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Current Notes

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CURRENT NOTES

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Public Welfare Report—The Annual Report of the Department of Public Welfare, State of Illinois, is brought to the attention of readers as an unusual report. It is a substantial volume of more than 800 pages and while it has many of the usual flattering reports common to State publications it contains much of great merit. A study of "Parole and Indeterminate Sentence" by Professor Ernest W. Burgess of the University of Chicago, Governor Horner's veto of the Illinois Bill abolishing the indeterminate sentence and parole, Chairman W. C. Jones' report on the work of the Parole Board, The Chicago Area Project by Clifford R. Shaw are indicative of its content.

One noticeable recommendation of the Director of the Department, A. L. Bowen, is the unification of the work of the Parole Board, which does the paroling, and the work of the Division of Supervision of Parolees which becomes responsible for their conduct while on parole. He said:

"We believe that the Board or authority that decides that the prisoner is fit and safe to be paroled should continue to act as his supervisor during his time on parole.

"The present laws should be amended to unify the two functions. Much of the fault found

with our parole system would be removed if the Parole Board itself could continue to be in charge of each prisoner after he has left the prison walls.

"But, since the present dual laws are in existence, it becomes the duty of all concerned, the Governor included, to bring all agencies involved in parole into close cooperation. Such a plan involves the wardens of the prisons, the Parole Board, the Division of Supervision, and the Department's Director. They must work in harmony to get the results."

Census Report, N. Y.—The Judicial Criminal Statistics for 1937, reported from the State of New York by the Criminal Statistician of the Bureau of the Census, are of interest.

The trial courts of the State of New York disposed of the criminal charges against 11,695 defendants during the calendar year 1937 according to figures furnished the Bureau of the Census by the State Department of Correction. Of this number, 10,316 were charged with what the Census Bureau has defined as major offenses, while the remaining 1,379, constituting 11.8 percent of the dispositions, were charged with less serious criminal offenses.

The summary of the work of

these courts in disposing of defendants charged with major offenses shows that 75.2 percent were convicted and 24.8 percent dismissed or acquitted. It may come as a surprise to the layman to discover that only 17 percent of the major charges were heard by juries, while 66.9 percent were disposed of by convictions on pleas of guilty.

A more detailed analysis of dispositions reveals that 6,047, or 58.6 percent, of the major offenders were defendants in charges involving the taking, receipt, or conversion of property through burglary, larceny, theft, forgery, or receiving stolen goods, while 1,828, or 17.7 percent, were charged with offenses involving bodily harm through murder, manslaughter, aggravated assault or rape. Convictions were secured in 81.5 percent of the "property" crimes and in 65.5 percent of the crimes against "person." Robbery, the most common of the offenses which involve both "person" and "property," was the charge against 995, or 9.6 percent, of the major offenders, of whom 694, or 69.7 percent, were convicted.

Correspondence—In the March-April issue of the *Journal*, p. 927 the Editor asked for comments by readers concerning separate Criminal Appeals Courts. Mr. Vernon M. Smith, Secretary, Committee on Administration of Justice of the State Bar of California replied:

"In November, 1936, by an overwhelming majority, the people of California defeated a constitutional amendment proposing the establishment of a separate court of appeals for criminal cases in California. The spearhead of the op-

position was the State Bar of California, and in particular its Committee on Administration of Justice. For further information about the California proposal and the discussion thereof may I refer you to the July and August, 1936, issues of the *State Bar Journal*, and to the Appendix to Part II of the Sixth Report of the Judicial Council of the State of California (1936)."

In the publications referred to by Mr. Smith the arguments *pro* and *con* are summarized, but the weight of opinion seemed to be that the Constitutional Amendment contained much legislation not proper for the Constitution and, moreover, it was generally felt that such a court was not necessary in California.

Prison Chaplains—The leading article of the June, 1938, *News Bulletin*, published by the Osborne Association, Inc., was devoted to Prison Chaplains as the first of a series of such studies. In an editorial foreword it was stated: "Only a few of those who are familiar with prisons and reformatories as they are being conducted today will dispute the assertion that, in general, religious work has lost much of its vitality during the years which have seen rapid progress in medical services, education, social work, and other modern methods of rehabilitation. The Osborne Association believes that revitalizing religious work in penal and correctional institutions is one of the most important jobs concerning penal and correctional administrators. In the hope of advancing that cause we have invited representatives of the Protestant, Catholic, and Jewish faiths to pre-

pare articles on "The Functions of a Prison Chaplain" as well as bibliographies of religious literature which they believe to be most helpful to prisoners."

