

Fall 1939

## Current Notes

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## CURRENT NOTES

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NEWMAN F. BAKER [Ed.]

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Northwestern University Law School  
Chicago, Illinois

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**India Penal Reform Conference —**  
Dr. K. G. Rama Rao, Council House, Lucknow, has sent to the Editor the following communication:

"You will, I am sure, be interested to know that for the first time in the annals of this country a serious attempt has now been made to handle delinquency and crime in a scientific manner. The success that has attended the efforts of organizations and journals such as yours has greatly inspired us. And thanks to those men and women who have already done a year's silent but solid work in this line, we have succeeded in bringing into existence a provisional committee which is to be the nucleus for an All India organization for penal reform.

"The decision of this committee to call the first All India Penal Reform Conference to meet on October 20 and 21 at Lucknow, United Provinces, has received support from all over India. The Provincial and Indian States Governments as well as leaders of public opinion and thought in the country have assured us their participation in the Conference.

"The proposed Conference will formally inaugurate the All India organization, thus bringing into being the Indian Penal Reform League. Ours will be the youngest

Association in this field of work. It is but natural that we should be anxious to have your good wishes and guidance."

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**Traffic Law Research—Inauguration** of a nation-wide study of traffic law enforcement which is to include traffic court procedure, traffic function of prosecuting attorneys, and police practices in traffic law, was recently announced by Arthur T. Vanderbilt, Chairman of the National Committee on Traffic Law Enforcement. Completion of the studies, it is planned will lead to the recommendation of a program designed to raise the general level of traffic court and enforcement procedure.

A committee of 50 nationally recognized judges, prosecutors, police executives, traffic engineers, safety authorities and law professors has been formed for the guidance of the three studies. The committee has been divided into groups of specialists, each to work on those aspects of the studies in his respective field.

The traffic court study is being sponsored by the National Conference of Judicial Councils, of which Chief Justice James W. McClen-don, of the Texas Court of Civil Appeals, is chairman. The International Association of Chiefs of

Police, of which Chief William J. Quinn, of San Francisco, is president, is sponsoring the police study.

The schedule for the studies contemplates a full year's work under the active direction of qualified research executives, with funds provided by the Automotive Safety Foundation. A. R. Forster, of the International Association of Chiefs of Police, is directing the police study and George Warren is directing the study of courts and prosecutors.

The committee proposed (1) To investigate the value of traffic law enforcement as an accident prevention measure; (2) To determine present enforcement practices and the weaknesses thereof; (3) To determine the elements of a sound program of traffic law enforcement; (4) To secure the approval and adoption of this program by all law enforcement agencies; (5) To develop public support for law enforcement agencies following this program.

Members of the Committees are:

*Executive Committee*

Arthur T. Vanderbilt, Chairman,  
Newark

Lt. F. M. Kreml, Secretary,  
Evanston.

Hon. James W. McClendon, Texas  
Chief Justice, Court of Civil  
Appeals, Austin

Chief William J. Quinn, Presi-  
dent, I. A. C. P., San Francisco

Norman Damon, Director, Auto-  
motive Safety Foundation, New  
York

Burton W. Marsh, American  
Automobile Association, Wash-  
ington

Thomas H. MacDonald, U. S.  
Commissioner of Public Roads,  
Washington, D. C.

Sidney J. Williams, National  
Safety Council, Chicago

Colonel A. B. Barber, U. S.  
Chamber of Commerce, Wash-  
ington

A. W. Magee, Commissioner of  
Motor Vehicles, New Jersey

Dr. Miller McClintock, Director,  
Yale University Bureau for  
Street Traffic Research, New  
York

Julien Harvey, Director, Natl.  
Conservation Bureau, New  
York

James S. Kemper, Pres., Lum-  
bermens Mutual Casualty Co.,  
Chicago

Jesse A. Randall, Vice President,  
The Travelers, Hartford, Conn.

