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CRIMINOLOGY IN NORTHWESTERN UNIVERSITY 1851-1951

Robert H. Gault

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INTRODUCTION

In this introductory article I attempt to point out some of the fruitful movements related to Criminology in which Northwestern University has been active. The University has been directly or indirectly responsible for starting some of them; others it has not only launched but fostered continuously.

It is proper to recall, first of all, that the mere founding of the University and of similar institutions in the midwest about a hundred years ago, can be interpreted as expressing a conscious or subconscious urge of the founders and their followers toward security and order in public and private life; toward a smoothly functioning society of self-disciplined men and women as a substitute for the every-fellow-for-himself-and-the-Devil-take-the-hindmost type of individualism which was ominous during many years preceding 1851, and which yielded but slowly thereafter. Every one of these institutions, at its founding, was a sign of long continued aspiration toward the higher values of life and of a protest, even a rebellion against the sordid, unruly and lawless features of the times. But even the best-intentioned men could not, by one motion, lay down the framework, shafts and gears of what would shortly become a social mechanism operating as smoothly and as accurately as a ship chronoscope. It was a period of almost inconceivably rapid development under forced draft.

LOW TIDE—SOCIALY

We can hardly appreciate the fact that only twenty-five years before the University was planted in a swampy wilderness the population of the entire northern half of the State of Illinois—not counting Winnebagoes, Kickapoos and Potawatomes—was probably not more than 1,300 souls.¹ And who were they? Strays, most of them, from towns which had been built by southerners along the great Ohio and Mississippi Rivers and the Wabash.

Then came a miracle. It was as if the tide of those great water courses had been rolled backward and made to discharge through the Hudson. The thousand boatloads of freight which had been floated

1. WOOD GRAY: *THE HIDDEN CIVIL WAR*, p. 24.

annually to New Orleans from the upper waters of the Mississippi and the Ohio began to pile up on the wharves in New York on a short route to Europe. For the Erie Canal was opened in 1825.² This man-made bypass of the Falls of Niagara was soon hidden by barges, prow to stem, carrying west bound passengers, household goods and other freight. It was a California Gold Rush ahead of schedule. And what a rush!

Who were these travelers? A host direct from New England; a few of their cousins from Pennsylvania and southern Ohio; German immigrants from Europe; there were English, Scotch-Irish and unqualified Irish, and a handful of British Americans. They were the most vigorous, daring, imaginative, and independent of their several kinds; a favorable augury for the midwest—given time enough.

Land hunger and thrift came in with these pioneers. "Grab it while you can!" The New Englanders brought, also, a respect for education and religion, though not too much of either commodity. They brought a whiff of the Puritanic atmosphere; that is, all people should honor authority—but, for themselves, they were prepared to smother it when it crowded them too hard. Anti-slavery indoctrination had already seared the New Englanders and it was soon to burn them deep.

Southern folk in the midwest thought the New Englander grasping, sanctimonious, hypocritical, and they were targets of mild contempt in return—becoming less mild, more vocal and more muscular. The Green Mountaineers said the Southerners were "shiftless"—and what could be worse than that?³

The Germans brought hand skills which were growing useless in Europe nor more useful in America. They brought agricultural skills, too, and some of them a deep disappointment because European programs of political reform seemed doomed to futility. The Germans adjusted well to the New Englanders but their language herded them into communities apart.

The Irish, among immigrants from abroad to Illinois, were next after the Germans, percentagewise. Famine, oppression and political frustration had been too much for them at home. They brought to America a flair for politics, devotion to their church, a willingness to work hard and an unvarnished, blatant hatred of the English. They were never quite hand in glove with the Germans, either, and there was reciprocity at that point. They squinted at the Southerners who

2. DE BOW'S REVIEW OF THE SOUTHERN AND SOUTHWESTERN STATE, XII (May 1832), p. 502 (Quoted by WOOD GRAY IN THE HIDDEN CIVIL WAR, p. 20).

3. WOOD GRAY: THE HIDDEN CIVIL WAR, Chapter I.

“glanced down their noses” at the poor Irish laborer (though he was a Democrat) and toward the “Dutchman,” also, on his small acres.

