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Current Notes

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CURRENT NOTES

V. A. Leonard, *Editor*

Tribute to Professors E. A. Ross and J. L. Gillin—Speaking under the subject, *A Century of Sociology* at the annual meeting of the Mid-west Sociological Society at Madison, Wisconsin in May, 1949, Professor George B. Vold of the University of Minnesota stated that in spite of great growth in the numbers of college departments, college courses, students and professors in sociology, there is still not too much agreement among anyone as to what sociology really is, what is its scope or function. The range of views run all the way from Lundberg's conception of the sociologist as a technical specialist proficient in a skill and whose business is to sell his skill to those who care to make use of it, (be they saloon-keepers or churchmen, promotion and advertising agencies or college presidents, fascists or democrats) to the opposite conception of sociology as dedicated to constructive social service in response to the essentially evangelical drive back of the insistent question of Robert Lynd: Knowledge for What? If one asks, however, who the sociologists are, rather than what sociology is, the answer is much less uncertain. Sociologists, as a distinguishable group, are first and foremost those who make it their business to teach sociology. Ask for a list of distinguished living sociologists and the answer will certainly include the names of Edward A. Ross and John L. Gillin.

The University of Wisconsin is to be congratulated, and the entire region should consider itself fortunate, to have had these two distinguished representatives of American Sociology give so much of their lives and efforts to this segment of the larger community. As the teachers of students who become in turn teachers of yet more students of sociology, and as authors of books and textbooks widely used throughout the land, both of these men have spread an area of influence that has had a very real part in the cycle of change in education. Within the field of sociology, a substantial segment of subject matter is usually called criminology. And within the field of criminology, one of the genuinely well-known names is that of John L. Gillin. He has brought to the discussion of the problem of crime a broad background of scholarship, and a catholicity of interest, that has done much to consolidate the multiple-factor approach as opposed to the often more dramatic and sometimes more satisfying particularistic views. Criminology has always reflected contemporary theories and confusions in the explanation of human behavior. Thus changing emphases in philosophy, psychology, criminal behavior extend to the rationalization of programs of control of crime. This was true a century ago—it is true today.

As against the particularistic schools, there has been growing an increasing recognition of the futility of looking for single causes, or for single, simple programs of treatment. Both as theorist and as practical penologist, Dr. Gillin reflects the sturdy vigor of the realistic pragmatist who looks for no perfect answers, expects no absolutely consistent and complete theory, expects no entirely satisfactory result from treatment. He, therefore, is an eclectic both in theory and practice, who expects each individual specialist to do the best he knows how, always with

respect for and tolerance of the views and methods that may differ from his own. This eclecticism in theory as in practice often bothers people who want things settled once for all. It never results in neat systems with all loose ends nicely tucked in—but it is often an extremely practical and useful way of operating. A thoroughly well-informed and balanced eclecticism is the best general characterization of the work and the place of John L. Gillin, as sociologist, as criminologist, as penologist, and as a public-spirited citizen.—*Communication to the editor.*

Adverse Report on Jails—For the 18 years since its organization in 1930 the Federal Bureau of Prisons has maintained a staff of inspectors whose full-time task it has been to visit, inspect, and report upon conditions found in local jails and workhouses. The original purpose of the inspection service was to obtain information upon which to base selections of institutions for boarding held-for-trial and short-sentence Federal prisoners. Soon, however, as Bureau personnel carried out inspections and came into direct contact with the deplorable conditions which existed in most local jails, it was realized that a second purpose is implicit. This purpose is to do whatever possible with whatever means at their disposal to bring about as much improvement as possible in these institutions.

Past reports have had much to say about bad jails. Most jails even today contaminate and degrade those confined in them. This is inevitable since most of them are squalid and filthy; they are steeped in primitive, retributive traditions; they lack adequate facilities to segregate offenders of various types, ages, and degrees of criminality; they permit most inmates, sentenced as well as unsentenced, to remain completely idle a greater part of the time; and they are usually operated by persons who are without qualification for their tasks. Furthermore most jails are far too small to justify either physical facilities to serve special purposes, or specialized personnel. The average number of sentenced and unsentenced prisoners per jail in this country is probably not more than 25. Many have only a half dozen fewer inmates, and some none at all for much of the time.