W. Y. Blanning, Director, Bu-  
reau of Motor Carriers, Inter-  
state Commerce Commission,  
Washington.

*Sub-Committee on Courts—George  
Warren, Secretary*

*Court Section*

Chief Justice Harry H. Porter,  
Municipal Court, Evanston

Judge John Gutknecht, Municipal  
Court of Chicago

Marion E. Boyd, Attorney-Gen-  
eral, Memphis, Tennessee

Judge Lee Skeel, Common Pleas  
Court, Cleveland

Judge King Williamson, Cor-  
poration Court, Dallas, Texas

Judge Samuel W. Bell, Municipal  
Court, Cincinnati, Ohio

Senator C. Everett Millican,  
Chairman, Atlanta Chamber of  
Commerce

Judge G. T. Murphy, Traffic Di-  
vision, Records Court, Detroit

Judge Thomas Maher, Traffic Di-  
vision, Records Court, Detroit

Judge Leroy Dawson, Municipal  
Court, Los Angeles

Howard Brown, Automobile Club of Michigan, Detroit  
 Louis R. Morony, Executive Director, American Association of Motor Vehicle Administrators, Washington, D. C.  
 Prof. John A. McIntyre, Executive Director, Institute of Municipal Law Officers

*Prosecutors Section*

Earl Warren, Attorney-General, California  
 Professor J. J. Robinson, Indiana University Law School, Bloomington  
 Professor Newman F. Baker, Northwestern University Law School, Chicago  
 Professor Ernst Puttkammer, University of Chicago Law School  
 J. Allen Davis, Automobile Club of Southern Calif., Los Angeles

*Sub-Committee on Police*—A. R. Forster, Secretary

*State Section*

Capt. Donald Leonard, Michigan State Police, Detroit  
 Supt. Don F. Stiver, Indiana State Police, Indianapolis  
 Chief E. Raymond Cato, Calif. Highway Patrol, Sacramento  
 Capt. James M. Hayes, New Hampshire State Police, Concord  
 Col. Mark O. Kimberling, New Jersey State Police, Trenton  
 \*Commissioner O. G. Olander, Mich. State Police, E. Lansing  
 Col. B. M. Casteel, Missouri Highway Patrol, Jefferson City  
 Supt. L. F. Guerre, Louisiana State Police, Baton Rouge  
 \*Capt. C. J. Scavarda, Safety and Traffic Division, to work with Commissioner Olander, by his request

*City Section*

Superintendent Fred W. Frahm, Detroit Police Department  
 Eliot Ness, Director of Safety, Cleveland  
 Chief William J. Quinn, San Francisco Police Department  
 Major Ernest W. Brown, Police Department, Washington, D. C.  
 Capt. Ray Ashworth, Chief of Police, San Antonio, Texas  
 E. J. Reeder, National Safety Council, Chicago  
 Chief R. B. Jordan, Richmond, Virginia, Police Department  
 Commissioner James P. Allman, Chicago Police Department  
 Capt. Matthew Shea, Safety Bureau, New York Police Department (Substitute by Commissioner Valentine)

*Classification Study*—The Classification Committee of the Michigan State Reformatory, Ionia, Michigan, I. N. La Victoire, M.D., Chairman, has issued a report of its year's work in 1938. The Chairman in his introduction declared:

"Classification in the Michigan Reformatory had its inception in September, 1937. Prior to that time the social information available about any inmate was extremely meager and usually limited to a few facts, including his age, education, marital status, and other vital statistics. The history of his background usually included little more than the bare record of his previous convictions and the names and addresses of his nearest relatives. One of the functions of the Classification Committee is to obtain a complete and detailed history of each inmate, such as may be used in a psychiatric, medical and social investigation of his past.

