

1945

## Current Notes

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## CURRENT NOTES

V. A. Leonard (Editor)

**The Alcoholic and the Jail**—Unfortunately, current public criticism of American jails and their administration is, in too many instances, well justified. Such criticism, however, may be constructive or destructive. If it leads to new thinking and even to the testing of a new technique in real situations, it is constructive, but if it only arouses verbal battles, passions and resentments, it is destructive.

The weaknesses of the jail for constructive accomplishment in meeting the problems of alcoholism are quite clear. Habitual drunkenness frequently indicates social and psychological disorganization in individuals. It is a symptom of such disorganization. Alcoholics move in a vicious circle. They find escape from their troubles in alcohol, which in turn makes their troubles worse and increases the demand for relief and escape. The jail experience temporarily stops their drinking, but inevitably increases their social and psychological disorganization. It has this latter effect because the jail, among other things, decreases responsibility, isolates one from social reality, increases contacts with other socially and psychologically aberrant persons, enhances self-pity and day-dreaming, further breaks such socially constructive relationships as may still be available to the alcoholic—jobs, family, church—and leads to a lower sense of self-respect and a greater feeling of hopelessness.

Tendencies towards irresponsibility, social isolation, self-pity, day-dreaming, inactivity, weak integration with institutions and groups, apathy, and inefficient self-abasement are often the very factors which appear to be causally connected with chronic excessive drinking. The conclusion that the jail accomplishes nothing for the alcoholic and performs only the most temporary service—that of ten or thirty day restraint—for the community is fairly inescapable.

That the problem of dealing with alcoholics is one of very great proportions will not be denied by anyone. Chronic inebriates form the largest single category of those in jail. (Editor's Note—A recent crime survey in Seattle revealed that approximately seventy per cent of the total arrest load during the calendar year of 1944 was represented by persons taken into custody by the police on a charge of drunkenness.) Can more constructive work be done with alcoholics than has been done in the past? If so, can the jails aid in such work?

The answer to the first of these questions is in the affirmative. A great deal can be done as has been made strikingly clear by the work of Alcoholics Anonymous and the Yale Plan Clinics. The answer to the second question is far less clear. However, it is perhaps safe to say that unless a jail is extraordinarily different from the usual run of such institutions, it can only play a subsidiary role. The reasons for this statement are as follows:

1. Before any form of therapy or rehabilitation can be adopted, there must be an adequate diagnosis of the type of alcoholic who is committed. Jails ordinarily have no facilities for diagnosis of any sort, to say nothing of the diagnosis of alcoholics.
2. For a considerable proportion of alcoholics, a week or two of complete rest and careful dietary regimen is prerequisite to any

attack on the alcohol problem; jails do not have the facilities, the personnel, the time, or the experience to meet this need.

3. The large percentage of alcoholics amenable to rehabilitation need direction and support in reorienting themselves to the realistic social life of the world around them; this, by definition, cannot be done in the artificial and, if anything, anti-social environment of the jail.

4. The alcoholic needs something to do, preferably with others; the jail, because of its high rate of turnover, its usually inadequate, or non-existent, work programs, and its poorly-paid personnel cannot be expected to fulfill this function.

5. For a large proportion of alcoholics a good part of their problem is generated or aggravated by family, friends, or others, and until this situation is remedied, little can be done in the rehabilitation of the man himself; the ordinary jail has no facilities for such a function.

6. The alcoholic needs support in his struggle to live without alcohol, especially in the first few months; jails ordinarily have no facilities for meaningful parole or follow-up work.

It is clear that the jail, as it is ordinarily established, is not, cannot be, and never was intended to be an institution to return alcoholics to an independent, self-respecting and useful position in the community. Does this mean that the jail has no responsibilities towards the legion of drunkards who are committed to its care? It does not. That it is going to have a large alcoholic population, whether or not this is advisable, is an inescapable fact. There are no other facilities for arrested drunkards; and such drunkards, if not restrained, are a menace to themselves and to the decency and security of the community. It is patent that if any improvement is to be achieved, a greater understanding of alcoholism and of the alcoholic is necessary. This means that those persons responsible for the determination of policy in jail administration will have to do two things, both of them apparently easy, but actually difficult: one, recognize that alcoholism is a complex problem and that the popular notions about its nature and cause are almost wholly in error; two, with the best available advice, gain a more scientific and practical understanding of the subject. Possible sources for such information include Alcoholics Anonymous, the National Committee for Education in Alcoholism, the Section on Alcohol Studies of the Laboratory of Applied Physiology at Yale.

