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Abstracts and Notes

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Two were priced above the prevailing price level in the community and the third was sold at the customary retail price. The corporation was convicted for the misdemeanor of untrue, deceptive or misleading advertising and the Court of Appeals of New York, in a 4-3 decision, affirmed. *People v. Minjac Corporation*, 151 N.E. 2d 180 (1958).

The majority agreed with the defendant that he might set the price of the toys at any level he chose and then offer a discount, but said that he could not advertise in such a way as to lead the consumer to believe that he was obtaining a discount off the prevailing retail price. The court also rejected the contention of the defendant that he had been convicted of selling "games" whereas the advertising

related to "toys." The court held that "toys" and "games" were interchangeable in common usage and that they had been so used during the trial without objection on the part of the defendant.

The dissenting judges felt the case ought to be dismissed because the advertising related to "toys" and not to "games." Moreover, they construed the majority opinion to mean that a retailer who offers toys for sale at a discount must, if the advertising is not specific, offer every toy in stock at a discount or be guilty of false advertising.

(For other recent case abstracts see "Police Science Legal Abstracts and Notes," *infra* pp. 402-404.)

ABSTRACTS AND NOTES

PROGRESS TOWARD THE SCIENTIFIC STUDY OF OFFENDERS

(A preliminary note on the proposed Institute of Criminology in England)

For the most part, the English penal system is regarded with some justification as being both progressive and humane. It is therefore all the more regrettable to find that up till now the scientific study of criminal behaviour, although being given tacit acceptance, has not yet found its place on a par with other scientific disciplines. For some years there has been pressure from progressive quarters for the establishment of a university department or institute that would be devoted explicitly to the study of criminology. One of the leading proponents of this idea was the late Miss Margery Fry, whose death was a great blow to all those interested in the humane and scientific understanding of crime. It now seems however, that one of her dearest wishes may come true if the Government's proposals are carried to fruition. As Mr. Gordon Rose¹ has so aptly pointed out, the study of criminology in this country has owed most of its progress to the devoted efforts of a handful of academic criminologists in this country, who themselves have been the victims of totalitarian persecution. Of these, Dr. Mannheim at the

London School of Economics, Dr. Grunhut of Oxford, and Dr. Radzinowicz of Cambridge, have led the field and we have much to thank them for. So far, however, there has not been a university 'chair' in criminology at any English university, and the subject has been but the 'poor relation' of other departments such as law, sociology, or social science.

Today, there is an awakening awareness of the need for research into the causes of crime in England. Numerous studies have already been undertaken by various individuals and organisations, not the least important of these being the Institute for the Study and Treatment of Delinquency in London. What has been sadly lacking however is a department that could co-ordinate many of these individual activities and amass a permanent body of information. In addition, the formal recognition of criminology as a scientific discipline would greatly enhance its reputation, both with the legislature and with the lay public. This is important at a time when so many proposals are being made for the more progressive treatment of offenders, both in the community and in institutions.² Many of these reforms if implemented will

¹ GORDON ROSE. 'STUDY AND TREATMENT OF CRIME.' Letter in MANCHESTER GUARDIAN supporting the present writer in a plea for an institute for the study of criminology. (Feb. 5, 1958).

² REPORT OF THE COMMITTEE ON HOMOSEXUALITY AND PROSTITUTION. H.M.S.O. 1957.

lose some of their value if their effects cannot be studied and assessed, or permanently recorded.³

It is with much gratification therefore that we have recently received a statement from the Home Secretary⁴ that discussions are taking place with the appropriate authorities and with the University of Cambridge, with a view to the setting up of an Institute of Criminology, provided sufficient funds are available. Although the University Grants Committee is being approached, it is also interesting to note that a Margery Fry Memorial Fund has just been announced, and monies may well be available eventually from this source to supplement official grants in aid. The functions of the Institute would 'include both teaching and research, as well as facilities for exchange of views and information with those concerned with the practical administration of the law'.⁵ The centre for the proposed Institute would be in the already existing Department of Criminal Science. We await further details of the new department. Whether, for instance, the Head of the Institute will have professorial status, and what form the various syllabi will take. Also, whether teaching will be at a formal university level, or whether 'in service' training will also be provided for such officials as police or probation officers (this was suggested in the first press announcements). If so, how will the Institute liaise with the various government departments responsible for the present training schemes? There may be some questioning about Cambridge as the new home of the proposed Institute. Some people's thoughts will have centred on London and the School of Economics, perhaps more generally known for its studies in criminology. Oxford also has a "readership" in Criminology and might well have made a good centre. However, Cambridge already has a department of Criminal Science and for this reason may have better facilities for fostering its new child. It is also not without some point that Cambridge, as one of our senior universities, has been the place of choice.

It is to be hoped that the finer details will be worked out speedily and that funds will be readily forthcoming, so that this country, which in so many aspects of its penal system has the high regard of others, may now have a permanent

university centre for research and study in the treatment and causes of crime.

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H. A. PRINS

Institute of Correctional Administration—
Beginning with the Fourteenth Institute of Correctional Administration, October 1–November 21, 1958, the Institute program was conducted under the auspices of the School of Government and Public Administration of The American University, Washington, D. C.