"The Classification Committee, as now constituted, consists of the psychiatrist, who acts as Chairman, the psychologist, the physician, the chaplain, the educational director, the vocational director and the secretary. It is the duty of each member of the Committee to make a study in his professional field of the inmate during the time that the inmate is kept in quarantine and prior to a specific assignment. The combined information thus obtained is used in formulating the recommendations of the Classification Committee for the type of activity which appears to offer the optimal opportunities for the inmate to obtain those qualities which he lacks and which will enable him eventually to compete more successfully when he is again released into society.

"With classification and segregation on the basis of age, mentality, willingness to cooperate, social reactions, and prognosis; with individual treatment as indicated and with beneficial co-ordination of all agencies striving for a common goal, it is our hope that many boys will be salvaged who would otherwise revert to activities that would result only in harm to themselves and to the community."

1806 inmates were given thorough study as to recidivism, present crimes, sentences, nationality, color, nativity, family status, residence, education, employment record, previous contracts with service agencies, intelligence, etc. The conclusion was headed "The Median Inmate" and is well worth reprinting:

"Our median inmate has a record of juvenile delinquency, has never been previously incarcerated (by sentence) in a penal institution for adults, but has been once previ-

ously convicted (i. e., placed on probation, fined, or given a suspended sentence) in a court for adults. He is here for a crime against property, gainful, and has a minimum sentence of two years and a maximum sentence of ten years.

"He is white, 20 years of age, single, a citizen of the United States, a native of Michigan, and the son of American parents. This typical inmate is a legal resident of a city of 65,000 population, is a Protestant by affirmation, one of four children, and has completed the eighth grade. He tests dull average in general intelligence, and he is rated, occupationally, as an unskilled laborer. He has been employed during his life time for a total of 20 to 24 months, and was unemployed for from 3 to 11 months at the time of his arrest.

"This median inmate, his parents, or his wife, have at some time been recipients of public aid, and he or members of his family have been known to at least two social agencies in the community. Socially, he is the product of a broken home and of at least two other abnormal hereditary or environmental factors. His personal history reveals that he has a history either of alcoholism, drug addiction, venereal infection, or that a venereal infection was present upon admission, but none of these factors—alone—characterizes the median inmate.

"This individual was a new inmate, transferred from the clearing house at Jackson, seen by the Classification Committee for the purpose of placing him for training purposes within this institution. He was placed under either 'Close' or 'Medium' custody."

**Indiana Offenders**—A 105 page Bulletin was released recently by the Indiana State Department of Public Welfare. It is entitled, "Indiana and the Adult Offender—A Study of the Crime Problem," and was prepared by John H. Klinger, Director of the Division of Corrections, and Thomas G. Hutton, Statistician in the State Department of Public Welfare. The Foreword states: "Undoubtedly a great deal of misinformation is current concerning crime and criminals. There is need for clear and dispassionate thinking on the subject." The Bulletin includes a collection of factual data with statistical tables, a description of the progress made in the development of a thoroughly modern program, and recommendations for further needed changes "as appear obvious at this time." Concerning parole in Indiana the authors state:

"The indeterminate sentence law made possible the establishment of a minimum and maximum sentence for most offenses. The amount of time to be served over and above the minimum sentence was to be determined by the paroling authorities. Until recently this responsibility rested entirely in the hands of the Boards of Trustees of the several institutions, the Indiana State Prison, Reformatory, and Woman's Prison. As individuals were released from institutions on parole by these boards, they were placed under the supervision of state parole agents. Every institution had its own small staff of agents, who worked under the supervision of a parole executive at the institution. A change was made in 1933, when the state was divided into seven districts and the State Prison and the Reformatory

cooperated more closely in parole supervision. The Indiana Woman's Prison continued to have its own parole agent.

"Thus, until 1937, all duties in connection with parole supervision in Indiana were performed by seven men and one woman, who had large areas to cover and many parolees to supervise. The supervision did not meet the needs of the situation but did show marked improvement over the former system of outright release at the front gate of the prison or reformatory.