The responsibility of the jail authorities is primarily one of education—convincing doctors, social agencies, judges, legislators, and the public at large, of the realities of the alcoholic problem in relation to the jail. This may seem an almost impossible task, but until responsible elements of the community become aware of the situation, the jail is going to be saddled with this expensive, irritating, thankless, and at present, almost hopeless task. The local Alcoholics Anonymous group, the local council of social agencies, the local council of churches, the newspapers, the State or local association of court judges, public health executives, the local bar association and medical society, the National Committee for Education on Alcoholism, and many other groups, to say nothing of interested individuals, can be called upon and called upon successfully if they can be shown the facts and if a sensible plan of action can be presented. The jail authorities are not the only responsible persons who can start action toward a more effective adjustment to the problem of alcoholism.

However, they hold a central position in the present means of dealing with the situation, and they may hope to relieve their own problems if with the aid of the community they can help establish clearer thinking about alcoholism and more efficient facilities for its control.—*The Prison World*, May-June 1945, by Selden D. Bacon, Assistant Professor of Sociology and member of Section on Alcohol Studies, Laboratory of Applied Physiology, Yale University.

**Military Justice**—Offenses by American soldiers against either civil or military law during the war just ended have been the exception rather than the rule, stated Under Secretary of War Robert P. Patterson in a release issued under date of July 8, 1945. Our men have won the respect and admiration of civilians with whom they have been in contact, both at home and overseas. The manner in which they have conducted themselves has reflected the highest credit on the American Army.

*Some Crime Inevitable.* Most men make the transition to Army life without incident. Some do not and find themselves in trouble. Many of these would have run afoul of the law if they had remained civilians. In peacetime, 80 per cent of men sentenced to federal and state institutions for felony were between 20 and 40—the age from which the Army draws its men. It is a matter of mathematical certainty that from any group of eight million young men in civilian life, a certain number will commit crimes ranging from simple misdemeanors to rape and murder. In an Army during war-time these men are exposed to stresses and hazards not encountered in civilian peacetime existence. It is not surprising, therefore, that last year in the United States approximately 18,000 soldiers were convicted by general courts-martial, or that 33,519 soldiers are now in confinement here and overseas under sentences of general courts-martial. This, it should be remembered, represents the total number from the ten million men who have joined the Army since the Selective Service Act was passed in 1940. It also includes a few still serving under sentences prior to 1940. Of the 4,182,261 American soldiers who have served in the European Theater of Operations from January 1942 until June 1, 1945, only 10,289, or less than 1 in 400, were sentenced to confinement by general courts-martial. In reporting these figures, General Eisenhower stated that the administration of military justice “receives my constant personal care.” He added that “particularly in the serious cases in which I am called upon for personal review, I give a tremendous amount of time and thought.” This record is a tribute to the men who have gone through the greatest military campaign in history and evidence of their fine training and leadership.

*Courts-Martial.* The great diversity of conditions facing our troops is reflected by the wide variety of offenses committed. A soldier gets drunk in North Africa and shoots an Arab. Another steals from the Red Cross while on furlough in London. Another violates a girl in Italy. Another holds up a lunch counter in Denver. A lieutenant overstays his leave for a month, leaving a trail of bad checks. A sergeant shoots a companion in a dice game in New Caledonia. A soldier runs away from his unit in the front lines at Salerno. Another gives himself up after being AWOL for eight months. Several steal Army supplies and sell them in the black market in Paris.

Whatever the offense, whether it is a crime that would be punishable under civil law or a crime against military discipline, the

soldier is subject to trial by courts-martial. The word "Courts-martial" merely means a military court operating under rules set by Congress. It operates according to the highest standards of justice. Its proceedings are open to any interested observer, subject to necessary war-time restrictions on the movement of persons in areas under Army control. Officers who sit as the court are those who have been carefully selected for the duty by reason of age, training, experience, and judicial temperament, and they are under sworn obligation to assure a fair trial and to safeguard fully the rights of the accused.

