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Current Notes

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CURRENT NOTES

Austin L. Porterfield, *Guest Editor*

David G. Monroe's Appointment as Professor of Law Enforcement—Dr. David G. Monroe, one of the Associate Editors of this Journal recently accepted an appointment as Professor of Law Enforcement, University of North Carolina, Chapel Hill, N. C.

For the past nine years, Dr. Monroe has been associated with the Northwestern University Traffic Institute, and at the time of his resignation from the Institute he was serving as its counsel.

In his present position, Dr. Monroe will be attached primarily to North Carolina University's Institute of Government, doing research in the field of law enforcement and teaching law enforcement to public officials. He will also participate in a law enforcement teaching program sponsored by the University's Graduate School.

During his tenure at Northwestern University, Dr. Monroe made many valuable contributions to the field of law enforcement. At North Carolina his efforts and talents will continue to be devoted to research and publications in law enforcement.

Dr. Monroe will continue to serve as an Associate Editor of this Journal.

Law and Semantics—The new Texas law providing "courts of record . . . having original jurisdiction of criminal actions to suspend the impositions or executions of sentence and to place defendants on probation under certain conditions . . ." is an excellent example of the degree to which law makers at times prove themselves lacking in proficiency in the science of semantics. This proposition is substantiated by the way in which the law states the conditions under which probation is admissible. In Section 1 we find these words:

"The courts . . . shall have the power, after conviction or a plea of guilty for any crime or offense except murder, rape, and offenses against morals, decency, and chastity . . . to suspend the imposition . . . of the sentence and may place the defendant on probation . . ."

One may well wonder when a violation of the law is not an offense against morals and decency unless he is able to give a special interpretation of these words—a definition so special that it might vary greatly from court to court. As to chastity, a clear interpretation can be only slightly less difficult. How often will courts agree on the meaning of these words?

What the Texas Law Includes as Conditions of Probation—The Texas law providing for probation "under certain conditions" further limits the applicability of such service as follows: the sentence must not be for longer than ten years, and the defendant must not have been previously convicted of a felony. Under these conditions the defendant may be placed on probation for the length of time a sentence has been imposed or might be imposed if it has not in fact been assessed. The

person remains under the supervision of such court and a probation and parole officer. The duty of the latter is to investigate the circumstances of the offense, criminal record, social history, and present condition of the defendant, including if possible, a physical and mental examination. This report is to be submitted to the court when the court requests it before the disposal of the case by probation or by commitment to an institution. For a judge to ask for this help from the trained social worker will be a real step forward.

As to the terms of his probation, the probationer shall: "a) commit no offense against the laws of this or any other State or of the United States; b) avoid vicious or injurious habits; c) avoid persons or places of disreputable or harmful character; d) report to the probation and parole officer as directed; e) permit the probation and parole officer to visit him at his home or elsewhere; f) work faithfully at suitable employment as far as possible; g) remain within a specified place; h) pay his fine, if one is assessed . . . ; and i) support his dependents."

Administration of the Texas Probation Law—Under the Act the Board of Pardons and Paroles already in existence is to administer the law—that is to act also as the State Board of Probation. But this Board is now to become a duly qualified group each of whom will serve full time at a salary of \$6,000 annually (if and when a future Legislature makes an appropriation to make the new organization an accomplished fact).

As mentioned above this Board also will have the power to grant and administer paroles with the approval of the governor. Parole is not extended, however, to persons under sentence of death or who have not served one third of the sentence imposed, provided that any prisoner is eligible after serving fifteen years (if he is otherwise eligible). In no case is parole to be considered an award of clemency. It is to be granted only in the best interest of society as determined on the basis of scientific social case work.

These are some of the provisions of House Bill 120 as passed. Though the legislation sought by the Texas Probation Association was much more adequate, this law will be a real step forward in Texas when it goes into operation.

Professor V. A. Leonard to Return as Editor of Current Notes With Next Issue of the Journal—Professor V. A. Leonard, who is making an excellent record as the Head of the School of Police Science and Administration at Washington State College, and who has been on leave of absence for the last year as Editor of this section of the *Journal* for the last year, will return to his duties as Editor with the next issue of the *Journal*.

The Fine Record of Charles L. Chute as Secretary of the National Probation Association—The National Probation Association "was started informally by a group of fourteen probation officers who met at the National Conference of Charities and Corrections (now the National Conference of Social Work) in Minneapolis in 1907." It "was

rich," as Charles L. Chute writes (See *Society's Stake in the Offender*. New York: National Probation Association, 1946 Year Book, p 1), in its juvenile court and probation advocates." Judge Ben Lindsey, Roger N. Baldwin, Bernard Flexner and others were among these makers of the juvenile court movement.

But the story of the National Probation Association could not be told without giving great prominence to the work of one modest man, namely, Charles L. Chute, who has been its Executive Secretary since 1915. He has seen the organization grow from a membership of less than 100 when he became its Secretary in 1915 to a membership today of 31,000. He now has about him a staff of 14 professional and 21 clerical workers.

