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## Current Notes

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## CURRENT NOTES

V. A. Leonard, Editor

**Toward a Government of Laws**—Significant of a trend in the thinking of the European legal profession is the recent appearance of a new law journal, *Archiv des Voelkerrechts*, published by Messrs. J. C. B. Mohr (proprietor) and Paul Siebeck at Tuebingen, in the French Zone of present-day Germany. The following excerpts from the pen of Dr. Berthold Mosheim, London barrister, provide interesting clues to the potential influence of this new organ. "This publication marks the beginning of a new chapter in Germany's legal history. Under Nazi domination, the press monopoly was extended to legal papers. Only state-controlled and party-dictated legal publications were allowed to appear. Thus, those authors were excluded from writing who did not adhere to the Nazi doctrines. German lawyers became separated from the outside world. This iron curtain was smashed when Nazi Germany collapsed but no organ existed through which contact might be established with fellow lawyers outside Germany. International law is as a matter of course the meeting ground for lawyers from different countries. More than that, it has become a vital instrument toward organization of the world for peace, freedom, security and human welfare. Responsible legal circles in present-day Germany are well aware of this.

The publication of the *Archiv des Voelkerrechts* is an important step toward a merger of forces with fellow lawyers outside Germany who are striving for lasting peace, human rights and human dignity; it fosters the restoration of links between legal circles inside and outside Germany. The first volume of this new journal demonstrates clearly the philosophy and objectives that will be pursued. Professor Walter Schaetzel (Mainz), one of the contributors, deals with the many issues confronting the United Nations Organization. His enlightening scrutiny covers events from the Conferences at the Hague (1899 and 1907) to the present time. Schaetzel observes that the Hague Conferences were still governed by the maxim that war was permissible. The main concern on those occasions was to agree on the rules of warfare and to guarantee the chivalrous conduct of war. People changed their mind during World War I; the black fury of war was generally recognized and the League of Nations proclaimed its prohibition in principle. The UNO attempts to avoid the mistakes of the League and to eliminate amidst peace any causes which may foster dispute and war. The UNO is organized to work before the diplomatists have exhausted all the means for peaceful negotiations; the League became operative after the failure of diplomatic negotiations.

Dr. G. Schwarzenberger (London), another contributor, analyzes one of the topics on the agenda of the Paris Assembly of the UNO—*Patterns of International Law and Organization in the Atomic Age*. This writer submits that in general the UNO has the power to execute any measure adopted to maintain peace but that this power is lacking if an action is contemplated against one of the permanent members of the Security Council. A resolution directed against one of the "Big Four" possesses only a declaratory significance unless the permanent member involved consents to the action addressed against him. The anomaly of this situation has been revealed in the struggle to regulate the use of atomic

energy. Dr. H. J. Schlochauer in the same issue reports adequately on the many subjects which have thus far been referred to the UNO. It is evident that the *Archiv des Voelkerrechts* will as a matter of general policy focus its attention on international events whenever the occasion warrants. Students of legal history will welcome research opportunities afforded by publication of the complete texts of important international documents in the first volume of the journal. The final section of the publication is devoted to a review of fifteen books on international law. The compilation of such a volume requires an experienced editorial staff and the publishers have entrusted three eminent scholars with this formidable task: Professors Schaetzel, Wehberg (Genf) and Schlochauer. Professor Schaetzel (expert on annexation problems) made many friends when he acted as Commissioner of the Weimar Republic before the Mixed International Tribunal at Paris for several years. Professor Wehberg has earned a reputation as a representative of the pacifist movement in Germany. Dr. Schlochauer, who belongs to the younger generation, has entered the councils of international lawyers during the last few years. Publishers of the journal give advance notice that the contents of the second volume will include the following articles: *The Membership of the UNO*, by Fr. Klein; *The Problem of the Statute Regulating the Occupation of Germany*, by Dr. Schlochauer, and *The Situation in the Danube Basin*, by F. T. Hollos."—Contributed by Berthold Mosheim, LL.D., (Cologne) Barrister-at-Law, London.

