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Cornelius J. Harrington

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PROGRESS OF CRIMINAL JUSTICE IN CHICAGO¹

CORNELIUS J. HARRINGTON*

In selecting the topic "Progress of Criminal Justice in Chicago" I did so advisedly. In the last ten years we have seen an evolution in criminal procedure in Chicago which has restored Justice to her high pinnacle, earned the respect of the law-abiding citizens and marked a steady reduction in the volume of crime. While the subject may not be as closely related to your every day practice as some papers heretofore read to you, nevertheless I trust you will find it of interest and that the facts which I have to present will be a source of pride to you both as lawyers and as citizens of this county.

It is easy to recall a few years back when Chicago was publicized here and abroad as the crime city of the world; when St. Valentine's Day massacres, flower-shop killings, gang murders on roadsides and city streets were of common occurrence. That was a period of crime, which statistical experts say cost the people of Chicago \$100,000,000 annually, approximately \$25 a year for each man, woman and child living in our city. There was a still greater cost which could not be measured in terms of dollars and cents, which manifested itself in lost good will, ridicule by other communities, and the relegation of Chicago to a low scale of respectability. Yet today whether you realize it or not, crime has been reduced in our city to such an extent that Chicago stands out among the cities of the world as one of the safest places in which to live and work.

Fundamentally this reformation was due in a great measure to a change in that powerful agency for good or evil—public sentiment. Ten years ago gangsters and criminals were men of prominence in our community. Their nefarious activities appeared to cast no stigma upon them. They circulated freely among the city's business men and, when they came to an untimely end, some of our "better citizens" hastened to attend their funerals. The following article appeared in one of our Chicago newspapers when

¹ Delivered before "The Law Club," February 24th, 1939.

* Judge of the Circuit Court of Cook County. Chief Justice of the Criminal Court 1937-38.

Big Jim Colosimo, a reputed underworld lord, lay dead from an assassin's bullet:

"No matter what he may have been in the past, no matter what his faults, Jim was my friend, and I am going to his funeral.' These and similar words were heard today from the lips of hundreds of Chicagoans. They were to be heard in the old Twenty-second Street levee district over which Jim for so many years had held undisputed sway, they dropped from the mouths of gunmen and crooks, while many a tear ran down the painted cheeks of women of the underworld.

They were heard from many a seemingly staid business man in loop skyscrapers, and from men famous and near-famous in the world of art and letters who had all mingled more or less indiscriminately with the other world which walks forth only at night. All these classes, hundreds of each, will be present at the funeral."

Such conditions did not shock the civic consciousness of the people of Chicago ten years ago. In no slight degree these conditions had a sinister effect upon the administration of justice in Cook County. It required an aroused public sentiment to bring about improvement both in law enforcement and criminal procedure. Fortunately, that change came and with it came the reform in criminal procedure which I shall discuss here.

Under the old order there were sixteen judges sitting in the outlying Municipal Courts, commonly referred to as police courts. Each of these outlying courts tried misdemeanors and acted as examining magistrate in felony charges. It had power to fix bail of defendants held to the grand jury.

One, wise in the ways of crime, would, when arrested, appear before any one of the examining magistrates in or out of court and have his bail set. He would then arrange for some professional bondsman to act as surety. There was no systematic checkup of the financial status of the bondsman. The records show that many of these bondsmen had no financial responsibility. A survey of the records of certain of those bondsmen made before the reforms I speak of were instituted, disclosed a deplorable condition. For example, one professional bondsman, of that period, was in one year accepted as surety on bail bonds aggregating \$670,000. His total real estate holdings, subject to a mortgage encumbrance of \$32,500, were valued at not more than \$24,000, or \$8,000 less than the mortgage indebtedness. The compensation he received, based upon the then existing professional bondsmen's rate of commission of five per cent, was not less than \$33,000, and may have reached as high as seventy-five thousand dollars.

