

Summer 1939

## Current Notes

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## CURRENT NOTES

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Chicago, Illinois

**National Parole Conference** — The successful Conference on parole called by the Attorney General, Hon. Frank Murphy, met April 17-18, at Washington, D. C. Addressed by President Roosevelt on the evening of April 17 the sessions received so much publicity that it is unnecessary to add further details in this column. Instead we shall reprint the reports of the various committees from time to time for they are deemed of enduring value. First, is the "Declaration of the Principles of Parole." It reads:

"We, the delegates to the National Parole Conference, assembled at the request of the President of the United States, and representing the governors of the several states, the judiciary, federal, state, and municipal law enforcement officials, the church, the community, and the various penal and correctional systems in the United States, recognizing that

The great majority of imprisoned offenders must some day be released, and that

Parole, when properly administered and carefully distinguished from clemency, protects the public by maintaining control over offenders after they leave prison, do declare and affirm that

### PAROLE ACHIEVES ITS PURPOSE

1. WHEN the paroling authority is impartial, non-political,

professionally competent, and able to give the time necessary for full consideration of each case;

2. WHEN the law endows the paroling authority with broad discretion in determining the time and conditions of release;
3. WHEN the paroling authority has complete and reliable information concerning the prisoner, his social background, and the situation which will confront him on his release;
4. WHEN parole is administered as an integral part of a program of treatment and training;
5. WHEN the period of imprisonment has been used to prepare the individual physically, mentally, spiritually, and vocationally for return to society;
6. WHEN the community and its social agencies accept the responsibility of improving the home and family conditions in preparation for the prisoner's release;
7. WHEN the paroled offender is carefully supervised, and is promptly re-imprisoned or otherwise disciplined if he does not demonstrate capacity and willingness to fulfill

- the obligations of a law-abiding citizen;
8. WHEN the supervision of the paroled offender is exercised by a qualified worker trained and experienced in the task of guiding social readjustment;
  9. WHEN the state provides adequate financial support and a sufficient number of properly trained field officers;
  10. WHEN the public recognizes the importance of giving the paroled offender a fair opportunity to earn an honest living."

The Committee on Declaration of Principles consisted of Hon. Harold M. Stephens, Chairman, Associate Justice, U. S. Court of Appeals for the District of Columbia, Washington, D. C.; Sanford Bates, Commissioner on the part of the U. S., Intern'l Penal & Peniten. Commission, Exec. Dir., Boys' Club of America, 381 Fourth Avenue, New York City; James V. Bennett, Dir., Bureau of Prisons, U. S. Department of Justice, Washington, D. C.; E. R. Cass, Secretary, American Prison Association, New York City; Mrs. Sadie Orr Dunbar, Pres., General Federation of Women's Clubs, 1734 N Street, N. W., Washington, D. C.; Hon. Henry M. Gallagher, Chief Justice, The Supreme Court of Minn., St. Paul, Minn.; Edwin Gill, State Commissioner of Paroles, Raleigh, North Carolina; Ray L. Huff, General Supt., D. C. Penal Institutions, President, American Parole Assn., Lorton, Virginia; Hon. Ira W. Jane, Circuit Court of Wayne County, Detroit, Michigan; Chief Joseph Kluchsky, President, Wisconsin Chiefs of Police Assn., Police Department, Milwaukee, Wisconsin; Wilbur La