However, the Bureau reports that on the whole local jails are less contaminating and less degrading than they were 25 years ago when they were first publicly described and properly—as “crucibles of crime.” Some credit for the improvement must go to their inspection service. But the improvement must not be exaggerated. Even at the end of this year, of the more than three thousand jails inspected, they have approved fully for boarding Federal prisoners only 435, and, for emergency use, only an additional 365. And by no means are all the fully approved jails what they wish they were; many are merely the best that could be found in localities where, from time to time, detention facilities are needed. Perhaps a better picture of today's jails may be had from the system of jail ratings. Under it the theoretically perfect jail would score 100. Yet not one of the 3,120 jails inspected since 1930 rated as high as 90, and less than 1 percent rated 70 or above. Two percent rated 60 to 69; 15 percent 50 to 59; and 83 percent—more than four out of five—rated under 50! There is indeed much which needs to be done about jails!

Despite so gloomy an over-all picture, the Bureau was encouraged this year to find, particularly in the West, a substantially greater interest on the part of jail officials in improved standards than has ever been shown before.

Also, North Carolina has followed the lead taken by Virginia in establishing a measure of central control over its local penal institutions. Under North Carolina's law, which became effective January 1, 1948, the State Board of Public Welfare is required to inspect regularly each local jail and lockup, and to report to responsible local officials on conditions found. If the latter officials fail to act on the Board's suggestions within a reasonable time, the presiding superior-court judge may direct the grand jury to reinspect the jail and present its recommendations. Pending compliance, the judge of the superior court can direct that persons convicted before him be confined in a jail which meets required standards. While this procedure seems cumbersome, for the jail field it is genuinely progressive. It should be effective in raising jail standards substantially throughout North Carolina.—*Annual Report of the Federal Bureau of Prisons for 1948.*

Annual Convention of the I.A.C.P.—Dallas, Texas was the law enforcement capital of the world during the week of September 11. Approximately 750 police executives of city, county, and state departments and from several foreign countries attended the Fifty-Sixth Annual Conference of the International Association of Chiefs of Police, September 11-15, in the Texas city. The convention agenda included discussion by recognized authorities of the problems of crime, juvenile delinquency, internal security, traffic control, accident prevention, and other matters of concern to law enforcement officers. Colonel Homer Garrison, Jr., Director of the Texas Department of Public Safety and President of the Association, and Carl F. Hansson, Chief of Police of Dallas, acted as co-hosts to the conference delegates. This was the first annual conference in the Association's history to be held in Texas. Among the principal speakers were Hugh H. Clegg, assistant director of the Federal Bureau of Investigation; Rear Admiral Edgar A. Cruise, Chief, Air Warfare, Department of the Navy; Maj. General E. P. Parker, provost marshal general, Department of the Army; Perry Brown, Beaumont, Texas, national commander of the American Legion, and Charles W. Dullea, member of the California Adult Authority and former chief of police of San Francisco. Edward J. Kelly, executive secretary of the IACP, Washington, D. C. presented his annual report, as did Franklin M. Kreml, director of the Association's Traffic Division, Evanston, Illinois. Reports of the Association's standing committees were submitted throughout the five-day conference. These included the committees on professional standards, public relations, federal, state, and local cooperation, police education and training, police communications, police planning for the future, international relations, arson, and juvenile delinquency.—*From a recent news release.*

Medicolegal Sessions—The Academy of Forensic Sciences, formerly the American Medicolegal Congress, held its annual meeting January 26, 27 and 28, in Lincoln Hall at the Northwestern University School of Law. The wide range of scientific effort fostered by this organization is indicated by the program, which included the following papers: *Academy of*

