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International Conference on Criminal Law Administration; Editorial

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INTERNATIONAL CONFERENCE ON CRIMINAL LAW ADMINISTRATION

February 19 and 20, 1960

NORTHWESTERN UNIVERSITY SCHOOL OF LAW

Chicago, Illinois

In observance of its one-hundredth anniversary, Northwestern University School of Law will conduct a series of conferences and lectures during 1959 and 1960 relating to the theme "Preservation of a Free Society under Law." One of the events will be an *International Conference on Criminal Law Administration* on February 19 and 20, 1960. The subjects to be discussed at this conference are:

- I. Police Practices and Policies Regarding "On the Street" Detention, Questioning and Frisking of Suspected Persons; and Police Arrest Privileges in General.
- II. Police Interrogation Privileges and Limitations.
- III. The Exclusionary Rule with Respect to Illegally Seized Evidence.
- IV. The Concept of the Privilege Against Self-Incrimination.

The Law School—with the aid of a grant from the Ford Foundation—will bring to the United States for this Criminal Law Administration Conference lawyers and law professors from eight foreign countries: Canada, England, France, Germany, Israel, Italy, Japan and Norway. In addition, invitations to attend will be extended to members of the legal profession of many other countries.

The general objective of the Conference will be (1) to discuss and analyze the laws or rules currently prevailing in the United States with respect to the four subjects comprising the Conference agenda, and (2) to reappraise such laws and rules in light of the practices and procedures of other countries.

Following is a more detailed description of the subjects to be discussed and also an outline of the Conference procedure.

Agenda

- I. Friday Morning, February 19th
9:00-12:30

Police Practices and Policies Regarding "On the Street" Detention, Questioning and Frisking of Suspected Persons, and Police Arrest Privileges in General:

- (a) In the absence of sufficient grounds for an arrest, should the police have a right to stop and question a person as to his identity and reason for being where he is, if the appearance or conduct of that person has reasonably aroused police suspicion?
- (b) Should the police be permitted to search such a person for weapons or for incriminating evidence?
- (c) If police practices of this nature are to be legally sanctioned, what limitations should be imposed?
- (d) With respect to police arrest statutes generally, should more freedom be granted to the police in recognition of their contentions that existing laws are obsolete and hamper police attempts to meet the public demand for adequate police protection?

- II. Friday Afternoon, February 19th
2:00-5:30

Police Interrogation Privileges and Limitations:

- (a) Should the police be permitted an opportunity to interrogate an arrested person prior to taking him before a magistrate for a preliminary hearing? If so, should the provision for such delay be general (e.g., a "reasonable time" or "without unnecessary delay") or specific (e.g.,

four hours, twelve hours, or twenty-four hours)?

(b) Should an arrestee be entitled to counsel prior to his preliminary hearing? If so, what legal or ethical concepts should govern the prosecutor and defense counsel in their dealings with the arrestee during this prehearing period?

(c) What legal remedies should be available to an accused person who confessed to a crime during a period of police detention which extended beyond prescribed limits? Should he be entitled to have the confession suppressed?

6:30

Reception and Dinner Honoring Visiting Lecturers

III. Saturday Morning, February 20th

9:00-12:30

The Exclusionary Rule with Respect to Illegally Seized Evidence:

The usually stated purpose of the rule is to protect constitutional rights by indirectly penalizing police failure to comply with prescribed search and seizure procedures.

(a) Does the rule accomplish that objective?

(b) If the rule does not accomplish that objective, can it nonetheless be supported on the ethical ground that any evidence obtained in violation of the Constitution should not be used to convict an accused?

(c) In countries which have no such rule, are citizen rights adequately protected by other prevailing rules or practices?

IV. Saturday Afternoon, February 20th

2:00-5:30

The Concept of the Privilege Against Self-Incrimination:

(a) Is the privilege worthy of retention?

(b) If retained, what should be its scope and what limitations, if any, should be applied in its interpretation?

(c) Under a system of dual sovereignties

(e.g., federal and state), should each sovereign include within the privilege granted by it the possibility of incrimination under the laws of other sovereigns?

(d) To what extent does this concept prevail in foreign countries? Is its absence compensated for in any other way? Has its absence led to abuses by police and prosecution?

Conference Procedure

Each of the four conference sessions will be conducted in the following manner:

1. A lawyer from the United States, acting as chairman of the session, will summarize the the American law with respect to the general problem under discussion. (20 minutes)

The chairman will then call upon two American lawyer panelists to comment upon the current status of law, as briefly outlined by the chairman, and to discuss the course they would like to have the law take in the future. The two lawyers undertaking this assignment will, generally speaking, represent opposing viewpoints. (1 hour)

2. Three of the seven participants from Canada, England, France, Germany, Israel, Italy, Japan and Norway will then formally discuss the prevailing law or rule in their countries. Each of the three foreign speakers will include in his presentation an enumeration of the arguments advanced in his own country both in favor of and in opposition to the existing law or rule. (1 hour)

Following the formal presentations by the three foreign participants, there will be a general discussion by the chairman, the two United States participants, and all seven of the foreign visitors. (40 minutes)

(Total time allocated for each session: 3½ hours)

Copies of the printed program of the Conference, which will include the names of all participants, will be available on August 1, 1959.