The English, the Scots and the British Americans, managed to get on with the New Englanders by dint of common language and traditions. But they had to keep their own side of the road, for the Yankees were “as good as anybody.” The Constitution had made them so! If God had ever anywhere called one to a lower sphere and another to a higher, He was doing better in the midwest! Dickens’ description of American tobacco chewers and their table manners⁴ couldn’t alter that fact nor could other British writers like Harriet Martineu,⁵ who never saw “manners so repulsive” as those of “American ladies on steamboats.”

If the native American new midwesterner of a hundred years ago was an individualist, phrases like those of Dickens and Martineu made him a two-fisted individualist with a capital “I.” Government was made for him, literally, not the other way around. The majesty of the courts and the law? He made the laws—even the President—and he could do as he liked with them whenever it pleased him. His neighbors were of the same mind. Every man went as far as he dared toward being a law unto himself. Abraham Lincoln took occasion to caution the people against this attitude: “the lawless in spirit are encouraged to become lawless in practice.”⁶ The social level in America was at a low ebb—some say its lowest level—in the period between 1830 and the Civil War, and the life of the nation hung by a thread.

Such was the social atmosphere which surrounded the founders of Northwestern University in 1851 when Chicago was an ugly, fly-bitten, muddy or dusty (in season) city of 28,000 or 30,000, all but a few hundred of whom had moved in during the preceding twenty-five years. The ugly duckling didn’t become a swan overnight, thereafter, and it was a long way to go to find anything better. Sensitive men and women, wishing for order, for security in person and estate, for comfort and for what is nice, rather than boisterous, found much to dislike in the midwest as they saw it in 1851 and earlier. Their sensitivity alone was ground for good hope.

HIGHER ASPIRATIONS WIN

So the University arose in a rough period among a people for whom “self-discipline,” the spine of democracy, and the heart of “freedom”

4. CHARLES DICKENS: AMERICAN NOTES AND MARTIN CHUZZLEWIT.

5. HARRIET MARTINEU: SOCIETY IN AMERICA.

6. A. MAURICE LOW: THE AMERICAN PEOPLE, Vol. II, p. 352. See also: Footnote *ibid.*, p. 344. (From LINCOLN’S LETTERS AND ADDRESSES, p. 8.)

was as yet an unlearned word. It was a time when the many cherished the highest aspirations while they protested against untoward circumstances. A few, as always, combined aspiration and protest with practical ability for management. The result: institutions which would be conservators of the old prized values and, therefore, both symbols and promoters of public order and security. That was the University's reason for being—not either theological or other isms.

Bishop John T. Durbin, in his Report to the General Conference of the Methodist Church in 1848, expressed the general urge for a healthful influence upon the nation. To this end he said:

Our schools must comprehend the whole circle of learning and be open to all. The wealth and intelligence of our people will require the most accomplished education. But if our schools were organized only for our own people, and afforded little more than instruction in our own peculiar views, they would contribute to make us a bigoted sect instead of an enlightened and liberal church . . .⁷

There is liberality in those words. Without it no university can be what Northwestern has been since its founding. The University has never departed from that spirit. No quotas are set against any race, creed or color.

Dr. John Evans, whose name is most frequently associated with the beginning of the University and of the City of Evanston, shared the liberality of others in matters of religion and public welfare. He made opportunity to cooperate with the Sisters of Mercy to the end of enlarging their ministrations to the sick which they had already greatly advanced.⁸ Their program resulted in the creation of Mercy Hospital in Chicago. Somewhat earlier than this, while Dr. Evans was yet practicing medicine in Indiana, he took a forward position in a letter addressed by him to his State Legislature in 1844 in respect to the care of the mentally ill. He thus antedated the famous address on the same subject which Dorothea Dix made to the Illinois Legislature in 1847.⁹

Thus, before 1851, the atmosphere was fit to promote a university, and ever since the function of Northwestern University has been to promote public order and well-being in the fullest sense of the term; to teach all knowledge to all comers "without distinction of complexion, blood or sex" as President Fowler expressed it in his Inaugural in 1873.

