

1955

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Recommended Citation

Brevard E. Cihfield, Herbert Wiltsee, Recent Developments in Interstate Crime Control Legislation, 45 J. Crim. L. Criminology & Police Sci. 641 (1954-1955)

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RECENT DEVELOPMENTS IN INTERSTATE CRIME CONTROL LEGISLATION

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Early in 1952 an article appeared in this *Journal*¹ which reviewed the substance of a uniform interstate crime control program that had been developed some twenty years previously. That program encompassed uniform acts on fresh pursuit, extradition, interstate rendition of witnesses, cooperative supervision of parolees and probationers, arrest, firearms, and narcotic drugs. A few months after the article appeared a new and greatly expanded program of model state legislation in the same general field was promulgated by the American Bar Association, the National Conference of Commissioners on Uniform State Laws and the Council of State Governments.

Many factors led to the development of the "new" crime control program. Most notable, perhaps, were the hearings and reports of the Senate Crime Investigating Committee which, during 1950-51, aroused the public to the dangers of organized crime. But the spotlight of the Senate Crime Investigating Committee was not illuminated suddenly and on an impulse. There had been a noticeable increase in crime during the 1940's and especially after World War II. Law enforcement officials—state, local and federal—were aware of this and had been seeking effective and concerted action to combat the growing crime wave. During the winter of 1949-50 many state and local officials communicated with the Attorney General of the United States expressing their alarm over the mounting problems of criminal law enforcement facing their states and communities, particularly the difficulties presented by organized and syndicated gambling. The National Association of Attorneys General, for example, pinpointed the problem at its meeting in October, 1949.² In view of this situation it was suggested that a conference be called to discuss law enforcement problems of all levels of government. Accordingly the Attorney General of the United States called such a conference, which met in Washington on

¹ See CRIHFIELD and WENDELL, *Crime Control and Uniformity of Criminal Law*, JOUR. OF CRIM. L., CRIMINOL. AND POL. SCI., Vol. 42, No. 5, pp. 571-588 (1952).

² Proceedings of the Conference of the National Association of Attorneys General, 1949, Chicago pp. 124-25 (1950).

February 15, 1950 under the designation of the "Attorney General's Conference on Organized Crime."³ Several lines of action were recommended, including the development of state legislation, but necessary research and drafting remained to be done.

The Senate's investigative action came next. On May 3, 1950, the Senate agreed to a resolution which established the Special Committee to Investigate Organized Crime in Interstate Commerce.⁴ One week later the committee membership was named: Senators Hunt, Kefauver (Chairman), O'Connor, Tobey and Wiley. The Senate Committee made two significant reports which are appropriate to the purposes of the present article. Each of them contained suggested legislative action by the States. In the Committee's Third Interim Report⁵ there were explicit recommendations with regard to state crime investigating bodies, state-level responsibility for law enforcement, organization of racket and special purpose squads, stricter sentencing provisions, and tougher antigambling laws. The Final Report of the Committee⁶ repeated these recommendations and called for uniform legislation and administrative action to block the illicit traffic in narcotics, to provide more restraints over the dispensing and use of barbiturates, to establish treatment facilities for narcotic addicts, to initiate statewide conferences of prosecutors, and to prohibit political contributions by gangsters and racketeers. Neither Committee report, however, included draft language to implement any of these proposals.

The activities of the Attorney General's Conference on Organized Crime and the Senate Investigating Committee made it abundantly clear that there would be a necessity for well conceived bill drafting if the essential objectives were to be realized. The initiative for this drafting was taken by the American Bar Association and the National Conference of Commissioners on Uniform State Laws. At the annual meeting of the American Bar Association in September, 1950, a special Commission on Organized Crime was established. In addition to making comprehensive studies in the field of criminal law, criminal procedure, law enforcement, sentencing practices, etc., this Commission on Organized Crime under the leadership of the late Judge Robert P. Patterson of New York, and following his death under the chairmanship of Walter R. Armstrong of Tennessee, also undertook responsibility for drafting four important model state acts to combat organized crime. One year later, in September, 1951, the National Conference of Commissioners on Uniform State Laws agreed to establish a special committee to draft additional crime control legislation.