Roe, Jr., Chairman, Bd. of Indeterminate Sentence and Parole, District Building, Washington, D. C.; John Landesco, Member, Illinois State Board of Pardons and Paroles, Chicago, Illinois; George A. Levy, Exec. Dir., The Jewish Fed. for Social Service, Dallas, Texas; Sam A. Lewisohn, 61 Broadway, New York City; William Draper Lewis, American Law Institute, 3400 Chestnut Street, Philadelphia, Pennsylvania; Austin H. McCormick, Commissioner, Dept. of Correction, New York City; Hon. Justin Miller, Associate Justice, U. S. Court of Appeals for the Dist. of Columbia, Washington, D. C.; Wayne L. Morse, Dean, School of Law, University of Oregon, Eugene, Oregon; M. Hubert O'Brien, 420 Fidelity Building, Detroit, Michigan; Rt. Rev. Msgr. Thomas J. O'Dwyer, General Director, The Catholic Welfare Bureau, Archdiocese of Los Angeles, Los Angeles, California; William J. Quinn, President, International Assn. of Chief of Police, Police Department, San Francisco, California; Thomas D. Samford, United States Attorney, Montgomery, Alabama; Edwin H. Sutherland, Professor, Dept. of Sociology, University of Indiana, Bloomington, Indiana; Hon. Joseph N. Ulman, Judge, Supreme Bench of Baltimore City, Baltimore, Maryland; Hon. E. Marvin Underwood, Judge, United States District Court, Atlanta, Georgia; Professor John Barker Waite, University of Michigan Law School, Ann Arbor, Michigan; Dr. Miriam Van Waters, Supt., Reformatory for Women, Framingham, Massachusetts; Arthur D. Wood, Chairman, Board of Parole, U. S. Department of Justice, Washington, D. C.; Rice M. Youell, Warden, Virginia Penitentiary, Richmond, Virginia.

**Sex Offenses**—The Citizens Committee on the Control of Crime in New York has published a study, "The Problem of Sex Offenses in New York City." The study was begun in the summer of 1937 and reported upon in part in January, 1938. Analyses are presented of cases involving 2,022 defendants accused, arrested and brought to arraignment in New York courts in the 17 months devoted to the study. As to recidivism among sex offenders the following statement was made:

"Of the 2,022 defendants embraced in this study 352, or 17.4 per cent, had records of prior arrests.

"Prior sex offenses had been charged against 85, or 4.2 per cent, of the 2,022, the remaining 267 having been accused of other felonies and misdemeanors.

"The percentage of those with prior records was 1.6 per cent below that shown in the FBI tallies for the country as a whole; that of sex offenses charged 1.6 per cent above the national average.

"In the report made a year ago it seemed 'justifiable to suggest that recidivism is neither a major factor in our sex problem nor entitled to the significance that has been given to it.' With some qualification, that suggestion may be repeated. In this second study, with its three times as many defendants, the number of those with prior records is 5 per cent greater than was found in the first study. The number of 'repeaters,' that is, those with prior sex records, is greater by less than 1 per cent however."

As to the age of offenders the report has this to say:

"One of the extraordinary revelations of this study has been of

the youth of offenders. In the former study age ranges followed the established pattern for the country as a whole, with the peak in rape cases coming in the 21-25 year group, and the peak of the other offenses in the group of 55 years and older.

"With approximately three times as many individuals represented in the extended study this was changed completely.

"In the five classifications of statutory and forcible rape, impairing morals, abduction and incest the peaks fell within the 16-20 year group.

"In seduction and attempted rape cases the peaks came in the 21-25 year group.

"In carnal abuse cases an identical peak was struck in the 26-30 and the 36-40 year groups.

"In indecent exposure cases the peak came in the 31-35 year group.

"In sodomy cases the peak fell within the 36-40 year group.

"Twenty-nine boys of sixteen were charged with statutory and forcible rape, carnal abuse, sodomy, indecent exposure and impairing morals. Fourteen of these were charged with statutory rape.

"Sixty-four boys of seventeen and sixty-four of eighteen were charged with some one of the ten offenses excepting seduction. Eighty-seven of the 128 were charged with statutory rape, eleven with impairing morals, and nine with sodomy.

"Fifty-eight of the defendants were 19 years old, and sixty-eight were 20, statutory rape again leading in each group.

"In all cases of rape, 34 per cent of the defendants were from 16 to 20 years old, inclusive; 6 per cent of those in the carnal abuse cases; 27 per cent in sodomy cases; 5 per

cent in indecent exposure cases; 17 per cent in impairing morals cases; 16 per cent in seduction cases; 36 per cent in abduction cases, and 25 per cent in incest cases.

"The high percentage of youths in all but two of the classifications of offenses other than rape is a matter of particular significance. It has been the usual experience to find defendants in a majority of these cases to be men of middle age, and past. Such men were represented, of course, among the persons included in this study—four between the ages of 60 and 65 being charged with rape, and twenty-nine with other offenses. Fourteen were 67 or older, one being 86, one 78, one 76, two 75, one 74, and two 70.