**New Diagnostic Procedures**—"Psychopathic personality", the term applied by psychiatrists in many instances to behavior problem children, sundry delinquents, ne'er-do-wells and "black sheep," is under intensive study at the University of Iowa college of medicine and psychopathic hospital. Much discussion and interest in the study of people who have been lumped together under this general diagnosis have been precipitated by popular magazine articles on the subject. Iowa's studies are concerned with brain waves, or electrical impulses recorded by means of electro-encephalograph testing. Certain abnormal waves are found with greater frequency in children and adults with specific personality disorders who formerly were classified as having "psychopathic personalities." Such individuals are not considered as having serious mental illnesses, or deficiency in intelligence, nor do they have known brain or nervous system diseases. Brain wave studies of parents of children in trouble indicate that patterns often are inherited. If one or both parents had an abnormal pattern, the chances were that their off-spring would have a similar pattern.

Unusual brain waves sometimes could be traced to illnesses or injuries in early childhood, although the child appeared to have recovered. The younger the child at the time, and the more severe the illness or injury, the more likely was he to show abnormal brain waves and personality disorders, according to Iowa findings. In another phase of the study, characteristic traits of parents and children are compared through personality tests. A number of parents were found to be emotionally immature, having traits similar to those found in their patient children. Possibly, the different kinds of unusual and unwanted behavior can be connected with brain wave patterns and with different personality traits. Iowa state personnel holds. Early lives of patients under study also are being scrutinized in an effort to correlate early environment with other

factors. Such information may help determine what part inheritance and environment play in the development of personality traits which lead to poor adjustment in later life. *The Welfare Bulletin*, Illinois Department of Public Welfare, September, 1948. EDITOR'S NOTE: The possible application of the electro-encephalograph to the techniques of instrumental deception detection as well as to the diagnostic and therapeutic approach to the prevention of delinquent and criminal behavior offers to research workers challenging fields of inquiry.

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**National Police Science Honorary**—Of particular interest to colleges and universities offering professional curricula in police science and administration is the recent union of the police science honorary fraternities of the State College of Washington and Michigan State College as a national organization. Merging as Alpha Phi Sigma, National Police Science Honorary, its primary purpose is to associate persons who are actively engaged in collegiate preparation for a professional career in the police field. Collateral objectives are: a. To promote cooperation between similar organizations in the several states of the nation and in foreign lands to make the profession and its practitioners more effective; b. To keep abreast of the advances in science and research; c. To sponsor and encourage research and scientific inquiry, and to disseminate knowledge so acquired to all the profession through the medium of professional conferences, publication of books and periodicals and by other means; d. To direct the full power of the organization toward the elevation of the ethical standards of the police profession; e. To inspire police officers with a just pride in their work; f. To establish in the public mind the benefit and necessity of professional training for the police services; and g. To reduce crime and aid society through the application of accepted scientific practices and techniques to police problems. Pending completion of preparations for the selection of national officers, National Headquarters is being maintained in the Department of Police Science and Administration at the State College of Washington, Pullman, Washington. Applications are being received from other accredited educational institutions where degree preparation in the police administration major is available. Inquiries or requests for additional information may be directed to Arthur F. Halverson, President, Alpha Chapter of Alpha Phi Sigma, State College of Washington.

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**Cost of Mental Illness**—During 1947, the cost of providing long-term hospital care in mental hospitals in the United States was approximately 400 million dollars. Between 1945 and 1947, expenditures for maintenance in hospitals providing long-term care for psychiatric patients increased by \$154,000,000 or nearly 65 percent of the estimated expenditure for 1945. In terms of the annual cost per patient, or per capita expenditure, the increase was from \$470 in 1945 to \$731 in 1947, an increase of about 55 percent. This increase reflects in large part the increase in the general price level during the period, but may also reflect to some degree improvement in the quality of mental hospital care during the post-war period. The estimates presented below are based on figures from a variety of sources. For State, psychopathic and Veterans' Administration neuropsychiatric hospitals, these figures are reasonably complete; for county and city hospitals, and private hospitals, however.

the basic data were somewhat fragmentary, and the estimates are in some instances based on the assumption of a constant relationship between annual changes for these two types of hospitals, respectively, and corresponding changes for State hospitals.