The National Association of Attorneys General and the Council of State Governments were destined to play a coordinating role in the development of the over-all program of state legislation to curb organized crime. The specific coordinating device used was the Drafting Committee of State Officials, a standing body under the aegis of the Council of State Governments, composed of Attorneys General, legislators, uniform law commissioners, and other state officials. This Committee, with the cooperation of the United States Department of Justice, develops each year a program of suggested state legislation which, in the form of a printed report,

³ See PROCEEDINGS OF THE ATTORNEY GENERAL'S CONFERENCE ON ORGANIZED CRIME, *February 15, 1950*. The Department of Justice, Washington (1950).

⁴ See S. Res. 202, 81st Cong., "A Resolution to Investigate Gambling and Racketeering Activities."

⁵ Senate Report No. 307, 82nd Cong., 1st Sess., May 1, 1951.

⁶ Senate Report No. 725, 82nd Cong., 1st Sess., August 31, 1951.

is distributed widely among state officials and receives careful consideration by state legislative research agencies, interim committees, and commissions on interstate cooperation. In early October, 1951, the national Governors' Conference requested the Drafting Committee to "prepare specific drafts of suggested state legislation designed to remedy any present deficiencies" in the control of organized crime. The Drafting Committee met shortly thereafter, on October 25-26, in Washington, D. C., and reviewed this request. In attendance as a guest was Judge Morris Ploscowe, Executive Director of the American Bar Association Commission on Organized Crime. Following a discussion of the work already under way in this field by various organizations, the Drafting Committee authorized the establishment of a subcommittee of five members to:

- (1) cooperate with all organizations and agencies engaged in drafting state legislation dealing with organized crime and to prepare such drafts of legislation in this area as the subcommittee might deem desirable; and
- (2) recommend to the Drafting Committee the type of draft proposals which should be brought to the attention of the States.

Immediately, cooperative arrangements were made with the ABA Commission on Organized Crime to distribute initial drafts of all Commission proposals to members of the subcommittee, interested state officials, and the staff of the Council of State Governments for comments and suggestions. Plans were then made to hold joint meetings of the cooperating groups under the sponsorship of the subcommittee. Three such joint meetings were held in New York City—on December 27, 1951, April 7, 1952, and June 10-11, 1952. At each of the meetings consideration was given to preliminary drafts of model legislation prepared by the various cooperating groups.

The subcommittee also met in New York City on July 23, 1952, to review proposals which it would recommend on its own initiative for inclusion in the comprehensive joint program of crime control legislation. These proposals were developed after careful review of work already under way by other groups in order that all important phases requiring action might be covered. This meeting, appropriately, was held subsequent to the earlier joint conferences.

The cooperative legal research and bill drafting program initiated in October, 1951, proved to be most successful. By October, 1952, a wide variety of draft proposals had been studied, prepared, reviewed and redrafted, and were ready for promulgation. Official approval was given at meetings of the American Bar Association and the Uniform Law Commission in San Francisco early in September to measures prepared by the ABA Commission on Organized Crime⁷ and the Special Committee on Uniform Acts to Prevent Organized Crime of the National Conference of Commissioners on Uniform State Laws.⁸ The remaining draft proposals in this general area were those developed by the subcommittee of the Drafting Committee of the Council of State Governments. Final action on the latter proposals was taken by

⁷ See Final Report of the Commission to the American Bar Association, September 2, 1952. That report carried complete text of the Commission's proposals, with full commentaries.

⁸ See 1952 Handbook and Proceedings of the National Conference of Commissioners on Uniform State Laws.

the Drafting Committee in Washington, D. C., on October 16-17, 1952, and arrangements were made for the Council of State Governments to print the texts of bills promulgated by all three groups in the forthcoming Drafting Committee report on suggested state legislation.⁹ The various measures were now ready for consideration by the respective states.

