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Editorials

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EDITORIALS

NEWMAN FRIESE BAKER

Newman Friese Baker, Professor of Law in Northwestern University, and Business Manager and Associate Editor of this *Journal*, lost his life on September 5, 1941, in an automobile accident near Baton Rouge, Louisiana.

Professor Baker was born at WORTHINGTON, Indiana, in 1898. Southwestern College at Winfield, Kansas, gave him his undergraduate training. After army service during the Great War, graduate studies at the University of Missouri brought him the degree of Master of Arts. His education in the law was at the same institution and at the University of Chicago, from which last he obtained the degree of Doctor of Juridical Science in 1926. His call to the teaching vocation came early: before completion of his legal studies he had already been instructor in history at the University of Missouri as well as at the State Teachers College of Kirksville, Missouri, and Professor of Political Science at the Oklahoma City College. He was admitted to the Missouri bar in 1926, spent a year in practice, and then entered upon his definite career as a teacher of law. This led him first to the University of Wisconsin, next to Louisiana State University and then to Tulane University at New Orleans. Finally, in 1930, he came to Northwestern as an Associate Professor.

These are the dry and summary data which externally mark the educational and professional life of one whose vividness of personality was apparent to all with whom he came in contact. His, too, was a strikingly attractive personality: none of whatever class or condition but found pleasure in association with him; and he, in his turn, enjoyed to the full that association. His sympathetic understanding of others and the sparkle lent by his balanced sense of humor made him pre-eminently "meet for converse with his kind." His was a personality unassuming even to the point of underrating its own talents; a personality from which, despite high maturity of achievement, there seemed to flow a continuing youth with all the buoyancy and elasticity which this implies; a personality characterized by simplicity and sincerity and yet by an inborn but exquisite tact which served to create and maintain the affection of others. His was a personality conspicuously clothed with a gift for friendship which radiated throughout his dealings with his fellow-men; a personality intense and eager in its devotion to public service, courageous and adventurous in its quest of the truths essential to effectuate that devotion.

Possessing attributes such as these, along with soundness of scholarship

and solidity of attainment, he could not fail to be a highly successful teacher. To the student he did not declaim from on high: he could laugh with him as well as work with him. His, indeed, was rather the attitude of an elder brother, always patient and tolerant, taking infinite pains to make things clear, but ever seeing to it that the task was well and thoroughly done. It is easy to say of a teacher that he endeared himself to his students, but in Newman Baker's case this is distinctly less than the truth. The affectionate admiration in which he has been held by all who, year after year, passed through his classes is something that will never be dimmed.

Sadly will he be missed by his colleagues of the law faculty, to whom he was bound by ties of more than ordinary strength. Speaking for myself, when he visited my office there was always a lightening of the atmosphere, a relaxation of tension accompanying his cheerful presence, and, after a brief exchange with him, I could return to work refreshed. And I know that the case was the same with others. With him present, faculty meetings lost something of their tedium, and the faculty luncheon table was never complete unless it could listen as well to his quips as to his serious conversation. Of the numerous collateral activities falling to the lot of the law teacher he bore rather more than his share, ungrudging of time and labor. Strong and valiant in the service of the University, he was always to be implicitly relied upon.

Although there had come from his pen, as a result of his graduate legal studies, a work on the "Legal Aspects of Zoning," most of his writing was in the field of criminal law. This was the field which lay closest to his interest, which evoked his most ardent enthusiasm and gave chief stimulus to his labors. And it he approached in no doctrinaire fashion, but as a practical architect of needed reconstruction. He was a member of the Board of Directors of the Chicago Crime Commission, and its Assistant Secretary; a member of the Section of Criminal Law of the American Bar Association, Secretary of the American Institute of Criminal Law and Criminology, Counsel to Northwestern University Traffic Institute and lecturer in the same institution. And, as if these did not form a sufficiently heavy burden, the eminence which he had attained in this field called him into service within the past year as a member of the Advisory Committee appointed by the Supreme Court of the United States to draft rules of criminal procedure for the Federal Courts—a high honor of nation-wide significance. Add to this that he had been enlisted by the Louisiana State Law Institute to aid in the reconstruction of the criminal law of that State. And it was in the course of the work for Louisiana that he came to his tragic death. Truly we may say of him that

"his spirit glow'd with zeal
Not shorn of action for the public weal—
For truth and justice as its warp and
woof."