**EXPENDITURE FOR MAINTENANCE IN HOSPITALS FOR THE LONG-TERM CARE OF PSYCHIATRIC PATIENTS, BY TYPE OF HOSPITAL, FOR THE UNITED STATES: 1945 to 1947**

| Type of Hospital and Year                             | Total Expenditure for Maintenance (Approximate) | Average Daily Resident-Patient Population (Approximate) | Per Capita Expenditure |
|---|---|---|------------------------|
| <u>1947</u>   |   |   |                        |
| All Hospitals   | \$395,000,000                                   | 540,000   | \$ 731                 |
| State, county, and city hospitals <sup>1</sup> .....  | 264,000,000                                     | 481,000   | 549                    |
| Veterans' neuropsychiatric hospitals <sup>2</sup> ... | 96,000,000                                      | 45,000  | 2,133                  |
| Private hospitals <sup>3</sup> .....                  | 35,000,000                                      | 14,000  | 2,500                  |
| <u>1946</u>   |   |   |                        |
| All Hospitals   | \$292,000,000                                   | 525,000   | \$ 556                 |
| State, county, and city hospitals <sup>1</sup> .....  | 206,000,000                                     | 468,000   | 440                    |
| Veterans' neuropsychiatric hospitals <sup>2</sup> ... | 55,000,000                                      | 43,000  | 1,279                  |
| Private hospitals <sup>3</sup> .....                  | 31,000,000                                      | 14,000  | 2,214                  |
| <u>1945</u>   |   |   |                        |
| All Hospitals   | \$241,000,000                                   | 513,000   | \$ 470                 |
| State, county, and city hospitals <sup>1</sup> .....  | 180,000,000                                     | 460,000   | 391                    |
| Veterans' neuropsychiatric hospitals <sup>2</sup> ... | 33,000,000                                      | 39,000  | 846                    |
| Private hospitals <sup>3</sup> .....                  | 28,000,000                                      | 14,000  | 2,000                  |

<sup>1</sup> Based on data from the Annual Census of Patients in Mental Institutions.

<sup>2</sup> Based on fiscal year data furnished by the Veterans Administration.

<sup>3</sup> Based on tabulation of data for those hospitals reporting information or operating costs for the American Hospital Association Directory. From a release dated September 26, 1948, of the Mental Hygiene Division, Public Health Service, Federal Security Agency, Washington, D. C.

**Group Psychotherapy in Correctional Institutions**—The New Jersey State Department of Institutions and Agencies recently announced the introduction of a program of group psychotherapy in four of the State's correctional institutions. This new development represents an effort on the part of the Department of Institutions and Agencies to integrate into the existing correctional programs of the State a technique that is believed to have great value for the field of correction. In announcing the program, Dr. F. Lovell Bixby, deputy commissioner in charge of correction and parole, stated, "My interest in this technique is aroused by the fact that it attempts to drive directly at the fundamental problem of rehabilitation i.e., changing basic attitudes. We never have had, and may never have, enough psychiatrists and qualified psychologists to do this on an individual basis. In the past we have had to rely upon education, vocational training, recreation, and other indirect methods with-

out, as I see it, coming to grips with the major problem in any significant number of cases.”