"These men of 70 and past, like those of 20 and under, should be dealt with in some manner especially designed for their kind. Whether the senile and the adolescent should be judged by the standards set for those who choose their own way, and know what they are choosing, is a problem of major social importance."

So far as it is known this is the largest number of cases ever studied by any agency. Too many studies of the kind are based upon samples not large enough to justify definite conclusions or to point the way to specific corrective actions. Hence the New York report is of great significance.

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Maryland Parole—William L. Stuckert, Chief Probation Officer of the Probation Department, Baltimore, Md., writes:

"Our recent Legislature amended the Parole Law, which provides the

Parole Commissioner—now designated as Director of Parole and Probation — with an Advisory Board, comprised of the Attorney General, the Superintendent of Prisons and the Chief Probation Officer of The Supreme Bench of Baltimore City. These three members are to assist the Director in establishing standards and practices in the administration of parole. There is a present increase of \$6000 in the Parole Department budget, and various agencies of Baltimore City recently petitioned the Governor to grant an additional increase of the Contingent Fund of the State of an additional \$6000. It is definitely understood that while the Governor has not formally signed the new Parole Act, this will be done in the course of his routine of signing bills passed by the Legislature.

"I believe we are definitely on the way towards improved and efficient parole service in this State. Several other bills dealing with parole were introduced during the recent session, and whenever I was contacted I always emphasized that the most important phase of the problem, and which has been neglected for too many years, was the absence of a sufficient number of parole officers to properly investigate and thereafter supervise parolees. In other words, the strong advocacy was towards building the parole system from the bottom up, rather than from the top down. At no time, however, was there any opposition to, or undervaluation of, the proper set-up as to the head of the Department.

"After the new law has actually become effective I shall take the liberty of advising you from time to time as to the progress we are making."

**The Governor and Parole**—In 1938 Governor Charles H. Martin of Oregon appointed a Special Commission to consider the improvement of Oregon's Parole, Probation and Sentencing System. The Commission made its report in December, 1938, and made wide recommendations for modernization and improvement. The chairman of the Commission was Dean Wayne L. Morse. The recommendations include a three man parole and probation board and changes in the Oregon sentencing system to make it more truly indeterminate, including a removal of archaic statutory limitations on parole eligibility.

A section of the report had to do with the practice in vogue in Oregon of vesting the power to parole in the Governor. The Commission criticized governor-parole as follows:

"1. Under the existing Oregon Law the power to parole prisoners from the Oregon Penitentiary rests exclusively in the Governor. There is a state parole board consisting of the secretary to the Governor and two members appointed by the Governor, which board is charged with the responsibility of making investigations relative to prisoners who are confined in the penitentiary and recommending to the Governor all cases in which the board considers paroles to be advisable. However, the recommendations of the board are advisory only.

"The practice of giving the Oregon Governor final power in granting paroles is probably a hang-over from the view that parole is a form of clemency. It is true that parole, as administered in Oregon and in some other states which have the so-called 'correspondence' type of parole system, is a form of

clemency, but such systems as the Oregon system are not parole in the true sense of the term. Parole is part and parcel of the sentencing and treatment phase of the administration of criminal justice.

"There is little more reason, if any at all, for permitting a Governor to determine what form of treatment a prisoner should receive in regard to the carrying out of his sentence than there is to permit a Governor, in the first instance, to impose the sentence. When parole is considered from the standpoint of its being a method of releasing prisoners from penal institutions into the continued custody of the state under parole officers charged with responsibility of supervising parolees in the interests of the rehabilitation of the offender and the protection of society, it becomes more clear that the Governor is not the official best qualified to grant parole.

"Further, in a great majority of cases, parole should never be granted until a very careful study of the record of the offender has been made and consideration has been given to the many factors present in each case which point to success or failure on parole. No Governor has sufficient time to devote to a thorough consideration of parole cases. Hence, there is a tendency for the granting of parole by Governors to become haphazard, arbitrary, and sometimes perfunctory.