NORTHWESTERN UNIVERSITY ESTABLISHES A LAW SCHOOL

A half-dozen years after its establishment, the University took a step the like of which is always associated with the promotion of public

7. ARTHUR HERBERT WILDE, Editor: *NORTHWESTERN UNIVERSITY—A HISTORY—1855 TO 1905*, p. 100.

8. WALTER DILL SCOTT: *JOHN EVANS—AN APPRECIATION*.

9. ALBERT DEUTSCH: *THE MENTALLY ILL IN AMERICA*, Second Edition, p. 167n.

order—a step that was destined to lead into probably the most distinctive work of the century as far as Criminology is concerned. For the following announcement was published in the University Circular for 1857 to 1858:

Arrangements have been made by which a Law Department will be established in the City of Chicago during the present year. The faculty will be elected and buildings provided immediately. Several eminent gentlemen of the (legal) profession are now engaged in maturing plans.

The Department was not actually opened until April, 1859.¹⁰

A SEMI-CENTENNIAL

As the Law School approached its Fiftieth Anniversary Dean John Henry Wigmore and the Law Faculty conceived the idea of celebrating the occasion by a "soul searching discussion of the needs" of the criminal law and its administration, and by inaugurating, if possible, a *modus operandi* for satisfying whatever needs might be discovered.

Up to that time both the teaching and the administration of the criminal law in the United States had received but the slightest attention. There was, however, an awakening interest in the reformation of law and procedure, and, as Dean Wigmore often said, "a crying need for cooperative effort between lawyers and scientists."

In the early months of 1908 the Dean, in cooperation with Nathan William MacChesney, then in the practice of law in Chicago, Roscoe Pound, Professor of Law in Northwestern University and others began organizing a local Committee on Arrangements. As a consequence the "happy conception" took on flesh in the form of the National Conference on Criminal Law and Criminology. It was a promise of America's most fruitful developments in the area of criminal law and its administration.

The following extract from the Dean's letter of invitation to join the local Committee indicates the scope of the Conference which assembled at the Law School in June, 1909:

The origin of the plan is this: 1909 is the Fiftieth Anniversary of the founding of this Law School, and instead of having any elaborate self-centered festivities, we should like to signalize the occasion by rendering some public service to our profession and the community. One of the greatest needs of today is to awaken the legal profession to the striking modern advances, made outside of it, by the sciences that contribute to Criminology. The legal profession must take advantage of these advances. The near future must see a thorough recasting of our criminal law and procedure in the light of the contributing sciences. We believe that the only way to accomplish this with system and intelligence is to bring together

10. ARTHUR HERBERT WILDE, EDITOR: *Op. cit.* Pp. 204, 205.

leading workers in the fields of Medicine, Psychology, Sociology, Penology, Juvenile Courts, Legal Aid Societies, etc.; and to bring to meet them the leading representatives of the work of Criminal Courts, States' Attorney's Offices and Practitioners; and at this Conference to exchange ideas, adjust differences, and organize a propaganda for the spread of accepted principles and the study of suitable divisions of law and procedure, perhaps by forming a national society with local branches . . . to insure the success of the Conference, it must be organized by a local (Chicago) committee of representative workers in these different fields . . .¹¹

The committee formed as a result of this communication was representative of Medicine, Sociology, Psychology, Penology, Judges, Professors of Criminal Law, Police, Legal Aid Societies, Prosecuting Officers, and Practitioners of the Law. It was desired that the Conference to be arranged should comprise well-known workers in such numbers "that the Conference will signify a potent expert opinion, and will result in deeds, not words." The grand project outlined here is reminiscent of Blackstone's words:

Sciences are of a sociable disposition, and flourish best in the neighborhood of each other; nor is there any branch of learning but may be helped and improved by assistances drawn from other arts.¹²