New York Code Revision—Readers interested in criminal procedure should know that a comprehensive revision of the New York criminal code has been completed by an able committee created by the Commission on the Administration of Justice, of which Senator John L. Buckley is chairman. Senator Buckley's description of the work appears in the *New York State Bar Bulletin*, Jan., 1938. Secretary Leonard S. Saxe, 80 Centre St., New York City, is the official to be consulted concerning this report and revision. The original code was prepared in 1850, but not adopted until 1881. While there has never been a revision there have been hundreds of amendments, and amendments to amendments. In six recent years 420 amendments were proposed and 80 were adopted. The present committee has conferred with Professors Mikell and Keedy, who served as reporters in preparing the model code for the American Law Institute. The present committee's work is in the form of six reports submitted to the Commission.

Probation Meeting—The National Probation Association held its Annual Meeting at Seattle from June 24 to June 29 inclusive, meeting in conjunction with the National Conference on Social Work which met from June 26 to July 2. The Western Parole and Probation Conference was held jointly with

that of the National Probation Association, June 22-23. This was the first time for nearly a decade that the national probation conference has been held on the Pacific coast. The third national conference on coordinating councils, June 26-27, inclusive, was a part of the national probation meeting.

One of the outstanding speakers of the occasion was Judge Joseph N. Ulman, Supreme Bench, Baltimore, and member of the Board of Prison Industries Reorganization Administration, who took for his subject, "A National Program to Develop Probation and Parole." The Maryland jurist's address, which was delivered on the night of Friday, June 24, included a frank discussion of the problems that beset a judge in the sentencing of defendants, both juvenile and adult.

Sanford Bates, executive director, Boys' Clubs of America, New York City, chairman of the National Committee on Community Coordination, and former director of the United States Bureau of Prisons, spoke on the subject, "What Are We Doing Through the Boys' Clubs?" at a luncheon meeting held at the Hotel Benjamin Franklin, jointly with the National Girls' Work Council, Wednesday afternoon, June 29. Mr. Bates also presided over the afternoon session of the probation conference on Sunday, June 26.

Judge Helen Gregory MacGill, of the juvenile court of Vancouver, B. C., gave an address on "Legislating for Juvenile Delinquents," at a group meeting Saturday morning, June 25. That same afternoon Allan W. East, supervisor, psychiatric social work, Oregon University medical school, Portland, Ore., and O. H. Close, super-

intendent, Preston School, Ione, California, took part in a group meeting on "Psychiatry in the Court and the Institution."

At a dinner meeting at the Hotel Sorrento on Saturday, June 25, Judge J. M. Braude of the Chicago Municipal Court, on "The 'Why' of Bad Boys," and Worth McClure, superintendent of schools in Seattle, took for his subject, "The School and Prevention of Delinquency."

Richard A. Chappell, acting supervisor, United States Probation System, addressed the conference on "The Child in the Federal Court," at the afternoon meeting on Tuesday, June 28.

"The Family in the Court" was the title of an address by Judge George W. Smyth, of the Westchester County Children's Court, White Plains, New York, on Tuesday afternoon, June 28. He is vice-president of the National Probation Association.

The national probation conference opened Friday morning with an address on, "A State Crime Prevention Program," by Dr. Lowell J. Carr, secretary, Michigan Delinquency Prevention Council, Ann Arbor.

Dr. Carr's paper was followed by a discussion of "Interstate Compacts for Probationers," by the special committee on the subject appointed by the National Probation Association. The discussion was led by Joseph P. Murphy, chief probation officer of the Essex County Probation Department, Newark, N. J., who is a member of the Association's board of trustees and chairman of its committee on interstate compacts. On Saturday morning, June 25, Mr. Murphy read a paper on "Training for and on the Job."

At the luncheon meeting on Friday, Philip A. Parsons, Professor of Sociology, University of Oregon, Eugene, delivered a pungent paper on "Qualifying Workers for the Correctional Field." At the same session Ewing D. Colvin, former public prosecutor at Seattle, talked on "The Newspapers and Crime."