"Today the parole picture in Indiana is somewhat different. Indiana is rapidly achieving inclusion in that small group of states credited with good parole systems. Emphasis is now being placed both on selection for parole and supervision after parole. Efforts are being made to introduce the best practices into both phases of the work.

"Selection for parole is no longer entirely in the hands of one group. Today, the cases of candidates for parole are presented to three groups, receiving consideration from a total of more than fifteen different persons. When an inmate has completed his minimum sentence and is eligible for parole, he or she is interviewed and examined by the psychologist, social worker, chaplain, physician, deputy warden, and institutional parole officer. The results are then compiled into a classification summary. The Classification Committee, of which the warden or superintendent is chairman, then makes recommendations to the Board of Trustees. The committee describes the personality of the inmate, points out his or her development and recommends the type of supervision that will be required. It

seeks to indicate why the individual is the kind of person he or she is and is likely to become in the future.

"The Trustees, appointed by the Governor, sit in monthly parole meetings. They are each supplied with a copy of the Classification Summary on each parole candidate. The summary is, at this point, a record of the inmate's commitment as well as a history of his or her life prior to commitment. The Board interviews the candidates for parole and decides whether or not parole will be recommended. Candidates whose application for parole are rejected must wait for their next eligible date. In case the Trustees recommend favorably, the case goes to the State Department of Public Welfare.

"The Board of Parole Review in the State Department of Public Welfare is composed of: the Director of the Division of Corrections; the Supervisor of Classification, Education, and Welfare; and the Supervisor of Paroles. This final board reviews each case and makes its recommendation to the Administrator of the State Department of Public Welfare who either approves or disapproves the parole.

"While paroles may be recommended by the Boards of Trustees in instances in which candidates do not have jobs or homes to which to go, paroles are not finally approved until such requirements are met. In each case the Supervisor of Paroles in the Division of Corrections requests the County Department of Public Welfare in the county where the parolee is to reside to investigate the proposed sponsor, home, and employment. When the county investigation is complete, the Supervisor of Pa-

roles examines the report and decides upon the desirability of such plans. Until plans are acceptable, the Board of Parole Review will not recommend release."

Police Curriculum—President T. W. MacQuarrie of San Jose State College, San Jose, California, wrote an article entitled, "San Jose State College Police School" for this Journal in 1935—26 J. Crim. L. 255. In his description of the school he touched briefly upon the courses offered. Since the appearance of this article great interest in police curricula has been created throughout the country. At the sessions of the Section of Criminal Law, American Bar Association, held recently in San Francisco, both President MacQuarrie and the Director of the Police School, William A. Wiltberger, participated and were asked many questions concerning the courses they offer to police students. The problem of police personnel has become one of tenure and education. The educational part has been met by the San Jose School perhaps better than any other public institution. It is thought that a full description of its curriculum will be of value to our readers.

#### FIRST YEAR

Phys. Ed. 1—FRESHMAN ACTIVITY.

Through testing and experimentation with class personnel we determine physical adjustment needs of that personnel which are overcome in Phys. Ed. 22.

½ unit

Phys. Ed. 22 — POLICE AGILITY TRAINING. Training in preparation for physical agility tests given as requirements for entries into public law enforcement agencies.

½ unit

Phys. Ed. 23—LIFE SAVING. Principles and practice in the elements of individual and mass water safety with special emphasis being placed upon safety measures, rescuing and resuscitation.  $\frac{1}{2}$  unit

Eng. 1A—COMPOSITION. Exposition and argumentation. 3 units

Chem. 1A, 1B, 1C—GENERAL CHEMISTRY. The important nonmetallic elements and their compounds are taught in the first two quarters. The metallic elements and a systematic qualitative separation of the most important metals and acids are shown in the last quarter.

15 units

or

Chem. 30A, 30B, 30C—ELEMENTARY CHEMISTRY.

First quarter or 30A: An elementary course designed to cover the fundamental principles of general inorganic chemistry.