The program as it is being developed in New Jersey under the direction of Mr. Lloyd W. McCorkle, sociologist in the department, assigns inmates (attendance is compulsory) to group sessions that meet three hours weekly with a therapist. Inmates who participate in the sessions do so for a total of 78 hours, or 26 weeks, during their incarceration. Inmates are assigned to a particular group on the basis of their relation to the total institutional program. Since the time an inmate spends in confinement varies, the group therapy program divides his participation into three periods—natural highlights in his institutional career—quarantine, classification and release. It is believed that this sequence can be most easily accommodated to a therapy schedule that includes three divisions: preliminary, analytical and synthetic. Such a program will reach all the inmates of the institution through six therapy groups operating continuously. Although the material for discussion at each of the sessions is structured around a schedule, it originates in life situations experienced by the inmate. The role of the therapist is to weave the material brought into the group by its members, most of it unorganized, emotional expressions, into a session that has purpose and organization. This type of session provides for inmates an atmosphere where without fear he can freely express himself. This free ventilation by the inmate of his hostility and antagonism about life tends to reduce tensions and prepare the way for a more realistic appraisal by him of his problems. The group is encouraged by the therapist to constantly critically examine and analyze its behavior and the behavior of individual members. As this process unfolds, the therapist introduces mental hygiene concepts to increase the understanding and insight of group members into their behavior, the behavior of other group members, and the behavior of the group. This becomes increasingly personalized as the inmate becomes more comfortable in the group and is able to discuss his own problems of adjustment and, with group assistance, analyze and evaluate his behavior.

The socialization of the individual is promoted through his acceptance of the controls evolved and established by the group as they develop values which very importantly have the stamp of approval of the group. Under skillful guidance these values of the group can evolve in the direction of the values of society. The goal of group therapy is the development by its special techniques of greater emotional stability and maturity among the inmates and a better understanding of individual problems presented by inmates attending the sessions. *Group Psychotherapy in New Jersey Correctional Institutions*, THE PRISON WORLD, March-April, 1948.

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Probation, Parole and the Rejection of Punishment—Probation and parole are good public business. Paul V. McNutt speaking at the opening session of the forty-first annual conference of the National Probation and Parole Association in April at Atlantic City, addressed not only his audience but through them leaders of business and industry throughout the nation. Effective probation and parole do cost money, as Mr. McNutt admitted, but “the alternatives are far more costly, not only in human values, but in dollars and cents,” so these services are good business economy. “We recognize that the cost of

probation or parole supervision is a mere fraction, approximately one-tenth, of the cost of keeping a man in prison. We recognize that men on probation and parole are generally employed and thereby contribute to the wealth of the community. We recognize further that probation and parole are a device for achieving normal support of the families of offenders without recourse to public relief." But, Mr. McNutt pointed out, these economies cannot be accomplished if these services are underfinanced, overworked and ill-staffed. Business then has a responsibility to inform itself on the subject, to support progressive legislation and administration, including the work of organizations like the National Probation and Parole Association. And finally, it is the obligation of business to facilitate employment of probationers and parolees. This last step will come when there is general recognition that those offenders selected to live in the community under supervision are good employment risks, and that it is the responsibility of the community to assist in rehabilitation.

In a scholarly paper on law and social control presented on the same occasion by George H. Dession, Yale University professor of law, he talked of "an increasingly enlightened administration of legal sanctions." Speaking of the use of negative sanctions, he noted the rejection here, and in other nations which share western culture, of punishment as an accepted instrument of law. "There is no question about the rejection, and this rejection is thought to derive from hard experience as well as sensitivity of feeling. I suggest that there is no inconsistency. We must distinguish between a depriving measure rationally inflicted for a constructive end in a situation where no less-depriving measure is available by way of alternative or equivalent, and a depriving measure inflicted in whole or in part by way of outlet for feelings of aggression. The punishment which we reject refers to this latter type of situation—that wherein the accused is not merely being proceeded against in the interest of maintaining public order with a minimum of unpleasantness, but where on the contrary he is serving as a target for all sorts of pent up aggression born of frustrations for which he is in no way responsible." Mr. Dession referred to our continued adherence to the term "criminal," a term "freighted with connotations of ignorance, fear and brutality, and reminiscent of sanctions with age-old roots in primitive superstition and mystical belief." Beyond our use of this term is an attitude which impedes rehabilitation. Marjorie Bell, *Spotlighting the Annual Conference, Focus*, The National Probation and Parole Association, July, 1948.