A group of 150 delegates was brought together, each recommended by the Governor or the Chief Justice or the U. S. District Judges in his state or territory. Each delegate had been asked to send to the Committee one or more questions which he considered appropriate for discussion in the Conference sessions and 135 were contributed—a wide variety of topics. They included the Indeterminate Sentence, Rehabilitation, Procedure of Juvenile Courts, Treatment of Accused Persons in Detention, Indemnity for Wrongful Detention, Employment of Prisoners, Bureaus of Identification, Probation and Parole, The Insanity Plea, Public Defenders, Selection and Treatment of Jurors, Increasing the Effectiveness of the Jury System, Unnecessary Multiplication of Criminal Laws, Examination of Accused Persons, Simplification of Pleading, Need of Agencies for Collecting Criminal and Judicial Statistics, Restrictions of Appeal, Reversal for Technical Errors, Enlargement of the Powers of Judges, Constitution and Procedure of Municipal Courts, Laboratories for the Scientific Study of Criminals, Individualization of Punishment, Use of Medical and Psychiatric Expert Testimony and others.

It was obviously impossible to do justice to more than a small fraction of the proposed topics during the sessions of the Conference. Pre-

11. From: THE WIGMORE PAPERS. Elbert H. Gary Law Library, Northwestern University, Chicago.

12. BLACKSTONE: COMMENTARIES, Section I.

liminary discussions resulted in assigning selections from among them to sections of the Conference. Ultimately the most urgent of them were recommended for reference to research committees in a permanent organization which was taking form in the imaginations of many delegates.

The conflicting views expressed during discussions in the Conference are seen as an index of the departmentalized and insulated character of the sciences and arts of the day, as far as they related to understanding the fundamentals of delinquent or criminal behavior, what to do about it and how. The delegates rightfully interpreted the situation as one which needed correction in the interest of public order and happiness—a situation that could be met successfully only by provision of continuous research and exchange of opinion.

SOME FRUITS OF THE CONFERENCE

This interpretation was the inspiration of three important resolutions. The first recommended creating an organization for research. The second called for the appointment of a committee to study the feasibility of establishing a periodical in the area of criminal law and criminology. The third resolution was to the effect that a committee be appointed to be responsible for translating and publishing in English such European treatises on criminology as might be selected for the purpose.

President A. W. Harris, in his report covering the year 1908 to 1909, drew the attention of the University Trustees to the Conference as an event of the greatest importance. In that connection he quoted the Report of the Dean of Law in that year to the effect that a Professorship of Criminal Law or of Criminal Science was a great need. President Harris added, "Perhaps no one factor will contribute so much to the correction of Criminal Law Administration as the establishment of Chairs of Criminology in leading universities."

THE AMERICAN INSTITUTE OF CRIMINAL LAW AND CRIMINOLOGY

The first recommendation of the Resolutions Committee resulted in the organization of the American Institute of Criminal Law and Criminology the function of which should be to conduct systematic investigations, within the area of criminology, through committees formed for the purpose. Dean John H. Wigmore became the first president of the organization. A year later the first annual meeting

of the Institute was held in Washington in conjunction with the International Penal Congress. Organization of the Institute was completed at this meeting, and committees were appointed. Several of them made their first reports at the next annual meeting in Boston under the presidency of General Nathan William MacChesney. We have already alluded to the fact that he had been actively associated with others in promoting and managing the Conference of 1909.

The following committees reported at the Boston meeting:

ON A SYSTEM OF RECORDING DATA CONCERNING CRIMINALS.
EDWARD A. ROSS, Chairman;

ON JUDICIAL PROBATION AND SUSPENDED SENTENCE. WILFRED
BOLSTER, Chairman;

ON CRIMINAL PROCEDURE. ROSCOE POUND, Chairman;

ON INDETERMINATE SENTENCE AND RELEASE ON PAROLE.
ALBERT H. HALL, Chairman;

ON CRIME AND IMMIGRATION. GINO C. SPERANZA, Chairman;

ON TRANSLATIONS OF EUROPEAN TREATISES. WILLIAM W.
SMITHERS, Chairman;

ON CRIMINAL STATISTICS. JOHN KOREN, Chairman.