A pre-trial investigation of the case is made. The investigator is instructed to explore the case carefully and recommend the least drastic action possible. It is an established policy that trial by court-martial may not be used unless it is indicated as the only way to preserve military discipline, and then the lowest type of court capable of giving adequate punishment for this offense must be used. During the pre-trial investigation, the accused has the right to be present and examine witnesses either personally or through counsel. He may also choose his own defense counsel, who may be either a civilian lawyer or a military lawyer whom he knows personally.

At the trial, the accused has the rights a civilian would have before a United States District Court. He is entitled to a lawyer; he cannot be compelled to testify against himself; he can compel the appearance of witnesses in his behalf; he can plead that the offense was outlawed by the statute of limitations; he cannot be tried twice for the same offense; he is entitled to challenge any member of the court for bias or prejudice and, in addition, is given one free disqualification for which he does not need to give any reason. The case then proceeds in a manner similar to a criminal trial in civilian courts.

Upon passing of sentence, the proceeding in a civilian court is ended unless the accused appeals the case to a higher court, paying all expenses of the appeal. In a general court-martial, the conviction and sentence are not final until action is taken by a reviewing authority. A record of the trial, including the full testimony, is given to the defendant. A copy is submitted to the staff judge advocate who carefully checks the record and reviews the evidence, preliminary to making a recommendation concerning the case to the Commanding Officer. The complete record of the trial, including the opinion of the staff judge advocate and the action of the Commanding Officer is then sent to the Judge Advocate General in Washington, where these materials are then examined by experienced lawyers in the Military Justice Division prior to actual disposition of the case.

*Clemency Action.* Following conviction and after serving six months of his sentence, the case of the accused is sent to the Under Secretary of War for clemency consideration. The case of every soldier sentenced to a disciplinary barracks or federal prison or reformatory is thus reviewed for clemency within six months after date of confinement. A similar review for clemency is made annually thereafter. This procedure is automatic and is not the result of any request from the prisoner or his family. It is for the purpose of enabling the Army to review constantly its court-martial cases, to correct any injustice and to give deserving prisoners the opportunity of being restored to duty and becoming soldiers again.

*Rehabilitation of Military Prisoners.* The type of institution to which a convicted soldier is sent depends primarily on the seriousness of the offense. Minor offenders who receive sentences of six months or less are placed in post guard-houses. Prisoners convicted by general court-martial, with sentences over six months, can be placed in any one of three types of institutions: rehabilitation center, disciplinary barracks, federal penitentiary or reformatory. The aim of the Army's prison program is to restore to honorable status in the Army all prisoners, regardless of their place of confinement, who give evidence of their fitness for further service, and to provide, for those to be discharged because of unfitness, a program of educational vocational training which will help them to meet their obligations as citizens. At each place of confinement the individual capacities, skills, potentialities and needs of the prisoners are studied. In rehabilitation centers, the military training program includes technical training. Among the schools in the various rehabilitation centers are the signal and communications school, clerical and administrative school, literacy school, cooks and bakers school, and automotive mechanics school. Classes are also conducted in academic subjects and prisoners may register for a wide selection of correspondence courses offered by the United States Armed Forces Institute.

The Army has been confronted with the unprecedented task of administering military justice throughout the world to the ten million men who have joined it in the present emergency. The Articles of War laid down by Congress are its authority for so doing. They provide the means for enforcing discipline with safeguards to the accused, who is assured a speedy and fair trial. It is the Army's purpose to restore as soon as possible all those convicted who give indication of their ability to again become soldiers. To accomplish this the Army utilizes the most approved and modern methods. It is proud of its record of accomplishment. It will continue to do everything within its power to administer a fair and just system of military justice.—*War Department, Bureau of Public Relations, Press Branch Release*, issued by Under Secretary of War Robert P. Patterson, July 8, 1945.

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*Standards for Selection of Probation and Parole Officers.*—Probation and parole have long been recognized as two related branches of a profession calling for a definable educational background and special training and experience. Personnel standards for practitioners of this profession are emerging and are noticeably higher than they were a decade ago, although as yet there is no general uniformity and the qualifications of those in the field vary widely. Whether appointments are made by judges or by state boards or officials, merit systems with minimum entrance requirements are gaining in favor. The Professional Council of the National Probation Association, a representative group of probation and parole executives from all parts of the United States, has for some time been interested in the formulation of specific personnel standards. In 1943, a committee was created to consult probation and parole leaders throughout the country and prepare a new statement of the basic functions of probation and parole and the qualifications required for officers.