Second quarter or 30B: A short course in organic chemistry designed to give a brief introduction to the study of carbon compounds. 12 units

Third quarter or 30C: An elementary course in the chemistry of the vital human processes.

Biol. 11—HYGIENE. Personal hygiene for men. 1 unit

Com. 11A, 11AB—TYPING.

First quarter or 11A: Mastery of the keyboard.

Second quarter or 11AB: Intermediate typing. Must pass standard fifteen minute test at forty words per minute, four-error limit. 6 units

Lib. 1P—USE OF BOOKS AND LIBRARY. Study of type of indexing, filing, and related materials to the police field within community libraries. 2 units

Physics 40—ELEMENTARY PHYSICS.

A short course devoted to the study of mechanics, heat, light, sound, and electricity. 3 units

Pol. Sci. 1A, 1B, 1C—COMPARATIVE GOVERNMENTS. An analysis and comparison of the political institutions and problems of the chief democracies and dictatorships of the world, including the United States, England, France, Germany, Italy, Russia, and Japan. Completion of the year's work satisfies the state requirement for a course on the American Constitution. 9 units

Pol. Sci. 2A, 2B, 2C—INTRODUCTION TO POLICE ORGANIZATION AND ADMINISTRATION. An introduction to the police problem and the general organization and administration of government, public welfare, the administration of criminal justice and police departments as related to the training and work of the policeman.

6 units

Police 9A—MILITARY DRILL. Infantry, basic course. 1 unit

Police 71—FINGER PRINTS. Taking, classifying, filing prints. Also a study of latents. 3 units

#### SECOND YEAR

Phys. Ed. 24, 25, 26—SELF DEFENSE. Proper uses of the mental and physical forces with maximum efficiency—judo.  $1\frac{1}{2}$  units

Sp. 5A, 5B, 5C—PUBLIC SPEAKING. A course in public speaking techniques. 9 units

Art. 13—POLICE SKETCHING AND PLASTICS. Diagrammatic drawing; modeling and casting of plaster, clay, wax, rubber, moulage. 1 unit

Physiol. 50—HUMAN ANATOMY. Histology of connective tissues. Gross anatomy of the skeleton. Classification and structure of

- joints and the movements possible in these. 5 units
- Physiol. 65A, 65B—ADVANCED PHYSIOLOGY.  
First quarter or 65A: Histology. Gross anatomy and physiology of nervous system. Gross anatomy and physiology of sense organs.  
Second quarter or 65B: Histology and physiology of the blood. Gross anatomy and physiology of circulatory system. Gross anatomy and physiology of respiratory system. Gross anatomy of digestive system. Metabolism. Gross anatomy and physiology of excretory system. 10 units
- Pol. Sci. 50—ELEMENTARY CRIMINAL LAW. Elements of criminal law; principles of constitutional law. 1 unit
- Pol. Sci. 52—LAW OF ARREST. Rights and duties of officers, citizens, and prisoners; warrants, when and how served; extradition proceedings. 1 unit
- Pol. Sci. 53—LAW OF EVIDENCE. How obtained; methods of presenting in court; elemental rules of evidence, weight and value of various types of evidence. 1 unit
- Police 40A, 40B, 40C—REPORT WRITING. Procedure and composition of police report writing. 3 units
- Police 61—POLICE PROCEDURE. General police and patrol procedure. 3 units
- Police 62—POLICE PRACTICES. General police and patrol practices. 3 units
- Police 63—POLICE TACTICS. The fundamental principles of police tactics and their application to police problems. 3 units
- Police 69A, 69B, 69C—FIELD WORK. A field and laboratory course coordinated with the police lectures. 3 units
- Police 72—DESCRIPTION OF PERSONS. The English personal description is studied, and application is made. 1 unit
- THIRD YEAR
- Psy. 55—GENERAL PSYCHOLOGY. Principles of psychology; introduction to whole field with special emphasis on different divisions such as social, memory, intelligence, etc. 5 units
- Psy. 110—ABNORMAL PSYCHOLOGY. A study of the functional and organic psychoses. 3 units
- Sociol. 1A—INTRODUCTION TO SOCIOLOGY. A beginning course the aim of which is to give something of the historical development of society, an analysis of the sociological processes at work in society, some of the human traits which affect social development, and a brief view of some of the social problems such as unemployment, politics, religion, crime, destitution, and relief which face us on every hand. 3 units
- Sociol. 150B—SURVEY OF SOCIAL PROBLEMS. A detailed study of the specific problems of transients, broken families, crime, and juvenile delinquency. 3 units
- Pol. Sci. 112—COURT PROCEDURE. Preparation by the officer for trial; conduct of witnesses; courts of California; mock trials. 1 unit
- Biol. 155—POLICE MICROSCOPY. Introduction to and use of microscope in scientific identification. 1 unit
- Chem. 160—ELEMENTARY FORENSIC CHEMISTRY. Designed to teach the student what can be done in a scientific way with evidence.