On Saturday, June 25, there was held a series of group meetings presided over by L. Wallace Hoffman, chief probation officer, juvenile court, Toledo, Ohio; Louise B. Cottrell, secretary, Oregon Child Welfare Commission, Portland, Oregon; John J. Doyle, chief probation officer, St. Paul; and Judge Donald E. Long, court of domestic relations, Portland, Oregon. Judge Ulman, who is also a member of the board of trustees of the National Probation Association, presided over the afternoon session of the same day. Judge Smyth presided over the business session, also held on the afternoon of Saturday, June 25. W. L. Gosselin, president, Western Parole and Probation Association, presided over the dinner meeting at the Hotel Sorrento, held that evening.

On Sunday afternoon, June 26, "Mrs. Pennywit Joins the Council," a dramatization depicting a coordinating council in action, was presented by representatives of Seattle coordinating councils.

Glen O. Grant, National Recreation Association, presided over the afternoon meeting on Monday, June 27, and the Rev. Wilbur Snyder, president, West Seattle Coordinating Council, held the gavel at the Association's joint session with the Church Conference of Social Work later that same afternoon.

Herbert W. Ward, chief probation officer, juvenile court, Taco-

ma, was the presiding officer at the early afternoon session on Tuesday, June 28, and Mr. Scudder was chairman of the session held during the latter half of the same afternoon.

Miss Stella Miner, director, Girls' Service League, New York, presided over the luncheon meeting at the Hotel Benjamin Franklin, Wednesday afternoon, June 29.

The national officers of the Association are: president, Timothy N. Pfeiffer, New York City; vice president, Judge George W. Smyth, Westchester County Children's Court, White Plains, N. Y.; honorary vice presidents: Judge Julian W. Mack, United States Circuit Court of Appeals, New York City; Paul V. McNutt, American High Commissioner, Manila; Herbert C. Parsons, Boston; and Judge Edward F. Waite, District Court, Minneapolis; treasurer, Henry deForest Baldwin, New York City; and Charles L. Chute, executive director, New York City.

Code of Criminal Procedure—At the spring meeting of the American Law Institute, Dean Herbert F. Goodrich, Adviser on Professional Relations reported upon the use of the Institute's Model Code of Criminal Procedure. He said: "The Code of Criminal Procedure continues to be the starting point for the work of practically every legislative commission or Bar Association committee engaged in a re-examination of the law on this topic in any state. It is difficult to summarize in simple form legislative adoption. Sometimes a section or a group of sections will be adopted as drafted. Sometimes the Model Code is adopted in part. Sometimes the language is changed,

but the provision seems to indicate the influence of the Code, although we cannot, of course, in the absence of definite information be certain. Combining these three types of use of the Code we find it in recent legislation in Arkansas (1937); in California (1935); in Connecticut (1931); in Florida (1937); in Georgia (1935); in Indiana (1937); in Kansas (1937); in Michigan, Minnesota, Montana, Nebraska, New Jersey (all 1935); in New Mexico (1935, 1937); in New York (1935, 1936); in North Dakota, Ohio, Oklahoma (1935); in Oregon and South Carolina (1937); in Virginia (1937); in Wisconsin (1937). The Code as a whole was before the Pennsylvania Legislature in 1937, but did not come to a vote.

"There is evidence of a thorough study and recommendations of many sections by the Florida Bar Association. Some sections have been recommended by the Iowa Bar Association. The New York State Commission on the Administration of Justice has made a thorough study of the Code which is still in progress and much of it has been recommended.

"The shorter statutes have likewise had considerable recognition. A statute providing for Advance Notice of Alibi and Insanity Defense has been adopted in whole or in part in Oklahoma, Oregon and South Dakota. A joint statute providing for Summoning Witnesses to Testify in Another State has been adopted in thirty states as follows: Arizona, Arkansas, California, Connecticut, Delaware, Idaho, Indiana, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York,

North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, West Virginia, Wyoming.

"This statute, it will be remembered, is a joint product of the Institute and the National Conference of Commissioners on Uniform State Laws."