This record of accomplishment in so short space of time by a unique organization is an indication that the time was ripe for coordinated work in the area of Criminology. No less, it is indication of meticulous care on the part of University personnel who laid the groundwork in 1908 and 1909 and who subsequently attended to details of organization.

In his Report for 1929 to 1930, Dean Leon Green of the Law School said that the Institute, since 1909, had participated in practically "every movement in the development of Criminal Law and the Administration of Criminal Justice in this century."

The reports made in Boston and those that came later are published in this *Journal* in the volumes and at the pages as indicated in the tabulation below:

CLASSIFICATION OF CRIMES: V—807 ff.;

CRIME AND DRUGS: VIII—502 ff.; IX—341 ff., 350 ff.; X—
356 ff.;

CRIME AND IMMIGRATION: II—546 ff., 554 ff.; IV—523 ff.;
VI—522 ff.; VIII—675 ff.;

- CRIMINAL EXPERTS: V—330 ff.;
- CRIMINAL PROCEDURE: I—584 ff.; III—12 ff., 566 ff., and 677 ff.; V—343 ff., 827 ff.; XI—344 ff., 468 ff.; XII—582 ff.
- CRIMINAL STATISTICS: I—477 ff.; II—568 ff., 877 ff.; V—653 ff.; XI—440 ff.; XIV—75 ff.;
- CRIMINALS: I—84 ff.; V—514 ff.; VII—373 ff.; VIII—499 ff.;
- CRIMINOLOGY, TEACHING OF: X—354 ff.;
- EMPLOYMENT OF PRISONERS: V—337 ff.; 880 ff.; VI—507 ff.;
- EVIDENCE: V—643 ff.;
- INDETERMINATE SENTENCE: II—483 ff.; III—543 ff.; IV—514 ff.; VI—73 ff., 807 ff.; VII—492 ff.; VIII—491 ff.; IX—534 ff.; X—223 ff.; XI—473 ff.;
- INSANITY AND RESPONSIBILITY: II—521 ff.; III—719 ff., 890 ff.; IV—67 ff.; VI—672 ff.; VII—484 ff.; X—184 ff.;
- JURORS: V—333 ff.;
- JUVENILE OFFENDERS: V—344 ff.;
- POLICE: X—351 ff.; XI—453 ff.;
- PROBATION: I—438 ff.; VII—654 ff.; VIII—694 ff.; IX—422 ff.;
- PUBLIC DEFENDER: XI—467 ff.; XII—476 ff.

The interest in the field covered by the Institute was so profound and had been so actively stirred that the Committee on State Branches was able to report at Boston the formation of branches in five states and plans for organization in eight others including the District of Columbia.

THE JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY

The recommendation relating to establishing a periodical to cover the area of Criminology was placed in the hands of a special committee of the 1909 Conference with John D. Lawson of Columbia, Missouri, as Chairman. When the ground had been thoroughly surveyed this *Journal of Criminal Law and Criminology* was established, but not until the committee was assured that the initial expense could be met. Fortunately, far seeing friends came forward as donors to the extent that was necessary. It is appropriate to repeat their names here, as they have been recorded at the second page in our first volume:

From Chicago :

Frank O. Lowden
 Morton D. Hull
 Julius Rosenwald
 Nathan William MacChesney
 Milton H. Wilson
 John Barton Payne
 Levi Mayer

Albert Loeb
 Frank J. Loesch
 Charles H. Hamill
 Joseph H. Defrees
 Horace S. Oakley
 George W. Sheldon
 Mrs. W. R. Stirling

Herbert J. Friedman

From New York :

Isaac N. Seligman
 Annie B. Jenning
 Felix M. Warburg
 Edward J. Harkness
 Frederic B. Jennings
 Robert S. Brewster

John H. Huyler
 Edward T. Devine
 (through J. P. Byers)
 Jacob H. Schiff
 (through John D. Lawson)
 A Friend

The first number of the *Journal* appeared in May 1910, under the editorship of James W. Garner, Professor of Political Science in the University of Illinois, who had been a member of the 1909 Conference. He continued in that capacity until the autumn of 1911. When Professor Garner brought out the first number of this *Journal* there was no other in the field in the English language, though in Europe and in South America there were some thirty or forty.¹³

The *Journal of Criminal Law and Criminology* is a common platform for all who are competent to contribute to an understanding of Criminology, regardless of their classification in respect to the professions, occupations, arts, sciences and other fields of knowledge. That makes it a unique periodical. An unwritten law has demanded since the beginning that each volume shall comprise a Criminological ration, so balanced that whoever is enough interested in the field, may find something that appeals to his appetite. It is desirable, indeed, that each number be equally generous. This situation calls for a Board of Editorial Associates whose total scholarship represents the many angles of thought and practice among criminologists.