THE BAR ASSOCIATION PROPOSALS

The ABA Commission on Organized Crime prepared and sponsored four separate acts: Model Anti-Gambling Act; Model Department of Justice Act; Model Police Council Act; and Model State Witness Immunity Act. In its deliberations, the Commission had reached the conclusion that professional gambling should not, under any circumstances or in any degree, be licensed or legalized. Accordingly, it developed the Anti-Gambling Act¹⁰ as a means of strengthening state gambling laws and making them more effective. The act contained the following major provisions:

1. It uses a generic definition which includes all forms of gambling and thus avoids the particularization which has given much trouble in past legislation, on this subject.
2. It penalizes most severely the professional aspects of gambling.
3. It also penalizes the patron of a professional gambling operation.
4. An optional provision makes it possible to immunize the person who engages in a sociable game of cards.
5. It prohibits transmission of gambling information by wire and radio.
6. It contains provisions—similar to those previously enacted in Wisconsin, Minnesota and Iowa—for suspending and revoking licenses and permits of establishments which allow gambling on the premises.
7. It declares gambling devices to be nuisances and subject to seizure on sight.
8. It provides effective means for dealing with gambling premises and furnishings.

The purpose of the Model Department of Justice Act¹¹ is to bring about more uniformity, efficiency and better coordination in the processes of investigating and prosecuting crimes. This is sought to be accomplished through increased supervision and control over local officials by agencies of the state. The need for an improvement in the functioning of local prosecutors' offices in dealing with crime, and particularly organized crime, has been apparent for some time. The present draft is aimed at improving this situation without any direct changes in the prosecutor's functions or responsibilities, through submitting the conduct of his office to the scrutiny of a high state official (usually the Attorney General). Besides powers of scrutiny and supervision, the model act also gives the state Attorney General (or optionally, a Director of Criminal Justice) broad powers to intervene in criminal investigations and proceedings and to supersede local prosecutors. Fundamentally, the model act is intended to restore what has been lacking in local criminal prosecution in this country for a long time, namely ultimate accountability to a single coordinating official and some measure of administrative responsibility for acts of discretion.

⁹ See *Suggested State Legislation, Program for 1953*, The Council of State Governments, Chicago, November, 1952. Pages 71 through 119 are devoted exclusively to "legislation concerning law enforcement and the control of organized crime."

¹⁰ *Ibid.*, p. 73.

¹¹ *Ibid.*, p. 79.

Careful state supervision over local agencies is one of the keys to better criminal law enforcement.

The Model Police Council Act¹² was developed to provide the states with an instrument for improving police administration and removing many existing inefficiencies. These weaknesses usually result from inadequate selection and training of police officers, poor personnel policies, ineffective methods of criminal investigation, conflicting police jurisdiction in metropolitan areas, lack of adequate coordination and cooperation among departments and agencies, and other factors. This proposed act would establish a continuing state police council with extensive fact-finding, investigating and recommending powers—on the premise that such powers, effectively exercised, can bring to light and lead to the remedying of the major defects in police administration. One of the major powers given to the council is the establishment and support of police training facilities and programs. It is empowered to inspect, promulgate minimum standards, accredit, and prescribe courses of study for these training schools. The council is empowered, also, to encourage development of auxiliary police services, state and regional; recommend and encourage the consolidation of police departments; and conduct and stimulate research to improve police administration and law enforcement.

The Model State Witness Immunity Act¹³ provides for the compelling of evidence from witnesses in criminal proceedings and the granting of immunity to such witnesses. The act provides that a witness who pleads possible self-incrimination may be compelled to answer or produce the evidence sought on the motion of the prosecuting attorney and with the approval of the Attorney General or the court after notice and hearing, in return for a grant of immunity. He may still be subject to prosecution for perjury or contempt in giving evidence in accordance with the order. Failure to comply with the order will subject the witness to possible contempt proceedings. Before immunity is granted under the act, the witness first must make a valid claim of privilege.