Forensic Sciences, Its Responsibilities For Publication and Dissemination of Technical Information—Ralph F. Turner; *The Training of the Toxicologist*—A. W. Freireich; *The Value of Medicolegal Symposia in Modern Forensic Medicine*—S. A. Levinson; *Some Useful Devices and Methods Used in Firearms Investigation*—J. H. Mathews; *The Limitations of the Lie Detector Technique*—Fred E. Inbau; *The Court of Last Resort*—LeMoyné B. Snyder; *Law and Medicine*—Orville Richardson; *The Education of a Municipal Police Department Respecting the Sex Molestation Problem*—Val B. Satterfield; *Paternity Exclusion on Basis of Rh and its Subdivisions*—Robert K. Waller; *Analysis of the Results of Blood Tests for A-B, M-N and Rh-Hr in 500 Cases of Disputed Parentage*—Alexander S. Wiener; *The Courts Obligation to Accept as Decisive a Blood Test Exclusion*—Sidney B. Schatkin; *Microchemical Detection of Some of the Heavy Metals*—Sidney Kaye; *Tissue Storage of Mercury Following Repeated Administration of Organic Mercury Diuretics or Mercuric Chloride*—R. N. Harger; *A Comparative Experimental Study of Current Methods for the Forensic Determination of Ethyl Alcohol*—Kurt Dubowski; *The Results of Studies on the Determination of Ethyl Alcohol in Tissues*—Henry C. Freimuth; *Ultraviolet Spectroscopy in Toxicological Analysis*—Milton Feldstein and Niels C. Klendshoj; *The Determination and Identification of Barbiturates by Ultraviolet Spectroscopy*—Leo Goldbaum; *A Method for Determining Barbiturates in Tissue*—Virgil A. Gant; *Blunt Force Injuries of the Abdominal Viscera*—B. M. Vance; *Fatal Carbon Monoxide Asphyxiation from Defective Gas-Burning Refrigerators*—Milton Helpern; *Medicolegal Certification of Sudden Death During Infancy*—Jacob Werne; *Rapid Identification of Human Semen*—Joseph T. Walker; *The Functions of a Toxicologist*—W. J. R. Camp; *Hurdles for the Toxicologist*—Wilbur J. Teeters; *The Relationship of Toxicology to the Pharmaceutical Industry*—Niels C. Klendshoj and Milton Feldstein; *How Shall Toxicity Testing Programs Be Conducted?*—Walter W. Jetter; *Systematic Approach to the Analysis of General Unknowns in Toxicological Determinations*—C. J. Umberger and A. Stolman; *An Occurrence of Mass Poisoning by Arsine*—R. N. Harger; *Ante- and Post-mortem Burning*—Richard Ford; *Criminal Abortions Induced by Intrauterine Pastes*—Frank A. Dutra, Frank P. Cleveland, and Herbert P. Lyle; *The Electron Microscope in the Detection of Crime*—Engineering Division of Radio Corporation of America; *The Application of X-ray Diffraction in Forensic Chemistry*—Engineering Division of North American Philips Company. PROGRAM ANNOUNCEMENT. Editor's Note—according to previous reports, publication of the proceedings of the conference is planned.

Legislative Highlights of 1949—*New York*—Jurisdiction given to the children's courts to take testimony in proceedings to compel support of a wife, child or poor relative within its jurisdiction where the person legally liable resides in a state having similar or reciprocal laws. The testimony may be used in the latter state's proceeding to obtain support. Similarly the children's courts were given jurisdiction to order support in a proceeding against the legally liable person if within the court's jurisdiction, where the needy relative is outside the jurisdiction but in a state with similar or reciprocal laws. Similar reciprocal legislation was passed in ten other states: Connecticut, Illinois, Indiana, Iowa, Maine, Michigan, New Hampshire, New Jersey, Oklahoma, Wisconsin, and in

the Virgin Islands. *California*—The juvenile court law was amended by Chapter 762 to provide that a minor over sixteen alleged to be a delinquent as a law violator may be transferred to an adult court for criminal proceeding. Previously jurisdiction was exclusive to eighteen. *Indiana*—H. B. 40 was enacted, raising the ceilings on salaries of juvenile court probation officers in most counties of the state by amounts ranging from \$500 to \$1400 per year. *Nevada*—S. B. 41, Chapter 63, a revision of the juvenile court law was enacted. The new law is modeled in several sections on the Standard Juvenile Court Act, replacing an archaic law. Under the new law the juvenile court (the district court, as formerly) may transfer only cases of children over sixteen for criminal proceeding, whereas under the old law any case could be so transferred. Also the court is given concurrent jurisdiction, at the discretion of the criminal court over felonies other than capital offenses committed by minors over eighteen and under twenty-one. The new law follows the standard act in eliminating the categories “delinquent,” “neglected” and “dependent.”

Tennessee—Chapter 170 of the state law provides for a commission to be appointed by the governor to study conditions, institutions and laws affecting the welfare of children, and to report to the governor and to the legislature prior to its next regular session. *Texas*—Enactment of H. B. 705 establishes a State Youth Development Council of fourteen members, six appointed by the governor and eight state officers ex officio, to serve as a research and advisory body, and through its executive committee, to administer the state facilities for committed delinquent children, with responsibility for placement, release and discharge. The executive committee consists of the director of the state department of public welfare, who is the council executive secretary, and two others designated by the council. Its duties relating to placement, release and discharge may be delegated to the executive secretary alone, who may further delegate these duties. The council may provide probation service to juvenile courts in counties without probation officers.