The defendant released on such worthless security, if he did not forfeit his bail, would resort to the well established practice of tiring out witnesses by obtaining repeated continuances of the preliminary hearing. The witnesses had to appear in the police court on many occasions and if the defendant was finally held to the grand jury, the witnesses were required again to appear before the grand jury at the Criminal Court. Frequently a period of from two to four months elapsed between the time the accused was arrested and the time of the complaining witnesses' appearance before the grand jury. In the meantime, the defendant was at liberty on bail.

After an indictment was returned, the defendant was required to make new bail. Assuming the amount of the bond set by the grand jury was \$5,000 and that the bondsman received the usual five per cent commission, it would cost the defendant \$250.00 more for bond premiums. When his case was called for trial in the Criminal Court the defendant, being at liberty on bond, was not compelled to go to trial as promptly as he would have been were he incarcerated in the county jail. The condition of the calendar in 1928 showed approximately 1800 indictments pending. Approximately 900 of the indicted defendants were in jail waiting trial, and the remainder were free on bail.

Because defendants in jail had to be tried within four months of the date of arrest or be discharged under the so-called four term act, the defendants in jail were given preference for trial. Fourteen judges of the Criminal Court were kept busy trying defendants in jail, while those who had the benefit of the professional bondsman's service obtained continuance after continuance. The congested condition of the calendar permitted defendants on bond to continue their nefarious trades until they were finally tried, convicted, and sentenced to penal institutions. It was not uncommon to find defendants under indictment who successfully postponed their trials for as long as fifteen months, during which time from six to ten additional indictments were returned against them for crimes committed while at liberty on bail. To be able to pay the professional bondsman for their liberty they had to earn the money, which they usually did by committing other crimes. A recent graph made by the Chicago Tribune showed that in 1928 the average time between indictment and trial for defendants was 163 days, approximately five and one-half months. This inordinate lapse of time gave the indicted criminal an oppor-

tunity to contact, influence, coerce, and at times, even to spirit away witnesses. In sensational cases it allowed time for the public resentment of the crime to die down. When the defendant finally stood trial, witnesses were either unavailable or their recollections of vital facts had become vague and indefinite. As a result the prosecution of many a guilty person failed.

The effect of long continuances upon the administration of criminal justice is exemplified by the record of a criminal case filed in 1924, which I will briefly relate. The indictment was returned by the April, 1924, grand jury charging four defendants with kidnapping and assault to kill. The cause did not come to trial until June, 1926, twenty-five months later. Just before the case was due to be tried a new assistant prosecutor was assigned to it in place of one who had charge of it from its inception. The jury acquitted the four defendants although the defence made no closing argument while the assistant prosecuting attorney made a splendid summary. The prosecuting witness who had positively identified his assailants two years before, refused, in 1926, to say that the four defendants were the kidnappers. It was generally understood that he so testified in fear for his life.

A defendant on bond, whose case looked hopeless on the day he was forced to trial, would forfeit his bond. No one lost anything—certainly not the bondsman who had no equity in the property scheduled. The result is that in Cook County approximately five million dollars of forfeited bail bonds remain uncollected for that period. The ultimate result of these continuances, and this loose system of bail, was that the machinery for criminal law enforcement became almost completely paralyzed.

Prior to the opening, in 1931, of the New Court Building at 26th Street and California Avenue, there were constantly pending from twelve hundred to two thousand indictments in the Criminal Court. One of the reasons for this congestion was the requirement of the law that every felony case (comprising virtually all cases in which the grand jury returned indictments) be tried before a petit jury, even if the state's attorney and the defendant both desired that a jury be waived. The average number of jury cases that could be tried by one judge under the old system was approximately ten a month. The new jail became overcrowded within a year after it was opened.