The cooperation of specialists on our Board caught the attention of Professor David Cavers, Editor of *Law and Contemporary Problems* some years ago. He wrote: "It is in this periodical that the union of diverse disciplines seems to me to have been more fruitfully achieved than in any other legal periodical." He urged other publications to "follow the example that has been set by the *Journal of Criminal*

13. See this JOURNAL, Vol. I, pp. 163-166.

Law and Criminology, that is, to coordinate a group of specialists on its Editorial Board. . . ."¹⁴

The *Journal of Criminal Law and Criminology* has been published continuously since its first appearance. It circulates in all civilized countries and is one of the best known of the Northwestern University publications. Several Monograph Supplements have been published in connection with the *Journal* as follows:

Pathological Lying, Stealing and Accusation. By William Healy, M.D.
Studies in Forensic Psychiatry. By Bernard Glueck, M.D.
The Unmarried Mother. By Percy G. Kammerer.
The Unadjusted Girl. By William Isaac Thomas.

(All the above were published by the Little, Brown and Company of Boston and the three following by the University of Chicago Press.)

The Natural History of Vice Areas of Chicago. By Walter H. Reckless.
The 42-Gang and Other Studies of Organized Crime in Chicago. By John Landesco.
Analysis of the Chicago Police Problem. By Bruce Smith (Auspices of the American Institute of Criminal Law and Criminology, The Research Committee of the University of Chicago, The Chicago Crime Commission and Northwestern University).

THE MODERN CRIMINAL SCIENCE SERIES

The third of the three 1909 Conference Resolutions, mentioned above, recommended the publication of translations of European treatises on Criminal Science. The recommendation resulted in the Modern Criminal Science Series. It includes the following volumes and they have had inestimable value for teachers and others in the United States at a time when our literature was scant:

Modern Theories of Criminality. By C. Bernaldo de Quiros of Madrid (Translated by Prof. Alphonso de Salvio).
Criminal Psychology. By Hans Gross, Prof. of Criminal Law in the University of Gratz (Translated by Dr. Horace M. Kallen).
Crime, Its Causes and Remedies. By Caesar Lombroso, Prof. of Legal Medicine in the University of Turin (Translated by the Rev. Henry P. Horton).
The Individualization of Punishment. By Raymond Saleilles, Prof. of Comparative Law in the University of Paris (Translated by Mrs. Rachel Szold Jasprow).
Criminal Sociology. By Enrico Ferri, Prof. of Criminal Law in the University of Rome (Translated by Joseph I. Kelly).
Penal Philosophy. By Gabriel Tarde, Prof. of Modern Philosophy in the College of France (Translated by Rapelje Howell).
Criminality and Economic Conditions. By W. A. Bongers, Dutch Publicist (Translated by the Rev. Henry P. Horton).
Criminology. By Raffaele Garofalo, Court of Appeals of Naples (Translated by Robert W. Millar).
Crime and Its Repression. By Gustav Aschaffenburg, Prof. of Psychiatry, in the Academy of Practical Medicine at Cologne (Translated by Adalbert Albrecht).