Crime in Washington, D. C.—The Second Annual Report of the Washington Criminal Justice Association, Inc., covering the year 1937, takes the form of an attractive booklet of 46 pages called "Crime in the Nation's Capital." Considerable space is devoted to the bail bond situation, the police, and trials. Greater efficiency in the administration of criminal justice is reported: Crimes reported, 7,683 in 1937 and 6,979 in 1936; indicted, 1,523 in 1937 and 1,193 in 1936; guilty, 938 in 1937 and 685 in 1936.

The Managing Director, Mr. James Allen Nolan has this to say about crime in Washington: "Washington is a city, not only unique in government, but unique in its population as well. Its transient population is very large, its temporary residual population greater perhaps than any city its size, its traffic problems, due to its high rate of vehicle registrations unusual, and a great portion of its citizenry come from states and cities where different customs and modes are to be found. Thus many of its police problems arise from a conflict of cultural values, which gives Washington many social problems not encountered by other large cities."

Psychiatric Clinic—The Psychiatric Clinic of the Court of General Sessions, New York City, exam-

ined 2,698 persons during the year 1937, 2,569 of these were men and 129 were women. The following table lists the "Personality Diagnosis."

Psychopathic Personalities

Schizoid Type	24
Paranoid Type	7
Cyclothymic Type	19
Sexual Type	14
With Constitutional Inferiority	6
With Drug Addiction.....	27
Epileptoid	10
Chronic Alcoholic With Ethical and Social Deterioration	49
Organic Unstable Type.....	41
Neurosis	114

Predominant Personality Characteristics

Aggressive Type—Antisocial..	339
Aggressive Type—Aggression Released by Alcohol.....	34
Aggressive Type—Aggression in Reaction to Inferiority...	17
Unstable Type—Impulsive ...	92
Hysterical Swindler	29
Unethical, Sly, Wily Type....	126
Maladjusted Adolescent Type, Immature and Adventure-some	268
Adult Immature Type	203
Egocentric, Selfish Type.....	33
Shiftless, Lazy, Uninhibited Type	171
Suggestible and Weak-willed Type	39
Adynamic, Dull Type	81
Nomadic Type	20
Primitive Type	25
Adjusted to Low Economic Level	273
Balanced Personality	535
Mentally Defective	83
Psychotic	17
Incomplete	2
Total	2698

The Clinic reports that the amount of psychopathy is rather constant from year to year and that 20% of the prisoners are "in some way physically abnormal."

N. Y. Bar Recommendations—

Recently a Committee of the Association of the Bar of the City of New York, appointed by the President, Henry L. Stimson, and under the chairmanship of Paul Wendels, considered three topics relating to criminal procedure. It reported:

"It has been urged that prosecution by information be permitted in criminal cases other than capital cases or cases of criminal libel, sedition or treason. There have, however, been recent instances of nation-wide interest wherein Grand Juries have refused to vote indictments in cases which have every appearance of being instituted for political purposes. The Committee, therefore, was of the opinion that in view of the present political conditions and the widespread fear of governmental invasion of civil liberties, it would be unwise to permit prosecution by information at the sole discretion of the prosecutor.

"The Committee, however, recommends permitting a defendant to waive indictment by the Grand Jury and consent to proceeding by information on all cases except capital cases and cases of criminal libel, sedition or treason, such waiver to be in writing signed on arraignment in the presence of the Court and counsel. There are many cases in which the defendant would consent to such procedure in order to have his case more promptly disposed of.

"It was also urged that the re-

cent change in jury verdicts in civil cases permitting verdicts by five-sixths vote of the jury be extended to criminal cases, except capital cases and cases of criminal libel, sedition and treason. The Committee disapproves this proposal and prefers the continuation of the present constitutional requirement of a unanimous verdict in criminal cases."

Federal Offenders — Penologists will find a wealth of material in "Federal Offenders, 1936-37" which reviews in 334 pages the work of the Federal Bureau of Prisons during the year ending June, 1937. Included are statistics of Federal Prisoners and of Federal parole and probation. James V. Bennett, Director of the Bureau made this remark concerning the Bureau's personnel: "During the past year sufficient funds have been available to carry into effect the order of the Attorney General increasing the minimum salary of custodial officers from \$1,680 to \$1,860 per annum. Contemporaneously with this increase in the grade of the custodial officers a complete new program for their training and promotion was inaugurated. All appointees to the prison service are now required to take a training course in penal administration and pass suitable physical tests. The study course consists of ten pamphlets descriptive of the various phases of prison work. Promotions within the service are made on the basis of tests of fitness prescribed jointly by the Civil Service Commission and the Bureau of Prisons as well as a scientific consideration of each man's service record.