In addition to the requirement that felony cases be tried before juries, there was a law on our statute books for a period of approxi-

mately 104 years, which made the jury in criminal cases the judges of the law as well as the judges of the facts. Aside from its absurdity, the practical effect of that law was to delay and hinder the trial of cases. The jury being the judge of the law in the case, the parties had a right to examine each juror before accepting him to find out his understanding of the law, and so it was not unusual to spend from five to six weeks examining a jury in an important case. Moreover, during the argument the lawyers had the right to read law to the jury, thus not only wasting hours and days of the court's time, but so confusing the jury as to frequently result in miscarriage of justice. The judges of the Circuit, Superior and Criminal Courts were unanimous in the belief that these two laws were primarily responsible for the virtual breakdown in the administration of justice. When, during prohibition days and later as a result of the depression, the grand jury was returning three to four hundred indictments a month, the calendar became so congested that the twelve to fourteen sitting judges could not get within twelve hundred cases of clearing their docket.

The Board of Cook County Commissioners, in 1929, appointed a judicial advisory council which consisted of three judges, the late Frederic R. De Young, Justice of the Supreme Court, Denis E. Sullivan, Judge of the Superior Court (now, a justice of the Appellate Court), Harry M. Fisher, Judge of the Circuit Court, two eminent lawyers, Amos C. Miller and John J. Healy, and Professor Robert W. Millar of the Northwestern University Law School, (who acted as consultant) to study and advise, among other things, how to improve the conditions pertaining to the administration of justice. Following the death of Justice De Young, I was honored by being named his successor on the council. The first step taken by the council was to advise the then State's Attorney and the Chief Justice of the Municipal Court to establish in the Criminal Court Building a branch court, now called the Felony Court, and to so arrange the conduct of that court that whenever it held a defendant to the grand jury the witnesses were to be sent immediately to the grand jury room to give their testimony. This was done, and the beneficial results were immediately evident. The time of the witnesses, Assistant State's Attorneys and Judges was conserved. Minor felonies were disposed of by the Felony Court. Offenders charged with serious felonies were held to the grand jury which was constantly in session on the same floor that the Felony Court was held. Moreover it relieved sixteen

judges in the outlying police courts of preliminary hearings, thus leaving them to devote ample time to misdemeanors.

The next step in the search for relief was taken by judge Harry M. Fisher, of the Circuit Court of Cook County, then sitting in the Criminal Court. He made a thorough study of the law and concluded that the rule *that a jury could not be waived in a felony case was unsound and was not the law of the state*. He prepared a test case by allowing the defendant to waive a jury. The State's Attorney, former Judge John A. Swanson, applied to the Supreme Court for a writ of mandamus to compel the judge to expunge his record of the trial. The mandamus petition alleged that one Albert Weinberg, on March 13, 1930, was indicted for the crime of rape; that he was subsequently arraigned, pleaded not guilty, waived a jury and submitted his case to the court; that Judge Fisher heard the case, found the defendant not guilty, and rendered judgment; that upon the particular indictment the judge had neither authority to permit the waiver of jury trial nor to hear and determine the cause, thus rendering the proceedings void. The petition prayed for the issuance of a writ commanding the judge to expunge from the record of the trial court the proceedings resulting in the discharge of Weinberg. Judge Fisher interposed a demurrer to the petition and, being the defendant, personally argued the case before the Supreme Court. It stands to the credit of our Supreme Court, and particularly, to the credit of the very distinguished gentleman who has since passed to his reward, the late Judge Frederic R. De Young, who wrote the opinion, that they sustained the right of a defendant to waive a jury, and courageously reversed former contrary holdings of that court. Justice De Young said in part:

"It is urged that at common law an accused person was not permitted to waive a right which was intended for his protection and hence that he cannot waive a jury trial, particularly in a prosecution for a felony. The general application of the rule in England at a time when the person accused could not testify in his own behalf; when he was not allowed the assistance of counsel; when, if convicted, the punishment inflicted was out of all proportion to the gravity of the offense, and when a conviction for a felony worked corruption of blood or forfeiture of estate, may be conceded. A person accused of crime no longer suffers these restraints and disabilities, but on the contrary, his rights are affirmed in the fundamental law; all penalties must be proportioned to the nature of the offense and the corruption of blood or forfeiture of estate upon a conviction for crime is prohibited. (Const. art 2, secs. 5, 9, 11.) The conditions in England which gave rise to the rule have no existence

here. It is contrary to the spirit of the common law itself to apply a rule founded upon a particular reason, when that reason utterly fails.