"In 26 states, the District of Columbia, and in the Federal system, parole is granted solely by a central board, while in 16 states the sole parole granting power is vested in the Governor, who is usually assisted by a supervisory board. In the few remaining states, power to grant parole either is shared by

the Governor with a central board or is exercised by institutional parole boards.

"The trend of recent legislation is to place full responsibility for the granting of parole upon a state parole board appointed by the Governor, or appointed by the Governor with the advice and consent of the state senate or some other state body. Authorities on the subject point out that a state parole board system tends to remove parole from politics, it fixes responsibility for the granting of parole upon parole board members who are selected because of their special knowledge and training in parole matters, and it provides greater assurance that the record of each prisoner who is eligible for parole will be subjected to careful investigation and consideration.

"Therefore, after a careful study of the problem, the Commission recommends, and so provides in its proposed bill, that the responsibility for granting parole in Oregon be taken from the Governor and vested in a state parole and probation board.

"It is to be noted that the Commission does not propose to modify the pardon powers of the Governor. It believes that the exercise of the pardon power and the exercise of the parole power by the proposed board of parole and probation should be kept entirely separate and distinct. The consideration of cases for parole requires an entirely different approach from that which is necessary in deliberations on the question of pardon. Both, of course, demand careful consideration and intensive examination for good results to ensue.

"However, the investigation in parole cases should be directed to the question of the inmate's back-

ground, home environment, abilities, and limitations, i. e., it should be a case history or social investigation. In pardon cases, on the other hand, the scope of the inquiry is more properly a determination of one of two questions: (1) Is there a wrong to be righted? (2) Is this a situation which justifies an act of mercy or forgiveness?

"There is no reason for believing that an agency equipped to administer parole is necessarily qualified to deal with the administration of pardon. In fact, it is the opinion of the Commission that the Governor, perhaps with the advice and assistance of the office of the Attorney General, is much better qualified to administer pardon than a parole or probation board.

"Therefore, the Commission urges that the administration of pardon and parole be kept separate and distinct. When pardon is administered by one group of officials and parole by another there is much less tendency for parole to be used as a form of clemency, or for conditional pardon to be used as a form of parole.

"In many states the Governor, either alone or with his cabinet, is vested with clemency power by the constitution. With the clemency powers in the hands of such high-ranking state officials, there is a low probability of the abuse of the power, especially when there is functioning in the same state a well organized parole system with adequate facilities; and, it may be added, where parole is well administered there is not nearly so great a pressure for pardon.

"Further, in view of the unfortunate results which have occurred in many states because of the failure of many persons to recognize a fundamental difference in the func-

tions of parole and pardon, it seems unwise to recommend that grants of pardon and of parole should emanate from the same administrative agency. A consolidation seems especially objectionable because of the prevailing confusion between conditional pardons and parole. The wide use of conditional pardons throughout the country as substitutes for parole has contributed heavily to the undeserved disrepute attached to parole in many jurisdictions."

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**New Publications**—With Richard A. Chappell as Editor, assisted by Victor H. Evjen and Benjamin Frank the Quarterly "Federal Probation" now appears as an attractive printed magazine. It had its beginning as a mimeographed news letter and was later changed into a more formal bulletin. Now it is an interesting and vivid journal of great value not only for its probation articles but for other criminological essays as well. With articles, editorials, news items and book reviews it will meet with hearty approval of those engaged in preventive and corrective activities.

With the January-February, 1939, issue the Jail Association Journal made its bow, published under the auspices of the National Jail Association, an affiliate of the American Prison Association. The editor is Richard A. McGee, with Roberts J. Wright as Managing editor and F. Spencer Smith serving as associate editor. With copious illustrations, cartoons, short interesting articles and a lively question-and-answer department it makes an extremely effective magazine.

The Journal congratulates both organizations for their success in

their initial ventures and hopes that the standards set will be maintained in subsequent issues.

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**Ploscowe as Clerk**—From time to time this column has noted the career of Morris Ploscowe. His latest appointment is of great interest because it is uncommon to find a scholar selected for a position usually dominated by politics. Coincident with the publication of his book, "Crime and Criminal Law," a volume in the National Law Library, Ploscowe was sworn in as chief clerk of the Court of Special Sessions at a ceremony in Mayor F. H. LaGuardia's office. The appointment was made and the oath administered by William H. Hayes, Chief Justice of the court, who said he was "drafting" Mr. Ploscowe, an authority on criminal law and penology, to serve in his new post.