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**Trends in the Volume of Criminal Litigation**—From the prolific pen of Professor Walter A. Lunden comes another interesting study—in this instance, an analysis of the fluctuation of criminal case loads in the Courts of Iowa from 1935 to 1946. He finds that during the past 12 years with the changes from the economic depression of the thirties to the years of World War II and the subsequent recovery, the number of criminal cases in the district courts of Iowa has passed through a cycle of a large volume of cases to a low number and then to an upswing in the past two years. In 11 years of the 12 years, for which court records are available, the district courts of the state have disposed of 42,307 criminal actions. There are no records available for 1941. During 1935, the first year under observation, the courts disposed of 4,187 criminal cases. Six years

later, in 1940, the number of criminal cases increased to 4,880 or a rise of 16 per cent. From this high number, criminal actions decreased to 2,990 in 1944, or a drop of 38 per cent. After this all time low number in 1944, cases increased in 1946 to 3,366, or an advance of 12 per cent within two years. Reports for 1947 are not available but it appears that the number will be far above the 1946 cases. The large number of criminal actions between 1935 and 1940 may be the result of the economic disorders and the consequent general dislocation of social conditions in the country in the final phase of the Great Depression of the Thirties. The sharp drop in the number of cases between 1942 and 1944 appears to be connected with the total war effort of the nation and the fact that a large number of men and women were in military service or engaged in war work. The increase in the past two years reveals that Iowa, with other states in the country, is getting back to the pre-war level of crime, and therefore more criminal cases in court. Professor Walter A. Lunden, *Criminal Litigation in the Courts of Iowa From 1935 to 1946*, Iowa Sheriff, May, 1948. EDITOR'S NOTE: Professor Lunden recently returned to the United States after three years in the European Theater of Operations with the U. S. Army. He was Chief of the Prisons Branch in the Office of Military Government of Bavaria from May, 1945 to October, 1946; served five months as a prison officer with the 21st British Army, and after the invasion was Prison Officer with the 6th Army Group in France. Prior to the war, he was a member of the faculty of the University of Pittsburgh during twelve years. He is now Associate Professor of Sociology, Iowa State College, Ames, Iowa. The editors of the journal, *Iowa Sheriff*, deserve commendation for the maturity of the articles that have been appearing in that worthy publication.

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**University of California Expands Instruction and Research in Criminal Sciences**—The Board of Regents of one of the nation's greatest universities, the University of California at Berkeley, recently amended the by-laws of that institution and provided for the organization of a School of Criminology under the direction of Professor O. W. Wilson, whose important contributions as a scholar and administrator to the professionalization of the American police services have received national and international recognition. A total budget of approximately \$48,375 has been allocated for the present biennium, covering the inauguration of a broad program of instruction and research in the police arts and sciences and in other areas of criminal justice administration. The University of California, long a pioneer in the development of university training for the police profession, now brings its superb resources to bear upon this sector of social control in a program noted for the maturity of its conception and execution.—EDITOR.

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**Northwest Studies Its Mental Institutions**—Offering one of the most comprehensive surveys of mental institutions thus far presented at the state level, a thoroughgoing inventory of facilities for the care and treatment of mental illness in the state of Washington was recently completed. The study was authorized by the Interim Committee on Institutions of the Washington State Legislature and was conducted by Roger Nett under the personal supervision of T. H. Kennedy, Chairman of the Division of Social Sciences of the State College of Washington,



Pullman, Washington. This scholarly report under the title of *Mental Institutions in the State of Washington*, reviews previous surveys made in this area and then considers the problem of institutional administration within the frame of reference of costs, physical plant, food and food administration, supply and accounting, records, population and admission, administration and personnel, professional services, sociation, patient status, rehabilitation and visitation program, as well as other related factors. Copies of this study may be obtained by addressing Dr. T. H. Kennedy, Chairman of the Division of Social Sciences, State College of Washington, Pullman, Wash.

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