This committee, enlarged in 1944, recently sent out a number of inquiries to probation and parole officers throughout the country

and held a number of meetings. Working in cooperation with the staff of the Association, it has formulated standards, which have been approved by the Professional Council.

The qualifications proposed represent an entrance minimum for new appointees. In a few well organized systems, professional standards have reached a point where considerably more is demanded of candidates than is indicated in these requirements. On the other hand, in many communities and some entire states, residence restrictions, inadequate salaries and lack of public understanding of the importance of the work will make lower requirements than these inevitable for some time to come.

Many devoted and successful workers, qualified by self-education and assimilated experience, have attained professional competence and are in fact among our best workers. No suggestion of replacing such competent workers is made; the standards refer only to the training and qualifications of future appointees.

These standards are now available in a printed pamphlet. The first section is a statement of function, including investigation, supervision and interpretation to the community. The specialized knowledge which the probation or parole officer must have is described in three sections:

1. The officer must have a working knowledge of the principles and practices of social case work.
2. As an administrative agent of the court or parole authority, the officer must be familiar with the specific laws within which he operates, and the powers and limitations of his position.
3. The officer must be familiar with the operation of related law enforcement agencies in his jurisdiction.

Minimum qualifications for entering probation and parole work are also listed in three categories:

1. Education: a bachelor's degree from a college or university of recognized standing, or its equivalent, with courses in the social sciences.
2. Experience: one year of paid full time experience under competent supervision in an approved social agency or related field. One year in an accredited school of social work with field work practice may be substituted. If the probation or parole department is equipped to provide in-service training under adequate supervision the requirement for previous experience may be waived.
3. Personal qualifications: a probation or parole officer must be a person of good character and balanced personality.

A special section calls attention to administrative ability and experience as prerequisite for the appointment of probation and parole chiefs or administrators, or for case work supervisors.

Only one method of selection is specified: probation and parole officers should be appointed from eligible lists resulting from competitive merit examinations.

While it is difficult, considering variations in salary standards for professional work in different parts of the country, and also variations in living costs, to set specific salary limitations, the committee went on record with the statement that a beginning salary for a probation officer meeting these qualifications should range from \$2,600 to \$3,000 per year with additional allowances for expenses. A final item in the statement of standards calls for an adequate retirement or pension system for all officers.—*Probation*, June, 1945.

**Capital Punishment and Flogging in England.**—Americans may find the incentive for renewed study of an old problem in a British editorial, which appeared recently. It is quoted in part, as follows: "The Council (The Home Secretary's Advisory Council on the Treatment of Offenders) will fail if it averts its eyes from the blackest spots in our penal system—hanging and flogging. Flogging is now a matter beyond reasoned argument, though it will never cease to be a subject for emotional controversy. The Departmental Committee on Corporal Punishment arrived at the unanimous conclusion that it possessed no special deterrent power and that it should be abolished as a sentence of the Court, because in the absence of special deterrence value there was nothing to compensate for its admitted evils. The Select Committee on Capital Punishment, convinced by the evidence of the numerous abolitionist nations that the death penalty had no influence upon the murder rate, recommended in 1930 that it should be abolished for an experimental period of five years—doing so in the sure faith that there would be no resurrection.

The Select Committee's Report was belittled because the Conservative members signed no recommendations. One of them has since announced his conversion to abolition—some are dead. We believe that many who at that period still defended the death penalty will think differently if they ponder over the list of abolitionist States in Europe and the British Empire—Norway, Sweden, Finland, Denmark, Holland, Belgium, Switzerland, New Zealand, Queensland—and the fact that Germany was only prevented from abolishing it by the advent of Hitler to power and that Italy was always abolitionist until Mussolini marched on Rome. Democracy and the punishment of death go ill together and a penal system which uses the gallows and the lash hampers the healthy functioning of measures based on the desire to make bad citizens good. Indiscriminate mass killing of innocent men and women has not made it less but more important to remove judicial killing of convicted criminals from our penal law, for the penal law is the touchstone of our civilization.—*The Howard Journal* (Publication of The Howard League for Penal Reform, Parliament Mansions, Abbey Orchard Street, London, S. W. i.)