Sharing with him an important place in the making of the Association's life is Mrs. Marjorie Bell, his "right hand man" who is Editor of the Association's Publications and who has an important part to play in the other activities of the Association

Roscoe Pound as Jurist and Social Scientist—There have been many celebrated jurists and social scientists, but not many have combined the qualities of both the jurist and the social scientist in a celebrated way. These qualities are both combined in a remarkable manner in the person of Roscoe Pound. He has made outstanding contributions to the concept of "socialized justice." He understands the "sociology of law" about which many are writing today from first hand experience.

Now the Dean Emeritus of the Harvard Law School—when he speaks everybody listens. One of his many interests has been the development of the juvenile court. When he spoke to the 1946 meeting of the National Probation Association, he had as his topic, "The Future of Socialized Justice." In part he said:

"Individualized justice cannot operate itself effectively simply because it is individualized. When we have adopted a principle of individualization and have set up tribunals empowered to individualize the administration of justice, and agencies of individualizing execution of the directions and orders of those tribunals, we cannot stop at that. When this has been done we have made but a beginning. Perhaps the hardest part of our task is still before us. We must go on to direct our energies not only to setting up tribunals and agencies of individualization where they are still lacking, but even more to development and provision of techniques, of personnel, of training, and of adequate facilities." (See *Society's Stake in the Offender*, p. 7).

Who Are Delinquents? Children, Parents, Society?—This caption is the title of the "Annual Report for 1946 of the Cuyahoga County Juvenile Court of Cleveland, Ohio of which the Honorable Harry L. Eastman and the Honorable William J. McDermott are the Judges. The first two pages of this report are of enough importance to reproduce them here, because of the freshness of the viewpoints expressed. Judges Eastman and McDermott say:

"During the past twenty years there has been much discussion and a vast amount of literature produced on the causes of delinquency.

Much of this has got us nowhere except into profitless argument. On the one hand, the problem has been over-simplified by two broad generalizations such as poverty, poor housing broken homes, and lack of recreational facilities. On the other, it has been narrowed to individual causes such as parental neglect, the school system, the radio, and movies. Out of this have come few reasonable and practical formulas for combating delinquency as a whole.

“The latest proposal to win popularity has been to blame the parents. This has led to the establishment of several “Schools for Delinquent Parents” that parents have been ordered to attend by judges of juvenile courts. Typical of these is the San Francisco School for Parents which received write-ups in several national magazines during the past year. The National Probation Association, after a careful investigation of this school, reported adversely on its use, giving the following reasons:

‘The parents of delinquent or neglected children may, or may not, be themselves delinquent, inadequate, or ignorant. Whether to punish, to aid, or to educate them is a grave question frequently involving complex situations and obscure personality factors. Hence, any course of action, any form of treatment should be based on a knowledge of individual needs. There was too little evidence that this was the case in San Francisco . . . Referral of parents on the basis that they have delinquent children, or are themselves delinquent . . . is not considered a sufficiently selective method . . . The extravagant claims which so commonly attach to novel and popular undertakings can be misleading and ultimately disillusioning; urgently needed professional services, such as intensive family case work, can be impaired or even omitted in favor of a superficial program . . . It is common practice for skillful probation officers to induce parental cooperation for the welfare of their child, without invoking court authority.’

“The 1945 California Legislature enacted a law providing that whenever a minor is brought before the juvenile court, his parent, guardian, or custodian must show cause why a criminal complaint should not be filed against him for contributing to the delinquency or dependency of his child. A bill before the 1947 session of the Ohio Legislature would compel the juvenile court to place the parent on probation along with the child. These bills are considered by court authorities and social workers to be impractical and ineffectual.

“These short-sighted measures ignore the obvious fact that relatively few parents of delinquents are intentionally neglectful. It is true that sometimes they are, but generally this neglect is because of their own ignorance or inability to properly control their children. The child who becomes a problem in the court has usually long been a problem in his home that his parents have been unable to solve. What parents need is a great deal more practical advice and help than the community is now either equipped or willing to give them.

“This generalized attack against parents has set up a reaction that may lead to the kind of improvement desired without legislation or punitive action. Articles in defense of parents have begun to appear in newspapers, magazines, and specialized publications. Competent authorities among educators, child psychologists, and social workers have analyzed the difficulties of parents in fulfilling their traditional re-

sponsibilities under changed economic and social conditions and pointed out the duty of the community to afford them the help and counsel they need to successfully solve the conduct problems of their children. Behavior clinics have been set up in various parts of the country to diagnose and treat conduct difficulties from the kindergarten to the high school level.

"It is generally recognized that the real causes of delinquency are social and personality maladjustments within and particular to the individual. The usually alleged causes are incidental and may or may not be contributory factors to the central problem. Anti-social and delinquent acts are attempts by the individual to overcome or compensate for his own maladjustment. Only a close study of the offender and his personality and environment will uncover the real causes underlying his particular misbehavior. It follows that successful treatment must also be individualized to fit each delinquent.

"Any effective program for prevention must start with the non-delinquent and plan to preserve him in that condition. Methods must be similar to those employed in preventing disease. Since it is impossible to foresee which child may contract delinquency, the program must apply to all children in the community."