"A further and most important

step was taken when on February 11, 1937, upon recommendation of the Attorney General, the President signed an executive order placing the entire prison service, with the exception of three policy making positions, under the rules and regulations of the Civil Service. Hereafter all appointments, including the higher executive positions such as Wardens and Superintendents, will be made in accordance with Civil Service requirements.

"The result of these measures has been a tremendous improvement in the esprit de corps, courage, intelligence, and loyalty of our officers. There are, however, further improvements which we hope to attain in the not distant future."

Cummings Address—Speaking on the subject "A Rounded System of Judicial Rule Making" Attorney General Homer Cummings presented to the Federal Judicial Conference of the Fourth Circuit a powerful plea for the creation under rules of court of a uniform and comprehensive system of criminal procedure in the Federal Courts. He said:

"As you know in cases in equity, in admiralty, in bankruptcy and in copyright matters, the procedure is now governed by rules of court. In 1934 the Supreme Court, pursuant to an act of the Congress, promulgated rules prescribing practice and procedure with respect to proceedings in criminal cases after verdict. I think it is generally agreed that these rules are, at once, simple and serviceable. They have worked well. In view of these developments I am led to suggest that the rulemaking power be extended to criminal

procedure prior to verdict. I lay no particular claim to credit for this suggestion. It flows rather naturally from the previous reforms. Thus we would close the last gap in our procedural system.

"If the extension of the rule-making power to criminal procedure is a worthwhile reform—if it will make the criminal trial less of a game and more of a search for truth—then there is no time like the present to begin the study of its possibilities."

D. C. Report—The Prisons Industries Reorganization Administration recently completed the survey of the District of Columbia and published its findings in an attractive 191 page book entitled "The Prison Problem in the District of Columbia." In many respects this is the most interesting report issued by the P.I.R.A.—the District presenting more complex problems than any other jurisdiction in the country. In the letter of transmittal attention was called to the intricate relationship between the Federal and District governments, e.g. should prisoners be handled by the District prison system or the Federal Bureau of Prisons? No clear-cut administrative division now appears. It is difficult to choose for reproduction a sample from this report but the Editor was interested in a statement about "Chronic Alcoholism":

"Commitments for intoxication are responsible for a large proportion of the Jail and Workhouse population and for the high turnover. We recommend that the cooperation of the Metropolitan Police Department and the Police Court be enlisted in developing a definite policy to govern arrests

and sentencing in intoxication cases as part of a comprehensive joint program for dealing with alcoholism. Since the chronic alcoholic is a regular offender, an indeterminate sentence of 1 day to 1 year will constitute a long step forward in dealing with this type, especially as time is essential in any treatment of the addiction.

"The medical profession knows of no specific cure which is successful with all forms of alcoholism, and the cases studied for this report indicate that the problem is very complex, with physical, mental and sociological factors closely intermingled. We recommend the establishment of a special research unit in the District penal system to be financed either by congressional appropriation or by a grant from a private foundation. Meanwhile the program suggested for the Workhouse would offer alcoholics good medical and psychiatric care, healthful work and an intensive effort to provide training for promising cases. In the present state of limited knowledge on the subject of alcoholism this is a reasonable program, and in our opinion it can be carried out as well at the Workhouse as at a new and separate colony for inebriates.

Italian Congress—The Italian Ambassador has notified the Secretary

of State and the Attorney General that from Oct. 3 to Oct. 8, 1938, there will take place in Rome, under the auspices of the International Society of Criminology, the First International Congress of Criminology. The program has not yet been announced but the following are listed as major topics of discussion:

- 1)—Etiology and diagnostics of youth delinquency and influence of the results of such studies on penal law.
- 2)—Study of the personality of criminals.
- 3)—Function of the judge in the fight against criminality and his criminological qualifications.
- 4)—Organization of criminal prophylaxis in various countries.
- 5)—Ethnology and criminology.
- 6)—Experimentation of safety measures conducted in various countries.

Information pertaining to traveling facilities granted by Italy and various European countries in connection with said Congress, may be obtained by applying at the Italian Tourist Information Bureau, 626 Fifth Avenue, New York City.