PROPOSALS DEALING WITH NARCOTIC DRUG CONTROL

Several proposals were developed, chiefly by the subcommittee of the Council of State Governments' Drafting Committee, to up-date existing narcotic drug laws and to strengthen controls over narcotics. Three of these took the form of amendments to the Uniform Narcotic Drug Act (promulgated by the National Conference of Commissioners on Uniform State Laws in 1932; revised in 1942):

1. Amendments concerning Definitions and Exempted Preparations¹⁴ expand the definition of "narcotic drugs" to cover those to which federal laws presently apply or those found by the state commissioner of health in an administrative proceeding to be addiction-forming or addiction-sustaining. This provision has been found necessary because of the recent increase in the number of synthetically produced drugs. These amendments also set limits on the amount of codeine derivatives which may be sold without prescription.

¹² *Ibid.*, p. 85.

¹³ *Ibid.*, p. 90.

¹⁴ *Ibid.*, p. 99.

2. An amendment concerning marijuana¹⁵ was prompted by findings in recent years that the dangerous drug principle of the plant cannabis (marijuana) is not confined to the flowering tops of the female plant but is, in fact, contained also in leaves and foliage.

3. An amendment to the penalties section of the Uniform Act¹⁶ was developed as a deterrent to peddlers and addicts. The amendment suggests increased maximum terms for violators as well as stepped-up maximum sentences for repeated violations. Partly because the uniform act applies equally to addicts and to non-addict peddlers, the Drafting Committee considered at length but rejected the suggestion that mandatory minimum sentences and suspension of probation or parole for repeaters should be provided. Mandatory minimum terms as applied to addicts, the Drafting Committee concluded, should be provided only when care and treatment programs are available, and in such cases the courts should be given discretion to suspend sentence on condition that the convicted addict undergoes prescribed treatment.

Another proposal in this field, an Additional Penalties Regarding Narcotics Act,¹⁷ was designed to supplement rather than to amend the Uniform Narcotic Drug Act. This proposal contemplates penalties of relative severity for certain classes of narcotic drug offenses: sale to minors, conspiracy to violate narcotic drug laws, inducing other persons to become addicts, and illegal possession of narcotic drugs in quantity. Another section of this proposal makes it possible for a prosecutor to establish presumptively the intent to sell by showing that a defendant had in his possession or control certain stated quantities of unauthorized narcotics.

Certain recommendations concerning the care and treatment of narcotic addicts¹⁸ were developed by the Drafting Committee, reflecting studies conducted in New York State and elsewhere. More effective and realistic commitment laws and procedures in addition to improved institutional and out-patient programs are recommended to provide the essential elements of addict treatment and rehabilitation: physical withdrawal of the drug, physical rehabilitation, psychotherapy, occupational therapy, and after care and follow-up. This proposal has since been expanded by the Drafting Committee, by the development of a suggested state law covering the commitment and release aspects of the addict problem.¹⁹

The need for state and local narcotic squads to assist in the suppression of illicit traffic in narcotics was stressed by the Senate Crime Investigating Committee in its report of May 1, 1951. A recommendation to this effect was developed by the Drafting Committee²⁰ together with the suggestion that these squads be charged not only with statewide enforcement powers but also with the training of other enforcement personnel in the nature of the narcotic traffic.

Laxness among certain licensed professional personnel in handling narcotics as well as evidence of addiction among doctors and others had been revealed by several

¹⁵ *Ibid.*, p. 101.

¹⁶ *Ibid.*, p. 102.

¹⁷ *Ibid.*, p. 104.

¹⁸ *Ibid.*, p. 106.

¹⁹ *Suggested State Legislation, Program for 1955*, The Council of State Governments, Chicago, October, 1954, p. 33.

²⁰ *Suggested State Legislation, Program for 1953*, p. 108.

studies, notably one in New Jersey which reported in March, 1952. Accordingly, the Drafting Committee prepared several recommendations concerning supervision over professions involving the prescribing, dispensing and use of narcotic drugs.²¹

An act to control the growing of marijuana²² was developed by the Drafting Committee—to make the unlicensed growing of this plant a punishable offense. The absence of adequate penalties, studies in New Jersey, New York and other states had revealed, had placed law enforcement at a distinct disadvantage in seeking to bring marijuana growing under control.