Washington—Chapter 50 makes provision for the establishment of a family court in each superior court, presided over by a designated judge in counties with more than one superior court judge. The family court is given jurisdiction in any marital proceeding which comes before it, to implement reconciliation, to issue temporary orders including orders relating to custody of children, possession of property, attorney's fees. The family court may obtain jurisdiction on petition of either spouse where a marital action is contemplated or has been filed. Hearings are private and informal. The court may call on the probation officers to make necessary investigations. If reconciliation fails, the family court retains jurisdiction to hear the proceeding for divorce, annulment or separate maintenance. *Wyoming*—H. B. 63 was enacted, creating a State Youth Council of fourteen members, five ex officio from state departments, two legislators, and seven unpaid lay members appointed by the governor. Its duties are to make studies relating to the welfare of children and youth, and to make recommendations as to legislation. *Colorado*—H. B. 150 includes the provision that in any felony case in which the court has discretion as to the penalty, the court shall order a pre-sentence investigation. Any defendant guilty of a felony other than murder in the first or second degree, or of a

misdeemeanor, may apply for probation, and an investigation by a probation officer shall then be made. Defendants twice previously convicted of a felony are not eligible for probation. The requirement that the district attorney must approve probation has been eliminated. *Alabama*—Act 233 provides for the appointment of a legislative committee to study and make recommendations for the revision of the state penal and correctional system within *thirty* days after appointment. EDITOR'S NOTE—*It appears to this writer that the Alabama legislature has underestimated the complex nature of penal reorganization and reform; the stipulated period of thirty days would permit time for drafting only the most superficial of recommendations.*

Massachusetts—S. B. 662 was passed, providing for a commission to study the laws relating to parole and penal and reformatory institutions, and to report this year to the legislature. *Rhode Island*—The parole law was revised by the enactment of H. B. 591. Instead of separate parole boards for the state prison and reformatory, a unified board of three is established in the department of social welfare. Most provisions are basically the same as under the former law. A new provision is the requirement that the names of parolees shall be a public record. *South Carolina*—An amendment to the constitution places all clemency power, other than the granting of reprieves or commutation of death sentences in the Probation, Parole and Pardon Board. *Nevada*—The Nevada legislature also passed an act (Chapter 111) to make the state a member of the interstate compact for probation and parole supervision. Only three states now are not members of the compact (Georgia, Texas and North Carolina). *Federal*—Two pending bills before Congress propose a federal youth correction act: S. 114 and H. R. 1780 would establish a Youth Correction Board of three, including the director of the Bureau of Prisons, to receive commitments of youths under twenty-four in lieu of the adult penalty generally applicable. Under H. R. 5036 the juvenile delinquency age would be raised to include children under twenty-one (the law now includes children under eighteen), and would provide for a reception and diagnostic center for juvenile delinquents committed to the attorney general. H. R. 4465, 4725, 4841, 5393, S. 904 would provide for a program of research in child life by the U. S. Children's Bureau, including the cause and prevention of juvenile delinquency; these bills propose an initial appropriation of \$7,500,000. H. R. 1538 and 3802 would make desertion of children a federal offense (where the offender moves in interstate commerce. *Focus*, November 1949).

The United Nations and the Control of Narcotics—The United Nations is publishing a series of highly significant bulletins dealing with the international control of narcotics. The control of narcotic drugs is a field in which, during the first half of the twentieth century, international activity has been very productive. From the first meeting in Shanghai in 1909 to the Paris Protocol of 1948, several international instruments were concluded and, indeed, the United Nations, in succeeding the League of Nations, inherited the duty of enforcing a highly complex international legislation. The problem of the struggle against the abuse of narcotic drugs is of interest to many professions and to practically all countries. It is for this reason that the Commission on Narcotic Drugs and the Economic and Social Council decided that it would be desirable to disseminate authoritative information on this subject in a bulletin published by the Secretariat of the United Nations.