14. DAVID CAVERS: A SURVEY OF LEGAL PERIODICALS. *Virginia Law Review*, Vol. 23, No. 1 (Nov. 1936).

POLICE SCIENCE AND TRAINING

One of the delegates to the Conference of 1909, Lee S. Estelle, Judge of the Juvenile Court of Omaha, urged that there was no more important subject for the Conference to discuss than the education of the police. He drew a word picture of the lack of social responsibility among them as of that time—an impassible barrier which prevented the police from effectively promoting public order. There seems to have been no extensive discussion of the subject in the course of the Conference, but it is interesting to observe that approximately a year later the following minute was inserted in the Records of the Law School Faculty under date of November 4, 1910:

It was voted that the faculty recommend that a course of lectures be offered to members of the police force of Chicago under the auspices of the Law School and that a Committee of two be appointed to make arrangements for such a course. Messrs. Keedy and Crossley were appointed members of the Committee.

There is no evidence of further developments following upon this action. But during the years that followed a course in general Criminology for undergraduates was given in the Department of Sociology in the College of Liberal Arts, and a course by the writer in the Department of Psychology, which emphasized such psychologic conditions as are found in delinquents and criminals. Through this course of instruction there was almost constant contact with the Evanston Police Department and, with the cooperation of the Chief, the Juvenile Police Officer was usually in attendance with the regular students, as an auditor.

Serious participation on the part of the Law School in the education and laboratory training of Chicago Police began in 1929, soon after the so-called "St. Valentine's Day Massacre" in Chicago when Col. Calvin Goddard, well known as a criminal investigator, opened a laboratory in Chicago where he pursued his professional work and cooperated with the city in the training of police. Col. Goddard and his laboratory were affiliated from the first with the Law School.

The *American Journal of Police Science* was established at the same time—1929—under the Editorship of Col. Goddard. In 1932 it ceased to be published separately and thereafter it has continuously been included as a section of this *Journal*. In the same year the ownership of the laboratory passed to Northwestern University where it remained until 1938 when it was sold to the City of Chicago. Even so, one or more members of the University personnel have continued active in research and publication in the field of Police Science, in occasional instruction in police training schools, and in an annual summer course of lectures for Prosecuting Attorneys given under the

auspices of the Law School. These features of University work will be covered in another contribution to this series.

An exceedingly important angle of police training is represented by the Northwestern University Traffic Institute located in Evanston. In 1933, the Evanston Police Department, in cooperation with the University, began offering an annual two-weeks training course in Traffic Safety for Police Officers. Three years later, when this new venture had thoroughly justified itself, several national organizations became interested in the University's project for creating a full-time Traffic Institute. Franklin M. Kreml, who had developed the work thus far, was made Director of the Institute and it was at once affiliated with the University. The primary task of the Institute is to train officers of superior quality to promote highway safety and others to administer traffic divisions of state and municipal police forces. Approximately 2,000 officers selected from every state in the Union, from the Republic of Panama, the Canal Zone, Canada, the Philippine Islands, Mexico, China and Puerto Rico have been trained in the Institute. Moreover, several hundred Traffic Court Judges, Prosecutors, Driver Training Instructors, Motor Vehicle Fleet Supervisors and Military Traffic personnel have been trained in the organization for their specialized duties.¹⁵

Northwestern University has reason for pride in its pioneering and its continuous participation in what has become one of the most meaningful social developments of recent years—Police Science and the Professional Education of the Police.

THE LEGAL CLINIC

Other developments followed upon the Conference of 1909. There is, for example, the Legal Clinic. It is analogous to the medical clinic and is designed not only to familiarize students with certain professional techniques but to build desirable social attitudes toward the ancient profession of the law.

The clinic, as a feature of the Law School, was begun by vote of the faculty in 1919 to 1920. It was an innovation at the time. Originally it included both civil and criminal law features and students in the third and fourth years were required to participate in it. The criminal feature was dropped in the early thirties. Clinics of this nature had already been advocated in many places prior to 1919, but it was first installed in Northwestern University where it was said to have become

15. From Records of the Northwestern University Traffic Institute, Evanston, Illinois.

the most comprehensive of law school clinics. Since 1926 the Law School's participation in this work has been supported by the James Nelson and Anna Louise Nelson Foundation.