"We conclude that the defendant in a criminal prosecution, whether the charge be a felony or a misdemeanor, has the power, upon a plea of not guilty to waive a jury trial; and we do not adhere to what was said to the contrary in the cases of *Harris v. People, supra*; *Morgan v. People, supra*; *Brewster v. People, supra*; *Paulsen v. People, supra*."

With that case as a background, Judge Fisher, in another test case, held unconstitutional Section 11 of Division 13 of the Criminal Code, which had been on the books for 104 years and by virtue of which *the jury were judges of the law as well as of the facts in criminal cases*. In that case, upon the trial, the defendant, Bruner, was convicted of the crime of robbery. Bruner's lawyer submitted the usual instruction based on Section 11 referred to. The language of this instruction is interesting in the light of our present procedure.

"The court instructs the jury that they are the judges of the law as well as of the facts in the case, and if they can say upon their oaths that they know the law better than the court does, they have the right to do so; but before assuming so solemn a responsibility they should be assured that they are not acting from caprice or prejudice; that they are not controlled by their wills or their wishes, but from a deep and confident conviction that the court is wrong and they are right. Before saying this upon their oaths it is their duty to reflect whether, from their study and experience, they are better qualified to judge of the law than the court; if, under all the circumstances, they are prepared to say that the court is wrong in its exposition of the law, the statute has given them the right."²

The instruction was refused and instead Judge Fisher gave, upon the request of the State, an instruction which in substance stated to the jury that the court is the sole judge of the law in the case and that the jury is bound to take the law as it is given by the court and apply it to the facts in the case. The trial court's rulings with respect to these instructions formed the basis of the only errors assigned and relied upon for reversal of the judgment of conviction. The decision turned entirely upon the meaning of the provision in the constitution as to the right of trial by jury, and there again, the late Judge De Young, speaking for the Supreme Court, rendered a noteworthy opinion in which, after an able and exhaustive analysis of authorities upon the subject, he held that "Section 11 of Article 13 of the Criminal Code not only deprives a jury trial at common law of its essential

² *People v. Fisher*, 340 Ill. 250.

attributes, but it also violates Article 3 of the constitution and is void. Cases which heretofore interpreted and applied the statute to the extent that they conflict with this opinion are, therefore, overruled.”³ The Court thus declared the statute to be an attempted interference by the legislature with the constitutional powers of the judiciary. These two cases completely changed our whole criminal procedure. Jury trials are now waived by defendants in more than fifty per cent of the cases. The time consumed in the trial of jury cases, juries no longer being the judges of the law, is cut in half. Miscarriages of justice, which occurred when juries were confused by legal arguments, are reduced to a minimum. Lawyers trying cases before the court do not make the heart-rending, tearful pleas which so frequently sway juries, and maudlin sympathy which so frequently was reflected in jury verdicts for defendants, has diminished.

Another important factor which contributed much toward the reform of criminal justice in Cook County was the result of the recommendation of the Judicial Advisory Council of Cook County to create the office of Public Defender. In the fall of 1930, Judge John P. McGoorty, then Chief Justice of the Criminal Court, acting upon the recommendation of the Judicial Advisory Council and pursuant to authorization by the County Board, appointed a distinguished member of the Chicago Bar, Benjamin C. Bachrach, Public Defender. It became the duty of his office to defend, free of cost, any person charged with crime who had not means with which to employ counsel. In the actual operation of this system, the defendant is required to execute an affidavit attesting his poverty. Any person financially able to hire his own counsel cannot obtain the services of the Public Defender without laying himself open to charges of perjury and fraud. Frequently, it is charged that the Public Defender's office deprives members of the Bar of business they would otherwise obtain. It has been my observation, and I believe likewise that of other former Chief Justices, whose duty it was to appoint the Public Defender, that the Public Defender has cooperated with the courts and private counsel in establishing contacts with lawyers for defendants in jail who are financially able to obtain private attorneys. Not infrequently Mr. Bachrach advises the Court that he believes that a defendant seeking the appointment of the Public Defender has financial means to obtain private counsel. I have in mind particularly two such instances.