And just as truly we may say of him that he fell as a soldier fighting the

battle of criminal law reform, as a martyr to the cause of civic righteousness.

Cut down thus in the flower of his career, in the full tide of his service to the University and the public, in the full tide, too, of that domestic happiness which he was so peculiarly fitted to embellish and enjoy, he has left a legacy of grief which time alone can assuage. Yet, while we unceasingly mourn his loss, we have abiding faith that the grave does not mean the end. Comfort, too, we take in the thought that he had made his impress upon the world in which he lived and had bettered it by his living. Something of

him yet remains and will always remain here on earth. Passing, he has joined

“the choir invisible

Of those immortal dead who live again
In minds made better by their presence:
live

In pulses stirr'd to generosity,
In deeds of daring rectitude, in scorn
For miserable aims that end with self,
In thoughts sublime that pierce the night
like stars,

And with their mild persistence urge
man's search
For vaster issues.”

Newman Freese Baker, blithe spirit,
colleague and comrade, hail and farewell!

ROBERT WYNESS MILLAR.

“THE WAR AND JUVENILE DELINQUENCY”

In this Journal, Volume VIII, 1917-1918, pages 287-288, is a note signed by Mr. Joel D. Hunter of Chicago, under the above title. It includes a quotation from the *London Times* for November 8, 1916, indicating that the frequency of Juvenile Delinquency during three months ending February 29, 1916, was considerably greater than during the corresponding period a year earlier. The increase was 53 percent in London, 62 percent in Birmingham and 21 percent in Liverpool.

In the same note is a paragraph from the Annual (1916) Report on Dependent and Delinquent Children for the province of Alberta showing an increase of 25 percent over the preceding year. A similar condition was said to obtain in other countries that were engaged in the World War, and it was

attributed to the abnormal social conditions that were current at the time in the families and communities that were involved.

Moreover, in the Cook County (Chicago) Juvenile Court, says Mr. Hunter, there were 196 petitions for delinquent children filed in May, 1916, and 303 in May, 1917, just after the United States had entered the war—an increase of 54 percent in one year. Still further, according to the same authority, the petitions filed in May, 1917, were somewhat more than 30.5 percent in excess of the number filed only a month earlier.

“The only reason that can be given for this large increase,” says Mr. Hunter, “is the excitement and restlessness since the beginning of the war. In Chicago industrial conditions are excellent. A job can be obtained by

almost any boy. The schools are in their usual condition. The Boy Scouts and other boys' and girls' organizations are more active than usual. Taking these things into consideration and the fact that very few of the delinquent children come from families from which someone has left because of the war, the conclusion is inevitable that the spirit of restlessness abroad is the main—if not the only—reason for the increase. . . .”

The foregoing may be interpreted as a commentary upon the effect of community morale. Morale is always, in large measure, a state of feeling and feelings are infectious—all the more so where youths and children are con-

cerned. At any rate, as Mr. Hunter says, the situation he describes suggests the effect of an emotional state—“excitement and restlessness.” We are going to be thinking a good deal more of nation-wide morale in the years following than we have done since 1917-1918. Many men of Science and good sense are giving it their earnest attention. All of us who are interested in the prevention and control of Delinquency and Crime and Mental Disease—national defense, in other words, against insidious dangers from within—will watch the developments of their work with a great deal of interest.

Morale is prevention-mindedness.

ROBERT H. GAULT.



“If there is indeed an evolutionary tendency in democracies not to care to improve the trial system except at long intervals, it behooves us, as a matter of sound policy, to make and keep the trial system a subject of prominent and careful attention, with a view to adapting it to other progressive changes in communal life. At present the United States is in a period of such attention. But that period was preceded by a century of careless inattention. Hereafter the attention should be constant and unceasing.”—From *A Kaleidoscope of Justice* (1941) by John H. Wigmore.