As concerns the eight-week Institutes held in the Fall and Spring, the program will be substantially the same as that previously undertaken during the past six years. The core of the program is built around the basic courses in Clinical Criminology and Counseling (5 credits) supplemented by courses in Probation and Parole, Juvenile Delinquency, and Police Problems (3 credits). The staff, as heretofore, includes Howard B. Gill (Director), Charles V. Morris (Assistant Director), Louis Sharp and Victor Evjen, (Chief and Assistant Chief of Probation, U. S. Courts), Dr. Arthur A. Hitchcock (Executive Secretary, American Personnel and Guidance Association), Dr. Albert Glass and Dr. Bruce Bushard (Chief and Assistant Chief of Psychiatry and Neurology Consultants, Surgeon General's Office, Department of The Army), and a group of guest lecturers from Federal and other Correctional Agencies.

The move to The American University is significant because of the opportunity which is now open to expand the work of the Institute through Regional Institutes and Field Study Programs so that correctional workers who are unable to attend the Institutes in Washington may have the advantage of university training in corrections at or near their own base. Briefly, the new plan contemplates (1), a program of scholarships for civilian correctional personnel who will be able and willing to conduct Field Study Programs for other correctional personnel under the supervision of, and with instructional material provided by the Institute; and (2), a program of one and two-week Regional Institutes to be conducted in cooperation with local universities or agencies by Institute personnel for groups of correctional workers at some convenient local center. Plans are now under way for conducting at least six such Regional Institutes during 1958–59, and sixteen scholarships

³ REPORT OF THE ROYAL COMMISSION ON MENTAL ILLNESS AND MENTAL DEFICIENCY. H.M.S.O. London. 1957.

⁴ PARLIAMENTARY DEBATES (HANSARD). House of Commons. Vol. 592. No. 154. Thursday, July, 31st., 1958. H.S.M.O. London. Col. 178 and 179.

⁵ *Ibid.*

are open to prospective Field Study Instructors for the year 1958-59.

HOWARD GILL, *Director*

Administration of Bail in New York City—The administration of bail in New York frequently discriminates against poor persons and results in lengthy pretrial imprisonment and the denial of an important civil right in the case of many persons, often youths, charged with crime. These were among the findings indicated by a report put forth by a team of seven law students from the University of Pennsylvania and lately released by the *University of Pennsylvania Law Review* and the law school's Institute of Legal Research.

The report is based on a field study of New York courts, interviews with persons awaiting trial in the city's detention centers, and study of records in various district attorney's offices. The study was conducted by the seven-man team of law students last summer, under the general supervision of Professor Caleb Foote of the law school with the assistance of Professor Marvin Wolfgang, a sociologist. The project was financed by a grant from the Fund for the Republic and administered by the Institute of Legal Research of the University of Pennsylvania Law School. The project was carried out with the endorsement and cooperation of the New York Department of Correction, thanks to the active interest and help of the Honorable Anna M. Kross, Commissioner of Correction. Student field researchers worked in detention prisons as guards, to gather much of their data.

Professor Foote stated, "This report includes the most comprehensive statistical study of bail yet undertaken—a survey of 3,000 felony cases prosecuted in the counties of New York, Queens and Bronx in 1956."

According to the report, forty-nine percent of the defendants held on criminal charges do not obtain pre-trial release. Bail is a basic "civil right", the report notes. It points out that the major function of bail in our system of criminal procedure is to permit pre-trial release for as many defendants as possible. This right to pre-trial release is granted, the report says, so that innocent persons won't be imprisoned pending trial while they are still presumed innocent, and in order that all persons accused of crime will have adequate opportunity to prepare their defense.

In New York City, nearly half of those arrested

for serious crimes are kept in jail before their guilt has been determined in court. This pre-trial imprisonment often lasts for many weeks. Accordingly, the report concludes that the bail system is not doing what it is supposed to do. The authors assert that bail is often set without sufficient investigation into the background of each defendant, particularly his financial condition. In addition they suggest that, at times, bail is intentionally set at an amount beyond the defendant's reach in order to keep him in jail. The report suggests that sometimes defendants are kept in jail for long periods while prosecutors or police search for more evidence. Other technicalities cause delay and sometimes denial of bail, the report asserts.

Proposals for improvement, made by the student team, include new administrative procedures for obtaining pertinent data for reaching an appropriate bail amount, permitting magistrates to set bail in many cases in which they are now prohibited from doing so, more extensive use of "alternative bail" by which a defendant is given the alternative of furnishing a low cash amount instead of a bond, and increased use of "recognizance" (release simply on the basis of the defendant's solemn assurance that he will appear for trial). The authors also advocate a new law making it a crime for a defendant to fail to appear when he has been released on his own "recognizance."

In an introduction to the study, Professor Foote calls the report "the most authoritative study ever made of the effects upon the accused of the institution of bail." The statistics indicate, says Professor Foote, "the ugly fact that our pre-trial criminal administration today discriminates according to economic status." Professor Foote's statement is pointed up by the revelation that twenty-eight percent of those for whom bail was set at \$500 were still unable to obtain pre-trial release.

In announcing release of the bail report, Dean Jefferson B. Fordham of the Law School, said: "This study is significant not only for what it reveals about the bail system, but also for what it reveals about the expanded goals and methods of legal education today. The University of Pennsylvania Law School has made increasing efforts to provide useful opportunities for its students to engage in summer research projects which provide them with opportunities to learn first-hand the problems of administration of the law. This kind of research not only adds valuable information