The Mayor said that Mr. Ploscowe's appointment was an innovation in city affairs, and pointed out that such posts as he was filling are usually given by dominant political machines to party hacks.

"This appointment," the Mayor said, "will mean that the records of the court will be not so many pieces of paper, but a laboratory from which crime studies will be made. . . . His appointment establishes a new standard of what a clerk of a court ought to be. A great many people will understand that implication."

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**Parole in Illinois**—In volume 28 of this Journal at p. 318 we printed Governor Horner's veto of the Ward-Schnackenberg bill which was designed to emasculate the parole system in Illinois. This bill

takes away from the Illinois Parole Board the right, now expressly given to the board under the law, to determine how long a man shall remain in prison, and gives this right to the trial judges by empowering them to fix the minimum and maximum of a sentence. Since the Governor's veto, a courageous and statesmanlike act which was followed by bitter newspaper denunciation, the bill has been reintroduced in the Illinois Legislature and it is expected that it will be passed again.

Combatting this so-called "reform" of parole in Illinois the Illinois Citizens Committee on Parole, led by Howard van S. Tracy and Professor Ernst W. Puttkammer of the University of Chicago, have issued a pamphlet which shows the bad features of the Ward-Schnackenberg bill. They say, in part:

"During the past two years there has been a great outcry in several Chicago newspapers, more espe-

	1932	1933	1934	1935	1936	1937	1938
Murder	344	388	337	230	195	188	158
Burglary	22,791	21,976	20,691	17,331	12,789	11,500	11,288
Robbery	15,943	15,157	13,436	9,531	5,524	5,297	6,356

"In the same period, auto thefts declined from 100 per day to only 8 per day, and automobile insurance rates have been lowered five times to register a total reduction of more than 67%. These figures, procured from the records of the Chicago Crime Commission, which have been published not only in the newspapers of Chicago but all over the United States and which have never been questioned, prove conclusively that crime in Illinois is not increasing, but for years has been steadily decreasing. Furthermore, when parole first came violently under attack two years ago,

especially the Chicago Tribune, with whose views on parole we are in flat disagreement, with reference to an alleged increase in parole violations and the commission of new crimes in this state. The demand has been made that something drastic be done about it. We will show that (a) the parole 'crisis' is wholly imaginary, existing solely in the pages of the newspapers, the illusion of a 'crisis' having been created by an almost unbelievably one-sided presentation of the subject during which an absurdly disproportionate emphasis has been placed upon a relatively few spectacular cases, and (b) why, even though the administration of parole had broken down (which is not the case) the passage of the Ward-Schnackenberg Bills would not and could not correct the evils which are alleged to exist. The crime figures of Chicago for the past seven years have been as follows:

the percentage of persons violating parole in the immediately preceding years (according to the official figures contained in the report to the Governor of Illinois by the Illinois Prison Inquiry Commission, p. 618) was as follows:

1933	.....16.1
1934	.....12.8
1935	.....11.9
1936	.....11.6

These figures, which show a steady decline, indicate that, on the average, only about 12% of released prisoners are returned each year for violations of parole, and one-

half of these, as it happens, are returned not because of the commission of new crimes but for purely technical violations.

"What has now become of our parole 'crisis?' It does not appear in the crime statistics which show an enormous *reduction* in the volume of new crime. It did not appear in an increase in recidivism, which for years showed a steady *decrease*. Where then is the parole crisis? Well, gentlemen of the General Assembly, there simply isn't any parole crisis and there hasn't been any parole crisis.

"Furthermore, the popular belief that the time actually spent in prison by a convict, since the introduction of parole and the indeterminate sentence some forty years ago, is shorter than it was in the old days when fixed sentences were set by trial judges, is also directly contrary to fact. Sentences are now much longer and for years averaged about 50% longer. At present they are about twice as long, since the parole board, as the result of unfair newspaper criticism, has for several years reduced the number of men paroled from 2500 per annum to about 700. This has undoubtedly resulted in a denial of justice, because of public hysteria, to a large number of men who have already served reasonable sentences and are now entitled to release.