³ *People v. Bruner*, 343 Ill. 146.

One was the defendant who had killed the late Judge Elliott in his law office, and the other was a defendant who had killed his brother and sister. The latter had a brother who was a very competent lawyer at the Chicago Bar. In both of these cases after investigation it was found that the defendants had property and means with which to pay private counsel. The Public Defender was not permitted to represent either of them.

Before October 1, 1930, the indigent defendant had little or no chance for experienced representation. Usually his defense was entrusted to a young, inexperienced attorney who had submitted his name to the court for appointment in such cases. The average young lawyer, so appointed, not only lacked the experience indispensable to success at the bar, but also had a tendency to be indifferent to the welfare of his non-paying client.

The success of the Public Defender system is a record of distinct benefit to defendants and to society. The defendant receives free service at the hands of competent counsel who is as deeply concerned with the defendant's cause as if he were a paying client. The case is heard with dispatch, and his opportunity for acquittal is equal with that of any other accused.

From October 1, 1930, to October 1, 1938, the Public Defender and his staff gained acquittals in 371, or 35 percent, of the 1065 jury trials in which they appeared. In 1224, or 40 per cent of the 2955 bench trials, the defendants were found not guilty. One-half of the cases appealed by Mr. Bachrach were decided in his clients' favor. From the standpoint of benefit to the County, the Public Defender's Office has achieved a record of which it may well be proud. By eliminating the fee of not more than \$250 provided by law to be paid by the county for defense in capital cases, it saved a possible \$150,000 during these eight years. If this sum were deducted from the actual cost of maintaining the office, the net cost to the County of legal services to indigent defendants would be only \$50,000, or less than \$4 per case for the 13,205 indictments, of all types, disposed of since October 1, 1930. When the elimination of jury fees is considered it discloses a tremendous saving. The creation of the office of Public Defender was a genuine contribution to the administration of criminal justice.

The so-called war on crime started in August, 1933. One John Scheck was awaiting trial in the court room of Judge Charles Molthrop for the murder of a bank cashier. Having in some

manner obtained a revolver, Scheck attempted to escape from the court room, and in doing so, shot and killed policeman Sevick.

Judge John Prystalski, then Chief Justice of the Criminal Court, called for volunteer judges, and within ten days had every one of the fourteen court rooms in the Criminal Court Building in operation. Judges, then on their vacation, came from every part of the country in response to his call. The State's Attorney's office was instructed that the court rooms must be manned despite the fact that most of the assistants were at that time on vacation. The assistants were ordered back to work and vacations were forgotten. Judge Prystalski went over the court docket, which at that time was clogged with approximately 1000 indictments. He selected what were termed the vicious murder cases. These were distributed among the various Judges, and as many as ten murder cases were on trial at one time. As a result of that drive fifteen or twenty murderers were soon waiting to be electrocuted. When the murder docket was cleaned up, the Chief Justice ordered the robbery cases tried. He followed down the line, taking each crime in the order of its seriousness, assigning cases to each of the fourteen judges. As quickly as one case was disposed of, another was placed on trial. It was not an infrequent occurrence for a trial to be started at 7 or 8 o'clock at night, while a jury was deliberating on another case. The Judges refused promiscuous continuances, and in the absence of good cause forced cases to trial when reached. As a result of the drive started by Judge Prystalski and carried through by his successors, Chief Justices Philip Sullivan, Philip Finnegan, Denis E. Sullivan, Dennis Normoyle and Michael L. McKinley, and the wholehearted cooperation of the associate judges of the court, the docket is now in such shape that cases are often tried within two or three days after return of indictments and within a week of the commission of the crime.