The Drafting Committee also called attention to the Uniform Motor Vehicle Code provision concerning operation of motor vehicles while under the influence of a narcotic drug, and urged states which had not already done so to enact this provision.²³ The Committee in 1952 also considered but deferred action on a proposed state act to regulate barbiturate drugs. Study of that proposal continued, however, and at its meeting in Washington, D. C., on September 21–23, 1954, the Committee gave final approval to the text of an act to regulate not only the barbiturates but other hypnotic or somnifacient (sleep producing) drugs.²⁴

OTHER CRIME CONTROL PROPOSALS

A Model Act on Perjury²⁵ and a Model Crime Investigating Commission Act²⁶ were prepared and sponsored by the National Conference of Commissioners on Uniform State Laws. The perjury act is designed to remove age-old obstructions in prosecutions for perjury. Proof of the materiality of the statement—a requirement since the seventeenth century—affords a jury an almost unlimited opportunity for returning a verdict of not guilty. The omission of materiality as an element of the offense is recommended. If “materiality” is retained, it should be a question for the court rather than the jury. The major change introduced by the model act, as compared with existing law, is the removal of the requirement, when contradictory statements have been made, that the prosecution prove which of the contradictory statements is false. The mere proof of the making of contradictory statements, under oath or its equivalent, is sufficient to support a conviction. Another important change is the removal of the requirement that proof must be by two or more witnesses or by one witness that it must be corroborated by documentary or a similar type of evidence.

The Model Crime Investigating Commission Act reflects recommendations made by the Senate Crime Investigating Committee and the ABA Commission on Organized Crime. Reports of those bodies had urged states to establish crime investigating agencies to make analyses of local problems of organized crime and the efficiency of law enforcement. Several States—including Arkansas, California, Colorado, Florida, New Jersey, New York, Texas and Washington—as well as numerous localities had established or proposed the creation of investigating agencies in this

²¹ *Ibid.*, p. 109.

²² *Ibid.*, p. 110.

²³ *Ibid.*, p. 111.

²⁴ *Suggested State Legislation, Program for 1955*, p. 28.

²⁵ *Suggested State Legislation, Program for 1953*, p. 91.

²⁶ *Ibid.*, p. 93.

field. The act as drafted provides legislatures with a proposed enactment which would establish a crime investigating and recommendatory body, and empower it to proceed actively into the field of organized crime and its various ramifications.

The remaining draft proposals were developed by the Drafting Committee of the Council of State Governments to complete the program. These included suggested acts on sports bribery,²⁷ procedural matters governing criminal prosecution,²⁸ the offering of alibi evidence,²⁹ and testimony of public officials regarding conduct in office.³⁰ The Sports Bribery Act was based on legislation already in effect in Pennsylvania, and was drafted as a supplement to the Model Anti-Gambling Act described above. In substance, the act suggests stiff penalties against those who attempt to bribe athletes or anyone connected with professional or amateur sports.

Certain amendments to criminal codes were prepared with respect to procedures governing prosecution. The main purpose of the amendments is to enable the public to be better informed concerning the exercise of discretion by prosecuting attorneys in certain situations in which secrecy has been found to play into the hands of corrupt officials. These amendments would provide that written statements should be filed by prosecutors as public records in instances involving *nolle-pros* or dismissal of criminal prosecutions, and where there is acceptance of plea of guilty to a crime or offense bearing lesser penalties than the crime or offense charged. Attention was drawn to the need for state action to remedy these situations by the ABA Commission on Organized Crime during its studies in 1951-52.

Another of the suggested acts would require the filing of notice of intention to offer evidence of an alibi in a criminal case. It is the purpose of this proposal to require that in any case in which a defendant intends to rely upon an alibi he shall be required to file and serve notice in writing upon the prosecuting attorney of his intention to assert such an alibi. This bill originated with the Chicago Crime Commission and was recommended subsequently by other groups. It has been felt by those charged with the prosecution of criminal offenses that such a measure is desirable because all too often at the last minute, defense counsel will introduce the defense of an alibi; the maneuver puts the prosecution in a position in which it is impossible to determine by investigation whether or not there is corroboration of the alibi defense. Laws similar to the suggested draft have been held constitutional in each state in which the issue has been raised.³¹

A final draft act developed by the Council of State Governments Drafting Committee dealt with testimony of public officials regarding their conduct in office. The bill's purpose is to remove the impediment to investigation which is contained in constitutional provisions protecting the privilege against self-incrimination. Under the act, any person who refuses to testify upon matters relating to his office on the ground that his answer might tend to incriminate him would be penalized by forfeiture of his office and by being prohibited from holding other office for a period of

²⁷ *Ibid.*, p. 113.

