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EDITORIAL

THE SECTION OF CRIMINAL LAW LOOKS AHEAD

[The following statement is so important and timely that the Editors are publishing it here for the readers of the JOURNAL.—Eds.]

The officers, the council and the seventy committee members of the Section of Criminal Law of the American Bar Association are inaugurating a program of activity which is of value to the administration of criminal law both nationally and locally. The program is planned to be of direct assistance to state bar associations and to local bar associations. The ultimate beneficiary in mind, of course, is the individual lawyer.

The program of activity consists of three parts:—I, legislation; II, published reports based upon studies made by the committees, and III, significant sessions and exhibits at the annual meeting at San Francisco in July, 1939.

I. The principal legislation which is being promoted by the Section is considered by many to be the most advanced step in criminal procedure taken in the history of the United States. It is a bill in Congress to give to the Supreme Court of the United States authority to prescribe rules of pleading, practice and procedure in criminal cases prior to verdict.

At the annual meeting of the American Bar Association held in Cleveland, August, 1938, the incoming officers of the Section of Criminal Law agreed that this rule-making proposal, forcefully advocated there by Attorney-General Cummings, must be a principal objective of the Section during this year.

A few weeks later President Hogan requested such action by the Section, pointing out that such legislation is a necessity if equal justice is to be secured for rich and poor, strong and weak, under the Bill of Rights of the Constitution.

The House of Delegates, on January 10, 1939, at their mid-winter meeting unanimously adopted a resolution, presented by the Chairman on behalf of the Section, endorsing the rule-making proposal.

On January 17, 1939, the Chairman appointed for the Section a Committee on Supreme Court Rules for Criminal Procedure, with Honorable Arthur T. Vanderbilt as chairman.

Then on February 9, 1939, the bill, S. 1283, was introduced in the Senate by Senator Ashurst. It is now awaiting congressional action.

II. Seven committees in addition to the Committee on Supreme Court Rules for Criminal Procedure are preparing reports on subjects of vital importance to criminal law administration. The Committee on Procedure, Prosecution and Defense,—Chairman, Judge W. McKay Skillman, Detroit,—is giving consideration to the public defender, as well as to the more traditional problems of procedure and prosecution. The Committee on Sentencing, Probation, Prisons and Parole,—Chairman, Dean Wayne L. Morse, Eugene, Oregon,—will report on release procedures, with special attention to the forthcoming publication of the Attorney-General's survey on that subject. The Committee on Education and Practice,—Chairman, Cornelius W. Wickersham, New York,—is making a study of the extent to which law schools prepare their students for responsibilities in the applications of the criminal law. The Committee on Federal Election Laws,—Chairman, Arthur J. Freund, St. Louis,—will recommend methods for correcting the omissions and other serious defects of the Federal laws relating to the ballot. The Committee on Police Training and Merit Systems,—Chairman, Judge Curtis Bok, Philadelphia,—is investigating methods for improving the police, recognizing them as a determining factor in criminal law administration. The Committee is assisted by an Advisory Committee of outstanding representatives of the several branches of modern police service. The Committee on Magistrates and Traffic Courts,—Chairman, George A. Bowman, Milwaukee,—has the task of presenting sound methods for supplanting the antiquated justice of the peace system with a system of minor courts adequate to deal with modern conditions. Recognizing the practical difficulties of the task of this committee, the Chairman of the Section has drafted a Magistrates Court bill which is now receiving the consideration of the Indiana General Assembly. The Committee on Rating Standards and Statistics,—Chairman, Dan W. Jackson, Houston, Texas,—not only is grubbing out the roots of inadequate criminal statistics but also is breaking the virgin soil of establishing standards whereby cities and states may eventually be given comparative ratings in criminal law administration.

It is the definite plan of the Section to publish concise reports of the results of the studies of the committees. The reports will be directed toward meeting the practical needs and interests of practicing lawyers and of administrative officers of the criminal law, and they will be accompanied by outlines of draft bills wherever feasible.

III. The session programs of the Section of Criminal Law, to be conducted on July 10, 11 and 12, at San Francisco at the 1939 annual meeting of the American Bar Association, will be designed to provide useful and interesting information for practicing lawyers and for governmental officials. In view of the fact that the meeting is being held in California,—the state which has made outstanding progress in police training and in scientific investigation,—the Section is planning an exhibit which will demonstrate modern achievements in these fields. This exhibit will be found valuable by the lawyer or the judge whose professional work includes insurance law, probate law, criminal law, or any other field of the law in which scientific investigation plays its modern part.

What the Section of Criminal Law is doing in the interest of bar associations and of individual lawyers has been described. Consideration should now be given briefly to what bar associations and individual lawyers can do in the interest of the Section of Criminal Law.

First, support can be given the bill, S. 1283, now pending in Congress to give to the Supreme Court the rule-making power in criminal procedure in federal cases prior to verdict. Material for further investigation and study of this bill will be supplied upon application to the Chairman of the Section of Criminal Law. The president of each state or local bar association is requested to be prepared to write an endorsement of S. 1283, should it become necessary for the Section to ask him to do so. After the bill is passed it will probably be the opportunity of each lawyer, judge and bar executive to assist the Supreme Court Committee on Rules for Criminal Procedure in the preparation of the rules to be used,—rules which will be of great value, both for use in the federal courts and also for use as models for state legislators and state courts.

Study and discussion in the bar associations throughout the country of the subjects being considered by the Section committees will tend to put to practical use the findings of the committees. Copies of the committee reports for such use will be supplied to bar executives who are members of the Section upon request,—without

charge as long as a free supply is available, and at cost price only when the free supply is exhausted.

Support for the Section of Criminal Law may be supplied also by becoming a member of the Section. This may be done without charge, either by mailing an application for membership to the headquarters of the American Bar Association, 1140 North Dearborn Street, Chicago, or by signing an application card at the annual meeting.

Finally, lawyers are invited to take part in the sessions of the Section of Criminal Law at the 1939 annual meeting of the American Bar Association at San Francisco.

The chairman of the Section respectfully presents this statement on behalf of the officers and members of the Section.

JAMES J. ROBINSON.