The General Assembly upheld this decision. These bulletins will attempt to give the most recent information on the results obtained in the control of narcotic drugs and the struggle against addiction by Governments, by the United Nations and by the organizations established under the Conventions. They will contain technical and scientific articles on narcotic drugs and articles on the legislation and administration in various countries as well as bibliographical material. Guided by these principles and in accordance with the recommendations of the Commission on Narcotic Drugs, approved by the Economic and Social Council, the Secretariat released in October, 1949, the first number of the *Bulletin On Narcotics*, to be published four times a year. Copies may be obtained by addressing the Department of Social Affairs, United Nations, Lake Success, New York. The first issue includes accounts of the preparatory work undertaken with a view to establishing a single Convention destined to replace the existing eight international instruments on narcotic drugs, and to strengthen and to simplify the international control machinery. Practical and tangible results of all these efforts and of international legislation are beginning to appear. Every year an international supervisory body assesses the requirements in narcotic drugs for medical and scientific purposes of each country and territory throughout the world. The quantity of raw material required for the manufacture of these drugs is also known and its importation can be adjusted to the requirements for authorized manufacture. By this means it is possible to limit world manufacture of narcotics effectively to legitimate world demand. All channels of distribution, national and international, are subject to control. All commercial transactions, national and international, and all consumption are recorded and statistics are transmitted periodically to an international control board. The functioning of the system is constantly supervised and coordinated by international organs. Gradually, the problem of limiting the production of the raw materials used in the manufacture of narcotics to the world's medical and scientific requirements and the problem of regulating their distribution are being approached.—UNITED NATIONS, *Bulletin On Narcotics*, No. 1, October 1949.

The Twelfth International Penal and Penitentiary Congress—This Congress will be held August 13 to 19, 1950, at The Hague. The opening, preceded by a reception on Sunday night, will take place on Monday, August 14th, in the morning.

The following persons will be admitted to take part in the work of the Congress:

- (a) Delegates sent by Governments;
- (b) Members of Parliaments, State Councils or equivalent bodies;
- (c) Members of National Academies;
- (d) Professors, Assistant Professors, Readers and Lecturers of Faculties and Universities;
- (e) High officials of the Ministries or Departments concerned;
- (f) Higher officials of prison administrations;
- (g) Members of the Courts and Tribunals;
- (h) Advocates regularly entered at a bar;
- (i) Delegates and members of penal and penitentiary societies and prisoners' aftercare societies;

- (j) Members of the Committee which took part in the preparation of the Congress;
- (k) Persons who have become known by their scientific work in penal and penitentiary questions;
- (l) Persons invited for the purpose by the International Penal and Penitentiary Commission.

The Provisional Bureau of the Congress consists of the Members of the International Penal and Penitentiary Commission, whose special mission is to organize these international assizes.

The persons belonging to one of the above categories who wish to become members of the Congress are requested to send their application to the Secretary of the Local Organizing Committee, Dr. J. D. VAN DEN BERG, Ministry of Justice, Plein 2 b, The Hague, Netherlands (telephone No. 18 00 63, app. 78), and to remit the registration fee (20 guilders) by check or money-order or pay it into the *account of the Twelfth International Penal and Penitentiary Congress, The Hague 1950, at the (Amsterdamse Bank N. V.), The Hague*. Foreign participants will pay to a bank in their country the equivalent of 20 Dutch guilders to be credited to the above account.

Any further information may be obtained through the delegate of the Government on the International Penal and Penitentiary Commission.

The program includes lectures in a general session on the subjects:

Problems of applied penal law and new trends in penal practice.

A code relating to the enforcement of penalties.

What measures would best replace punishment to comply with the requirements of a humane system of social defense?

Four distinct sections will consider the following questions:

Is a presentence examination of the offender advisable to assist the judge in choosing the method of treatment appropriate to the needs of the individual offender?

How can psychiatric science be applied in the prisons with regard to the medical treatment of certain prisoners and their classification?

What principles should underlie the classification of prisoners?

To what extent can open institutions replace traditional prisons?

The treatment and release of habitual offenders.

How should prison labor be organized to yield both moral benefit and a useful social and economic return?

Short term imprisonment and its alternatives (probation, fines, compulsory home labor, etc.).

How should the conditional release of prisoners be regulated? Is it necessary to provide a special regime for prisoners whose sentence is nearing its end to avoid the difficulties arising out of their sudden return to community life?

To what extent does the protection of society require the existence and publicity of a register of convicted persons and how should this register and the offender's restoration to full civil status be organized with a view to facilitating his social rehabilitation?

Developments in the penal treatment of juvenile offenders.

Should the protection of neglected and morally abandoned children be secured by a judicial authority or by a non-judicial body? Should the Courts for delinquent children and juveniles be maintained?

Should some of the methods developed in the treatment of young offenders be extended to the treatment of adults?—Sanford Bates.