The average number of indictments pending at any time within the last three years has been less than 200. When court opened in September, 1937, at which time I assumed the office of Chief Justice, the total number of indictments pending was approximately 81, with 120 cases awaiting grand jury action during the September term. During the month of November, 81 per cent of all indictments were disposed of within thirty days of the date of their return. The speedy disposition of cases is illustrated by an incident which occurred last fall in my court room. A colored gentleman, charged with robbery while armed, had been arrested on

November 15th, the date of the commission of the crime. On the 16th he appeared in the Felony Court and was held to the grand jury. The same day the grand jury heard the testimony of the witnesses. On the 17th it returned the indictment. On November 18th he appeared before me for arraignment. I interrogated him as to whether or not he had a lawyer. He looked at me with an astonished and fatigued expression and in a moaning voice said:

"Lord Almighty, Judge, these here wheels of justice are moving so fast that I have not had time to get my breath, let alone a lawyer. I was only arrseted day before yesterday."

The expeditious disposition of cases, beyond clearing the court docket and vacating all cells in one wing of the jail, has destroyed the lucrative business of professional bondsmen. A defendant charged with crime today knows his case will be on the trial call in the Criminal Court within a week, and may be disposed of in ten days. Liberty at the price of a professional bondman's fee comes too high for a leave of absence from the jail for ten days. As a result, approximately only 5% of defendants indicted now, seek their liberty on bail, as against 50 to 60% under the old order.

In 1934, it came to the attention of Judge Denis E. Sullivan, then Chief Justice of the Criminal Court, that there was an abuse of judicial process by lawyers suing out an unwarranted number of writs of habeas corpus for prisoners taken into custody by the Police. The promiscuous filing of petitions for writs harrassed the police and took a considerable portion of the Court's time each day. These were filed without the payment of court costs. The judges of the court adopted a rule, on the recommendation of Chief Justice Sullivan, requiring the payment of \$15.00 as a filing fee by petitioners who were not paupers within the meaning of the law. The average number of writs sued out during the four years preceding 1934 was approximately 140 per month. Immediately upon the passage of the rule, the number dropped to an average of 25 per month, a depreciation in filings of approximately 500%.

You may ask what effect this had upon the crime situation in the community. I believe it can best be illustrated by a statement made by a lawyer who had specialized in the suing out of writs of Habeas Corpus prior to the passage of this rule. Upon his absence from the Criminal Court Building being remarked by one of his colleagues, he said: "There is no business in the Criminal Court any more, when its costs \$15.00 to file a writ and a pick-pocket has to pay me \$25.00 for my fee, it is not worth \$40.00 to any of the boys

in these times, as the most they get is \$8.00 out of the average poke." An experienced police official, heading the pick-pocket detail, recently said, "Chicago is no longer a haven for pick-pockets." I believe it would be fair to say that the passage and application of this rule of court has done much toward discouraging the pick-pocket gentry in addition to curbing the abuse of judicial process.

Another factor which must be taken into consideration when we view the reduction of the volume of crime, is a contribution made by the legislature of this state in enacting a law which prevents the sale of motor vehicles without the production of certificate of title. This was the most telling blow that could possibly have been administered to the fence, and receivers of stolen property. When you remove the fence and the opportunity to dispose of the stolen vehicles, then you have removed in a large measure the temptation and the worthwhileness of stealing them. The efficacy of that law manifested itself almost immediately after its enactment. To the enactment of that law, sponsored by Secretary of State, Edward Hughes, we largely owe the great reduction in the crime of stealing motor vehicles. The Dyer Act passed by Congress, which makes the interstate transportation of stolen vehicles a Federal offense, and the prompt prosecution under that act by the District Attorney's office, has also contributed to the reduction of motor vehicle thefts.

The Police Department of the City of Chicago is entitled to a great deal of credit for prompt and efficient handling of the crime problem in this community. In the past eight years the efficiency of the Department has been much enhanced. To describe the Department's improvement, and the reason therefor, I can do no better than to quote Mr. Frank J. Loesch, recently President of the Chicago Crime Commission, when he spoke on that subject upon his retirement from that office.

"The able Chief of Police, James P. Allman, has brought order out of chaos in the Police Department. He was appointed by Mayor Cermak on the nomination of a Citizens' Committee seven years ago and has been retained in the office by Mayor Kelly so that for the first time in many years we have a chief of experience who enforces discipline, and a police force that is increasingly effective and efficient in the pursuit and able detection and prosecution of habitual criminals, as well as the occasional ones."