"We have now seen, newspaper clamor to the contrary notwithstanding, that in Illinois

- (a) the volume of crime has been steadily *diminishing*
- (b) recidivism has been *decreasing*
- (c) the average length of prison sentences under parole is much longer than during the period when flat sen-

tences were set by the judges.

"Since all prisoners, after serving their time, must be released (about 95% of the total prison population, as only 5% are serving life sentences), their supervision after leaving prison, during what may be called the transition period, is of vital importance for the protection of society. Under the old system, preceding the introduction of parole, a convict, at the expiration of his term, was dismissed at the prison gates without a job or supervision of any kind. Under parole it is mandatory that a convict, before release, be first provided with a job and he remains for many years thereafter under the supervision of parole officers, during which time he may be returned to prison at any time without the necessity of a new trial if he fails to measure up to the requirements of his parole."

Concerning the decline of crime in Chicago the reader will find a thorough exposition in the last issue of the Journal. See "Progress of Criminal Justice in Chicago," by Chief Justice Cornelius J. Harrington of the Cook County Criminal Court, 28 J. Crim. L. 785-798.

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Two Cases, Two Courts—The following item appeared in "Criminal Justice," the Journal of the Chicago Crime Commission, April, 1939. While the Commission made no comment upon its findings it serves as an eloquent argument against sentences by the trial judge:

"The following recital of facts deals with two separately indicted groups of youths charged with a series of burglaries and their respective fates in two separate courts.

"The cases presented here are only two of the many that could be used as an illustration of the contrast in punishment in instances where the facts and the crimes, as well as the youth of the defendants, were almost identical.

"No better illustration could be submitted than these two instances as an argument against the proposed legislation which would give the judges of the criminal court the power to set definite terms of punishment.

"CASE NO. 1:

"Vincent Gorecki — Indictments Nos. 38-563, 38-564, 38-565, 38-566, 38-567.

"Edward Menet — Indictments Nos. 38-563, 38-564, 38-565, 38-566, 38-567.

"George Hoffman — Indictments Nos. 38-564, 38-566, 38-567.

"Stanley Leonard — Indictments Nos. 38-563, 38-564.

"Casimir Stanula — Indictments Nos. 38-566, 38-567.

"Walter Stradza—Indictment No. 38-565.

"Burglary, etc.—Judge Rudolph F. Desort.

"Assistant State's Attorney — Leslie Curtis.

"On May 18, 1938, the defendant Vincent Gorecki pleaded not guilty and waived a jury trial in case 38-563. He was found guilty of receiving stolen property of the value of \$300 and was sentenced on the finding to the penitentiary for a term of one to ten years by Judge Rudolph F. Desort. The remaining four indictments were nolle prossed.

"On the same day the defendant George Hoffman pleaded not guilty, waived a jury trial in case 38-564, was found guilty of larceny

and sentenced to the penitentiary for a term of one to ten years by Judge Rudolph F. Desort. The remaining two indictments as to him were nolle prossed.

"Co-defendants Stanley Leonard, Edward Menet, Casimir Stanula and Walter Stradza were disposed as follows:

"Leonard was found guilty of petit larceny in case 38-564 and was sentenced to one year in the house of correction; the remaining indictment was nolle prossed.

"Menet was found guilty of petit larceny in case 38-564 and was sentenced to six months in the county jail; he was released on probation in case 38-567 for two years; the three remaining indictments were nolle prossed.

"Stanula was found guilty of petit larceny in case 38-567 and was sentenced to the house of correction for one year; the remaining indictment was nolle prossed.

"Stradza was found guilty of petit larceny in case 38-565 and was released on probation for a period of two years.

"From the records it appears that the victims of the burglaries were not present in court during the trial. The records disclose that it was stipulated that if the complainants were present they would testify to certain statements which were read into the record. The testimony of the arresting policeman was also stipulated.