BEHAVIORISTIC APPROACH

We have noticed that the original Conference of 1909 thought it urgent that lawyers and criminal courts should make use of pertinent data relating to delinquents, to criminals and their treatment in all avenues of criminal law administration which certain scientific folk were making available. Studies of human behavior generally and, more particularly of the psychological aspects of testimony and identification of persons were popular at that time. The vogue of testing for the discovery of intelligence levels had been rising for a decade and feeble-mindedness was becoming one of the first words in the dictionary. Enthusiasts were on the way toward making it appear that an institution should be built in nearly every second city block to care for mentally-deficient children and as means for the prevention of delinquency and crime; for an enormous proportion of delinquent minors were being described as feeble-minded and as the makings of confirmed adult criminals. The facts were overstated even though honestly and usefully.

One of the earliest acts of the Institute of Criminal Law and Criminology was the appointment of a research committee on Insanity and Responsibility. Its numerous reports have been published in this *Journal*, as indicated earlier in this article, and hardly a number has been issued since May, 1910 which does not include a major, or at least a minor contribution to the literature on the psychologic and psychiatric nature of delinquents or of criminals.

Northwestern University through the *Journal of Criminal Law and Criminology* can honestly claim a fair share of credit for cracking the ancient, inadequate mold that had formed our legal and popular concepts of criminal behavior, and our techniques of trial, sentencing and meting out punishment. The administration of justice cannot be successfully separated from the outcome of scientific insight into the mental nature of those who are charged with crime. Research relating to the psychopathic personality and its social consequences, conducted in our Northwestern University School of Medicine, Department of Psychiatry, and in scores of other institutions have shown the uselessness of the horsewhip for either preventive or corrective purposes.

In the course of the first years of the history of this periodical, members of the University were in continuous contact with what was then known as the Juvenile Psychopathic Institute in Chicago which

was launched in 1909 as a means for applying behavioristic science to the proceedings of the Juvenile Court. The Director of the Institute, William Healy, M.D., was an active member of the *Journal's* Editorial Board. The work he directed in association with the court, his numerous contributions to these pages and such pioneer publications as *The Individual Delinquent* and other books by himself and his associates, went far, even in those early years, to correct what are now recognized as fantastic views of the intelligence—or lack of intelligence—of juvenile delinquents. At the same time they pointed the way to more fruitful considerations.

In more recent years studies of feeling and emotion as affecting human behavior may be said to have established a trend. Almost unnumbered cases have been revealed in which instability of feeling and emotion, fixed even in early childhood if not in ancestry, has been perhaps causatively associated with delinquency and criminal action.

It is an important consequence of these studies that now practically all juvenile courts in our country—and many criminal courts—have their own clinics, or have established relationship with mental hygiene clinics and others in their vicinity.

THE PSYCHO-EDUCATIONAL CLINIC

The Northwestern University Psycho-Educational Clinic was opened in September, 1930 in the School of Education. Its functions are to instruct a limited number of graduate students in the techniques of Child Study; to provide educational diagnoses and psychological services for children referred to the Clinic from outside agencies and to direct and coordinate Research in Child Development.¹⁶

In as far as clinics of this nature relate to instruction and training of parents and teachers for the purpose of promoting mental health and good character in young children, they are important agencies for meeting the problems of Criminology. Questions of what penal laws to enact, what should be the organization and procedure of criminal courts and what are the best police techniques—all are in the nature of queries as to how the barn door may best be locked after the thief has made off with the horse. These questions all lose some of their urgency where mental health and sound character have been planted early. For however long men may live, and whatever successes, disappointments and upheavals they may experience along the way, they never quite outgrow their childhood, whatever its character.

16. Private Correspondence with Professor Paul Witty of the Northwestern University School of Education.

The founders of the University understood this in general outline one hundred years ago. It was their common sense. The social order, security and freedom which they loudly acclaimed could be attained and defended only as individuals would impose discipline upon themselves. It could not be successfully thrust upon them from without. But men and women will not be at the inconvenience of self-discipline except as they earnestly want what they feel is greater than themselves. This, too, was the common sense of the founders. They established a university in the belief that it would conserve and develop great human values and lead successive generations to try to attain them. Whatever criminologists are doing today, it will stand or fall only as it facilitates the realization of that great purpose.