²⁸ *Ibid.*, p. 115.

²⁹ *Ibid.*, p. 116.

³⁰ *Ibid.*, p. 117.

³¹ See *People v. Schade*, 161 Misc. 212 (N.Y. 1936); *State v. Smetana*, 131 Ohio St. 329 (1936). See also *State v. Fair*, 124 Ohio St. 1 (1931).

five years. Reports of several recent investigations, including the 1952 report of the U. S. Senate Committee on the District of Columbia, have recommended enactment of this type of legislation.

In addition to all these "new" proposals in the field of crime control, the Council of State Governments and its Drafting Committee have continued to urge the enactment by all states of the earlier program of interstate crime proposals which covered fresh pursuit of criminals, extradition, and rendition of witnesses.³²

REVIEW OF STATE ACTION

Thus a program of somewhat more than a score of crime control proposals was developed in 1951-52, and, by pre-arrangement with the various sponsoring bodies, brought together by the Drafting Committee of the Council of State Governments and incorporated in its report to the 1953 legislative sessions. Some of the proposals were newly drafted and promulgated, although their provisions were based on extensive study of precedent and experience; a few proposals (such as the fresh pursuit and extradition acts) had been drafted years before but were re-emphasized for action by the few states which had not yet adopted them. Some were brief and simple; others were lengthy and frequently covered numerous subjects. Some proposals required legislative consideration; others could be put into effect, frequently, by executive action without special enactments.

Forty-four of the state legislatures met in regular session in 1953. The other four—Kentucky, Louisiana, Mississippi and Virginia—in 1954 held regular sessions. By the close of 1954, therefore, regular sessions had been held in all 48 states following the promulgation and release of the crime control program, and according to information which was supplied by the states to the Council of State Governments in 1953 and 1954, almost all of the legislatures during the biennium considered one or more parts of the program.

Narcotic drug control proposals, particularly amendments to the Uniform Narcotic Drug Act and measures increasing penalties for those engaged in the illicit narcotic traffic, were those most frequently introduced and enacted. According to reports reaching the Council, in 1953-54 there were 32 enactments of these amendments to the uniform act or of stiffer penalties laws. During the biennium, an additional 35 introductions of these proposals failed of passage. Twenty-four introductions of other narcotic drug proposals and recommendations described in the preceding pages were made in 1953, and eight of them were enacted.

Continued progress in enacting the old uniform crime control measures was scored during the biennium. Minnesota enacted the Attendance of Out-of-State Witnesses Act, raising the total of adopting states to 44; four states (Colorado, Louisiana, Missouri and South Dakota) enacted the Uniform Extradition Act, bringing the total to 44; and North Carolina considered but did not enact the Fresh Pursuit Act, leaving the total enactments at 38.

The major new proposals in the 1953 program, of course, were the six "model" acts developed by the ABA Commission on Organized Crime and the Conference of

³² Suggested State Legislation Program for 1953, p. 119.

Uniform Law Commissioners. Except for the Police Council Act which was considered in only three states and enacted in none, introductions during 1953 indicated widespread interest: 12 introductions of the Anti-Gambling Act, eight of the Department of Justice Act, 13 of the Witness Immunity Act, 11 of the Perjury Act, and 11 of the Crime Investigating Commission Act. Enactments were far fewer, however: only one state, Indiana, enacted the Anti-Gambling Act (with certain statutory exclusions added by the enacting legislature) and this was declared unconstitutional by the state supreme court³³ before the year was out; one state, Arizona, adopted many of the provisions of the Department of Justice Act; three states—California, Illinois and New York—adopted the Witness Immunity Act; and three—Arizona, Illinois and Indiana—adopted the Act on Perjury.