However, neither the Judge nor the Prosecutor could accomplish much if it were not for the fine work of the Police Department.

Their speedy apprehension of persons charged with crime, the collection of evidence against the defendants, and their intelligent presentation of the same to the courts has helped immeasurably in the diminution of crime in this community.

The increase in efficiency in the State's Attorney's office in the last six years, under the present State's Attorney, has also been a contributing factor in the promotion of criminal justice in Cook County. The bail bond evil of the old order of things no longer exists. A centralized bond court established under the auspices of the Chief Justice of the Municipal Court, working in cooperation with the State's Attorney's office, requires a thorough investigation of each and every bail bond before it is approved and a defendant released. There has been a sharp decrease in the forfeitures of bonds over the past few years and substantial collections have been made on bonds forfeited. The bail bond business is no longer a lucrative profession.

The press has contributed mightily by arousing public opinion toward a drive on crime which has brought about the results that we witness today. It is entitled to a great measure of credit for the progress made.

The Chicago Crime Commission has been a vital force in aiding the various law-enforcing departments and officials in the prosecution of crime.

The effect of our improved criminal procedure upon the reduction of crime in the community is reflected in the figures of the Chicago Crime Commission which were furnished me by Colonel Henry Barrett Chamberlain, Operating Director. According to these figures there were committed in the City of Chicago in the year 1932, 344 murders. In 1938 there were 158 murders, the lowest number on record in twenty years. In 1932 there were 22,891 burglaries, and in 1938, 11,288. In 1932 there were 15,943 robberies and in 1938 there were 6,356. Colonel Chamberlain further reports that in the last six years Chicago has reduced automobile thefts from an average of 150 a day to eight a day, and that 97 per cent of the stolen cars have been recovered. I submit that this record of crime reduction by more than 50% in six years, stands unequalled in the history of American cities.

Frequently one hears the comment that the British method of dealing with criminals should be accepted as a pattern by our American Cities. A rather interesting report was recently made by Sir Philip Game, Metropolitan Police Commissioner of London,

on the crime situation in his city. The indictable offenses committed in the London area in 1937 were 92,192, compared with 83,777 for 1938, a reduction in the latter year of 8415 offenses. Chicago had 40,260 serious offenses in 1936 as against 38,001 a year later. A comparison of the London report with the Chicago police records discloses that London is no further advanced in crime detection than the police of this city. Court proceedings were instituted in 20,202 of the total number of offenses committed in London. In other words, only 23 per cent of the crimes reported were allegedly solved, while in Chicago in 1937 a reported 25 per cent of its crimes were solved. On a per capita basis, the crime record in Chicago is lower than in London. The estimated population in Chicago in 1937 was 3,643,700 persons. The reported population of London was 8,575,000. For every 10,000 persons in Chicago, 104 serious crimes were committed, compared with 108 for the same number of persons in London. If these figures are correct, Scotland Yard might well find something to learn from Chicago in the matters of crime reduction and administration of criminal justice. Other American cities might likewise profit from a study of our methods, as according to the uniform crime reports published by the Federal Bureau of Investigation, crime in other American cities has increased in the past few years, whereas in Chicago it has gradually decreased.

To this result all of the law enforcement and other agencies to which I have referred have made their contribution, but I believe that the conclusion is inescapable that were it not for the changes in criminal procedure recommended by the Judicial Advisory Council and adopted as a part of our new practice, and the research and labors of our judges to improve our criminal jurisprudence, the present condition could not have been achieved no matter how efficient other agencies might have been. The apprehension of criminals constitutes a large part of law enforcement but without expedition in the trial of such criminals, little progress can be made. It should stand to the everlasting credit of the judges of the Criminal Court who have served during this period of procedural reform, that at the opening of the court year in September, 1938, only 65 indictments were pending and undisposed of, only 40 prisoners awaited trial in the County Jail and the Public Defender had but eight clients to defend.