selection of a vocation, careful and thorough vocational and educational training is carried on. Such training facilitates the placement of the boys in desirable positions, such placement being required by the Austrian Juvenile Court Law prior to their release from the institution. Every such position is carefully investi-

gated before the youth is permitted to accept it.

The regular reports of the boys after entering upon their vocational work all show that their services are satisfactory. This in spite of the unusual adjustment required in view of the prevalent prejudice against former criminals. Vocational training does much to correct anti-social tendencies on the part

of many boys. The guidance and training of this institution thus serves not only to correct the undesirable traits but develops such attitudes and abilities as render these boys useful, desirable members of society. The record of some 8,000 such boys substantiates this claim.

Cf. *Zeitschrift für Kinderforschung*, 46:45-63, (No. 1, 1936).—S. W. D.