- A general study of drugs used in criminal channels. 1 unit
- Chem. 161—**BALLISTICS**. Devoted to a study of guns and projectiles and their identification. Use of some of the simpler instruments required in such work including the comparison microscope. 1 unit
- Chem. 162 — **HANDWRITING AND TYPEWRITING IDENTIFICATION**. A study of the general principles of investigation of questioned documents, classification of writing styles, ink, paper, and typewriting. 1 unit
- Phys. 130 — **POLICE COMMUNICATIONS**. Police radio, telephone, and teletype communication. Police call lights, alarm signals, etc. 2 units
- Photo. 1—**ELEMENTARY PHOTOGRAPHY**. A general course dealing with the fundamental theory and practice of photography as well as special techniques of police photography. 4 units
- H.H. 55—**FIRST AID**. A general course in when and how to administer first aid. Student obtains Red Cross First Aid Certificate at completion of course. 2 units
- Police 56A, 56B, 56C—**GUNNERY**. Firearms instruction; weapons used in police departments; pistol practice and training on the range. 3 units
- Police 73—**DESCRIPTION OF STOLEN PROPERTY**. Instruction on complete, orderly, and classified description obtained from the victim or from observation of the unknown article. 3 units
- Police 117—**MODUS OPERANDI**. Historical development; fundamental principles; the general and specialized M.O.; modern practices and application. 3 units
- Police 125—**POLICE RECORDS**. The fundamentals of police record systems. This course is also designed to give the student practice in the operation and use of these records. 3 units
- Police 127—**TRAFFIC**. The fundamentals of the traffic problem with emphasis upon police duties and traffic enforcement. 3 units
- Police 129A, 129B, 129C—**ADVANCED FIELD WORK**. An advanced field and laboratory course co-ordinated with the police lectures. 3 units
- FOURTH YEAR**
- Educ. 99—**INTRODUCTION TO EDUCATION**. A general course regarding the history and field of education. 3 units
- Pol. Sci. 110A, 110B, 110C—**PUBLIC ADMINISTRATION**. A year course in the principles and practice of public administration in the three major levels of American government: administration, organization, personnel, financial administration, etc. 9 units
- Pol. Sci. 140—**POLICE ADMINISTRATION PROBLEMS**. Fundamental principles used in the organization and administration of a police department. 3 units
- Psy. 115A—**STATISTICAL METHODS**. An elementary course covering classification of data, averages, measures of deviation, simple correlation. 3 units
- Police 121A, 121B, 121C—**CRIMINAL INVESTIGATION**. Fundamental problems and work of an investigator in the detective division. 6 units
- Police 122—**SEARCHES AT CRIME SCENES**. A practical course in the technique of search for clues at the scene of crime. Includes marking, recording, and photographing of evidence. This is a

practical course for the police investigator and is not a laboratory technical course. 1 unit  
 Police 139A, 139B, 139C—POLICE DEPARTMENT FIELD WORK. Individual experience and training in a city police department or other investigation organization.