"The defendants made the following statements in person:

"Vincent Gorecki, fifty-four years old, testified that he has a wife and two children. That he was never arrested before. That he had known the defendant Hoffman for some time and that around Christmas he came into the store offering to sell some old gold and that on

that occasion he bought three rings and part of an old bracelet for \$2.50. That about a week later Hoffman came in again with a small diamond ring and that thereafter he brought other articles of jewelry at regular intervals. That at one time Hoffman came to the store with another young fellow as a prospective new customer. That this boy had a small diamond ring and an old wrist watch for which he gave him \$6 and that on another occasion he came in with Menet, who is now a co-defendant, who had some jewelry to sell. Gorecki denied knowing that any of the jewelry he had bought had been stolen. He stated further that he was arrested on March 7, 1938, and that he had turned everything he had over to the police.

"Stanley Leonard gave his age as twenty years and stated that he lived with his parents and attended high school for two years. That he had worked for the Western Felt Company for one year, but had been out of work since last Christmas. He stated that he had taken part in two burglaries after Hoffman had asked him to go along. That he had received as his share a couple of dollars and a cigarette case.

"George Hoffman gave his age as eighteen years and stated that he lived with his parents and had attended high school for two years. He admitted that he had taken part in ten or twelve burglaries. That he and his accomplices usually entered with a master key which had been taken from one of Goldblatt's stores. That he had read about burglaries in the daily papers and decided to try his hand at it. He stated that he sold the articles of jewelry to co-defendant Gorecki. He added that co-defend-

ant Menet waited outside while he and Leonard entered the place to be burglarized. He declared that at no time did he tell Gorecki where he had gotten the jewelry.

"Edward Menet gave his age as sixteen years and testified that he lived with his parents and had never been arrested before. He stated that he had taken part in five burglaries and that on two occasions he had entered the homes. That he had received about \$11 as his share of the proceeds and that he had spent this foolishly.

"Casimir Stanula gave his age as twenty years and testified that he had gone as far as the eighth grade in the grammar schools. He stated that he had taken part in two burglaries and that on one occasion he had used his automobile. That in one of the burglaries his share was some whiskey.

#### "CASE No. 2:

"Ralph Bindrim — Indictments Nos. 39-361, 39-362.

"Dominick Stankas—Indictments Nos. 39-361, 39-362.

"Burglary, etc.—Judge Walter T. Stanton.

"Assistant State's Attorney—Julius Sherwin.

"On March 22, 1939, the defendants Bindrim and Stankas entered pleas of not guilty in both of the indictments, waived the jury, were found guilty of petit larceny and were sentenced to one year in the county jail with the provision that the sentences were to run concurrently.

"From the records it appears that the victims of the burglaries were not present in court during the trial. The records disclose that it was stipulated that if the complainants were present they would testi-

fy to certain statements which were read into the record. The testimony of the arresting policeman was also stipulated.

"From the stipulated testimony of Policeman Frank Sepic, of the 16th district, it appears that on February 20, 1939, at 3:35 P.M., he and his partner were called to 6809 South Claremont Avenue where they found the basement door open and where they received the description of two boys from a neighbor. That on this description they arrested the defendants Bindrim and Stankas on a Western Avenue street car and that both confessed the burglaries.

"The defendants made the following statements in person:

"Ralph Bindrim gave his age as eighteen years. He was questioned by the judge and stated that he attended the third year in high school. That in March, 1937, he was in the boys' court for entering homes while the housewives were in the basement and of stealing purses from the premises. That he was charged with entering about five places at that time and was placed on probation for one year. He stated that he did these things because he could not get work.

"Dominick Stankas gave his age as nineteen years and when questioned by the judge stated that his mother had died when he was three months old and that he had been raised by his grandmother. He said that he was arrested with Bindrim in 1937, but that he had been taken to the juvenile court and placed under supervision. He stated further that he could not get work and had signed up with the Civilian Conservation Corps and had expected to be called in April. He added further that the jewelry taken in the burglaries had

been sold as old gold at 36th and Halsted Streets.

"The arresting policeman informed the judge that the purchaser of the jewelry had been arrested, but had been discharged in the boys' court.

"Assistant State's Attorney Sherwin advised the judge that the defendants had participated in eighteen burglaries and that the state opposed a one-year jail sentence.

"According to records Judge Stanton had replied to this objection: 'They are young men—give them a chance. If they come back again we can take care of them.'"