Among other proposals included in the program, essential features of the Sports Bribery Act were enacted by Florida, Iowa and Mississippi; the procedural Amendments to Criminal Codes Governing Prosecution were adopted by two states—Arizona and Florida; and finally, the act concerning Testimony of Public Officials was enacted by three jurisdictions—Maryland, New Jersey and New York.

Many of the proposals were of such a nature that they could be implemented in whole or in part by administrative action and without the necessity of special legislation. A case in point are the statewide conferences of prosecutors and police, to be called periodically by the states Attorney General under Section 11 (3) of the Model Department of Justice Act.³⁴ Such conferences have been introduced by the Attorneys General in an ever-increasing number of states during the past two or three years—in states as widely scattered as Maine, Ohio, South Dakota, Texas, Colorado, and Oregon, among others—as a matter of administrative rather than legislative action.³⁵ A comparable development occurred during 1953–54 with respect to the establishment of state-level, expert narcotic squads within the state police agency or the Attorney General's department. Such action was taken in 1953–54 in Texas and a number of other states—by executive action rather than on the basis of specific legislative enactment.

Further evidence of continuing interest in the crime control program comes from many of the state criminal law revision groups which have been at work during the past biennium—in Maryland, Missouri, Washington, Wisconsin, and many other states. As this is written, the governors are delivering their messages to the 1955 legislative sessions; and those in Illinois, Indiana, and several other states express concern with the problems of crime and call for action along the lines of the suggested crime control program developed in 1951–52.

CONCLUSION

The post-World War II studies revealed a real "crisis of law enforcement"; the chief of these studies, that of the Senate Investigating Committee, reached the conclusion "that the tentacles of organized crime reach into virtually every com-

³³ *Fairchild v. Schanke*; Indiana Supreme Court Decision, 1953, No. 29050; declaring Chapter 147, Indiana Acts of 1953, unconstitutional.

³⁴ Suggested State Legislation Program for 1953, p. 83.

³⁵ *Proceedings of Annual Conferences of the National Association of Attorneys General, 1952–54*. The Council of State Governments, Chicago.

munity throughout the country."³⁶ The crime control program developed in 1951-52 to cope with the problem was correspondingly broad and far-reaching. And in its development, the energies and experience of countless individuals, both public officials and private citizens, and of numerous agencies were drawn upon. It was in every sense a joint and cooperative undertaking, just as was the interstate crime control program of the mid-1930's.

The program of 1951-52 to a great extent, in fact, supplements the interstate crime program of the mid-1930's. The earlier program, it will be recalled, marked out for its special attention the "'No-Man's Land' of crime control, which exists between the jurisdiction of a single state and that of the federal government."³⁷ The products of that study, therefore, took the form of proposals which were interstate in operation and uniform in nature.

In contrast, the new proposals of 1951-52, apart from minor exceptions, deal with intrastate problems and activities; and the proposals have been submitted to the states as model bills or as policies in suggested bill form rather than as uniform acts. Another contrast is noteworthy—the interstate crime proposals of the mid-1930's dealt, individually, with rather delimited subjects, whereas several of the 1951-52 proposals, notably those developed by the ABA Commission on Organized Crime, are concerned with a wide diversity of matters. The Model Anti-Gambling Act, for example, has been likened to a "code" for this reason.

The states in 1953-54 have been giving real consideration to improved law enforcement, and the crime control program of 1951-52 has been guiding much of their thinking in this field. Some legislative enactments have been recorded; these have been supplemented by many instances of administrative action; and criminal law revision studies in numerous states have been drawing extensively upon the program as a source of ideas. It is to be hoped that the states will make increased use of this crime control program during the years ahead—to employ Twentieth Century methods in controlling Twentieth Century crime.

³⁶ *Final Report of the Senate Special Committee to Investigate Organized Crime*, August 31, 1951, p. 2.

³⁷ *The Interstate Commission on Crime*, THE HANDBOOK ON INTERSTATE CRIME CONTROL, November 1, 1942, p. 12.