9 units

**Prosecution in Magistrates' Court**  
 —The legislature of Pennsylvania has recently passed, and the Governor has signed a bill authorizing the District Attorney of Philadelphia to enlarge his staff. The purpose of this law is to enable the prosecutor to assign assistants to the eleven police courts created by the Magistrate's Act of 1937. Under the terms of the latter act, the preliminary hearings of serious felony and misdemeanor cases are held in these courts, located in certain police station houses and presided over by city magistrates serving in rotation. The presence of assistant district attorneys at these hearings is an innovation designed to promote the better administration of criminal justice, and the results of such action is certain to be of interest to criminologists and lawyers as well as to students of government generally.

We are pleased to present the comments of D. Barlow Burke, Assistant District Attorney, Philadelphia, and Assistant Professor of Law and Government at the Drexel Institute. He writes as follows:

"The presence of an assistant district attorney at the magistrate's hearing enables the state to be represented in a criminal case from the beginning. No one will deny that the preliminary arraignment of the accused is as essential a step in criminal procedure as the trial

by jury. Where there is sufficient evidence to make out a *prima facie* case against the accused the commonwealth should have a representative on hand to see that this evidence is properly presented and is not ignored. Likewise, if the evidence is not sufficient the accused should be discharged so that the criminal dockets will not be cluttered with cases that have no merit.

"Thus, not only is the commonwealth represented, but in a real sense, the accused is afforded better protection. Most defendants in magistrates courts are not represented by counsel. The district attorney, according to numerous court decisions, is a quasi-judicial officer, and, therefore, is interested primarily in seeing that justice is done to all parties. This means protecting the rights of the accused as well as representing the prosecution.

"Very important from the standpoint of the proper administration of justice, the assistant district attorney is able to advise the magistrate regarding points of law during the hearing or with reference to the disposition of a case. Most magistrates are very willing to seek the assistant's advice on legal points pertaining to rules of evidence and criminal statutes. Likewise, the assistants may assist police officers in legal matters pertaining to the presentation of their testimony at the hearing. They may assist defense counsel by pointing out the proper procedure whereby bail may be obtained for the accused in certain offenses for which the magistrate may not admit to bail, under the Act of 1860.

"The assistant may greatly facilitate further hearing procedure by

having before him a transcript of testimony taken at the prior hearing. Thus he is able to detect and, if possible, prevent inconsistencies in the testimony of witnesses. The practice of holding further hearings has in the past been open to abuse and it is the district attorney's duty to eliminate these abuses as far as possible. Such hearings should be held only when it is clearly in the interests of justice to hold them.

"Valuable service may be performed by the assistant in acting as a link between the magistrates court and some social service agency whose cooperation would be beneficial. Sometimes a social agency is in a position to extend a helping hand to some handicapped or unfortunate defendant who is worthy of such attention. In addition, the Chief Probation Officer of the Municipal Court has invited the aid of the assistants in magistrates courts in carrying on the useful work of the Juvenile Division of that court.

"The plan enables the District Attorney's office to establish a closer contact with the magistrates. This may sometimes be irksome to the members of the minor judiciary, but on the whole, it is a relation beneficial to both parties, and certainly in the interests of justice. Recently, in one of the courts a drunken driver was improperly discharged. His rearrest was caused by the District Attorney's office. Certainly such a case as this is an example of the good effect of having closer relations between the prosecutor and the minor judge.

"Finally, the magistrate and the assistant district attorney work, for the most part, harmoniously, and with but little friction. The mag-

istrates themselves have attested to the benefits of the system, and Judge Frank Smith, in a recent opinion, stated that the services of the assistants are vital to the proper administration of justice in Philadelphia."