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Court of Star Chamber—The Journal has received a communication from one of its most generous contributors, Hon. William Renwick Riddell, Senior Puisne Justice, Court of Appeal, Ontario. He writes as follows:

"Old Quebec was not the only place where cruel punishments had vogue in olden times.

"At the recent meeting of The Royal Historical Society in London (of which I was made a Fellow, many years ago, at the instance of my friend, the late Lord Bryce) a valuable paper was presented, "The Last Days of the Court of Star Chamber," by Henry E. I. Phillips, B.A., describing some of the activities and the abolition of this noted and much condemned Court in the reign of Charles I. The Court of Star Chamber whose origin is lost in the twilight of old, received some accession of power in the reign of Henry VII, so that by the time of Queen Elizabeth, in one year it had brought into it no less than 732 cases—it continued to function actively until the reign of Charles I, when it was abolished,

1641. While in the sixteenth century, it was not only beneficial, but actually popular. Later, it ran into excesses and lost its popularity. One thousand cases were begun in it in the second year of the reign of Charles I, and more in the seventh—only a comparatively few were actually tried, however; e.g., four per cent of those launched in the range of six years arrived at a hearing, while only twenty per cent advanced at all beyond the earliest stages.

"It had almost exclusive jurisdiction and almost omnipotent power in cases involving violence, perjury, fraud, conspiracy, libel, oppression, official corruption, and contempt of Proclamations—and it must be remembered that no small part of the legislation was contained in Royal Proclamations."

"The fines imposed were sometimes very large; e.g., the City of London was fined £70,000 in 1634 for neglecting its duty in respect of the Plantation of Ulster. But worse was the corporal punishment sometimes awarded—I shall cite only one case at length. Dr. Leighton had published a book called *Ston's Plea Against the Prelacie*; brought before the Court he was sentenced to 'be committed to the prison of the Fleet for life, and pay a fine of £10,000, that the high commission should degrade him from his ministry; and that then he should be brought to the pillory at Westminster while the Court was sitting, and be whipped; after whipping, be set upon the pillory, a convenient time; and have one of his ears cut off, one side of his nose slit, and be branded in his face with a double S.S. for Sower of Sedition; that then he should be carried back to prison; and after a few days, be pilloried again in

Cheapside; and be there likewise whipped, and have the other side of his nose slit, and his other ear cut off; and then be shut up in close prison for the remainder of his life . . . ."

"In 1630, one Morgan, a Popish recusant for slandering two Justices had to lose his ears and pay a fine of 1000 marks; and next year, Sir Richard Greenville was fined £4,000 for slandering the Earl of Suffolk; the same year Lodovick Bowyer was sentenced to a fine of £3,000, to lose his ears and be imprisoned for life for defaming Laud.

"It is no wonder that the Court was destroyed, but it did not pass unmourned—Mr. Justice Hales said openly at the Assizes at Cambridge that since the destruction of the Court, in the few years since the Court was pulled down, there had been more perjuries and frauds unpunished than in a hundred years before."

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Interstate Crime Meeting—An active year of the Interstate Commission on Crime will culminate in our Fifth Annual Conference to be held July 7-10 at San Francisco.

The following accomplishments, among others, by the Commission during the year will be reported:

1. Further enactments of our model acts from Maine to Wyoming.
2. Distribution of the "Handbook on Interstate Crime Control" throughout the nation.
3. The Southern Interstate Crime Conference held at Jacksonville, Florida.
4. The Forum on the Interstate Parole and Probation Compact, presided over by the

President of the Commission, which had a prominent part at the recent National Parole Conference at Washington.

The main objective of the San Francisco sessions is expressed in the Conference theme "The Public and Crime." Accordingly the sessions on the opening day are expected to gather together representatives of the American Legion, the National Association of Attorneys General, the National Conference of Commissioners on Uniform State Laws, the National Education Association, and various

other interested civic organizations, culminating in the Governor's Dinner that evening at which Governor Olson of California will be honorary toastmaster and the National Commander of the American Legion will make an address.

The Conference will conclude with a dinner July 10, jointly sponsored by the Commission and the Criminal Law Section of the American Bar Association at which the Attorney General of the United States and President Hogan of the Bar Association will be the principal speakers.