**Section Officers**—The roster of officers of the American Bar Association, Section of Criminal Law, for 1939-1940 is as follows:

**Chairman**—

James J. Robinson,  
1130 East First Street  
Bloomington, Indiana.

**Vice-Chairman**—

Earl Warren,  
State Building,  
San Francisco, California.

**Secretary**—

Gordon E. Dean,  
Dept. of Justice Bldg.,  
Washington, D. C.

**Council: The Officers Ex-Officio and**

George A. Bowman,  
Milwaukee, Wisconsin.

Sylvester C. Smith, Jr.,  
Newark, New Jersey.

Arthur J. Freund,  
St. Louis, Missouri.

Wayne L. Morse,  
Eugene, Oregon.

Frank T. Cullitan,  
Cleveland, Ohio.

Dan W. Jackson,  
Houston, Texas.

Newman F. Baker,  
Chicago, Illinois.

Curtis Bok,  
Philadelphia, Pa.

**The Budget Paradox**—Recently the Jail Association Journal printed an editorial entitled "The Budget Paradox." It seemed logical and timely and is reprinted below as indicative of the high merit of the

materials appearing in this new Journal. It recognizes the short-sighted economy of reduced personnel—a situation which is becoming more and more common in this country. It comes at a time when it seems easy to obtain appropriations for new buildings but difficult to secure funds to get them properly staffed and maintained. This editorial was in the July-August, 1939, issue at p. 6.

“Drastic slashes in Budgetary appropriations for jails, prisons, probation and parole have been reported throughout the country in the past six months. California has discontinued its jail inspection service. New York State has emasculated its program of correctional education and classification. Parole officers throughout the country continue to be called upon to carry case loads so large that, in effect, parole supervision under these conditions is a farce. Practically every city in the United States is under-policed and the courts are glutted to such an extent as to make a mockery of the administration of justice.

“In the face of such conditions we are forced to operate on reduced budgets. On the other hand, we must in fairness recognize the difficulty of legislative bodies faced with rising costs and reduced tax revenues. We agree that the soundest means, in the long run, of balancing an unruly budget is to spend less money.

“We have no quarrel with the general idea of reducing the cost of controlling crime. We do have a quarrel with the means which are being employed to cut these costs. An arbitrary reduction in the budget of a jail or prison, for example, is made on the false promise

that administrative officers will be able to cut the services rendered in order to stay within the funds available.

“If, however, judges disregard the lessons of experience and succumb to the clamorings of a sadistic press and continue to give ridiculously long sentences it follows certainly that prison populations and therefore prison costs must increase.

“If Parole Commissions grow unnecessarily fearful of public criticism and refuse to release men who are reasonably good parole risks, it also follows that prison costs will increase.

“If the fee system of reimbursing sheriffs, peace officers and justices of the peace is continued it will follow that thousands of individuals will be unnecessarily incarcerated in local institutions, and costs will continue to increase.

“If every county political ring continues to insist upon maintaining a local jail with exorbitant per capita costs the resultant total cost will continue to increase.

“If the courts fail to establish efficient and well manned probation services few offenders will be placed on probation, and prison costs will continue to increase.

“If state legislatures are sincerely interested in reducing the total cost of controlling crime they will not succeed by the simple device of reducing budgets. In fact it is quite probable that over a period of years such tactics may actually result in an increase of crime because of a lowering of efficiency in the agencies now set up by law to control crime.

“It is human, and legislators are all too human, to seek a simple answer to a difficult question. This

question of maintaining an efficient control of crime at an economical cost is not a simple one.

*"It is our opinion that America as a nation spends as much money as is necessary at the present time to handle this problem as effectively as we know how. What we need is a complete reorganization and*

overhauling of the whole machinery for dealing with crime and delinquency in each and every state.

*"If we want efficient government at reduced costs we can have it! But the weapons to use are brains and moral courage and not a budgetary axe."*