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The National District Attorneys' Association

Articles, Reports, and Notes
OF
THE NATIONAL DISTRICT ATTORNEYS' ASSOCIATION

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Editor: Duane R. Nedrud, Assistant Professor of Law, University of Kansas City, Kansas City, Missouri

THE TENTH ANNUAL SUMMER CONFERENCE OF THE NATIONAL DISTRICT ATTORNEYS' ASSOCIATION

PROSECUTORS CHANGE NAME; ELECT EDWARD S. SILVER PRESIDENT

A very successful annual meeting was held in Milwaukee, July 30 through August 1, 1959, the hosts being William J. McCauley, District Attorney of Milwaukee County, and his staff. The national organization of local government prosecutors and attorneys changed their name from "National Association of County and Prosecuting Attorneys" to the more compact "National District Attorneys' Association". The Association, whose motto is "Organized Law Enforcement vs. Organized Crime," will continue to seek methods of improving the efficiency of local governments as well as the strict and honest enforcement of criminal laws, which have been the objectives of the organization since its inception more than ten years ago. Steps have been taken to incorporate the National District Attorneys' Association as a non-profit organization under an Act of Congress.

Edward S. Silver, District Attorney of Kings County, Brooklyn, New York, was elected President, succeeding J. St. Clair Favrot, District Attorney of Baton Rouge, Louisiana. The other new officers are:

Patrick Brennan
Executive Vice President
(Prosecuting Attorney)
South Bend, Indiana

James H. DeWeese
Vice President
(Prosecuting Attorney)
Troy, Ohio

Victor H. Blanc
Treasurer
(District Attorney)
Philadelphia, Pa.

Kent B. Power
Secretary
(Prosecuting Attorney)
Weiser, Idaho

Garrett H. Byrne
Vice President
(District Attorney)
Boston, Mass.

Frank H. Newell, III
Vice President
(State's Attorney)
Towson, Md.

Blaine Ramsey
Vice President
(State's Attorney)
Lewistown, Ill.

Vincent P. Keuper
Vice President (at large)
(County Prosecutor)
Freehold, New Jersey

Richard E. Gerstein
Vice President
(State Attorney)
Miami 32, Fla.

William B. McKesson
Vice President
(District Attorney)
Los Angeles, Calif.

Keith Mossman
Vice President
(County Attorney)
Vinton, Iowa

George M. Scott
Historian
(County Attorney)
Minneapolis, Minnesota

Melvin G. Rueger
Associate Member, Executive Committee
(1st. Ass't. Prosecuting Attorney)
Cincinnati, Ohio

AWARDS

Second Annual Furtherance of Justice Award to Hon. Frank S. Hogan

The Hon. Frank E. Moss, former president of the Association and now United States Senator from Utah, was Toastmaster at the Banquet held on the evening of August 1. At that time President J. St. Clair Favrot presented the Furtherance of Justice Award for the year 1959 to Frank S. Hogan, District Attorney of New York County, in the form of a plaque, which stated in part:

". . . for his outstanding service as a prosecutor, exemplifying during a quarter of a cen-

tury by his courage in humanity the highest ideals of justice and for his sustained interest and his resourceful contributions in all areas of law enforcement throughout our country. . . ."

Mr. Hogan's address has been printed in its entirety in the Bulletin of The National District Attorneys' Association. The practice of making an annual presentation of the Furtherance of Justice Award was started last year. The first recipient was the Hon. J. Edgar Hoover, Director of the Federal Bureau of Investigation.

Honorary membershps were awarded to Judge Richard W. Bardwell, Madison, Wisconsin; Professor Fred E. Inbau of the Northwestern University Law School; Calhoun W. J. Phelps, Princeton, Illinois; and Jack Streeter, Reno, Nevada.

* * * *

Other notables present at the banquet and/or during the meetings were Bill Tallman (more familiarly known as Hamilton Burger, of the Perry Mason series); the Hon. Frank P. Zeidler Mayor of Milwaukee; Mr. "Birdie" Tebbetts, Executive Vice President of the Milwaukee Braves; and Hon. John F. Kennedy, U. S. Senator from Massachusetts, who was a featured speaker, and whose address at the convention received nationwide newspaper coverage.

EARLE STANLEY GARDNER AND "THE COURT OF LAST RESORT"

Mr. Gardner discussed the history of the "Court of Last Resort." Contrary to common belief, prosecutors, wardens, police and parole boards have written to the "Court" asking for attention in certain cases. Mr. Gardner mentioned that because of his involvement with the "Court" he runs into many who state he is interested in the administration of justice simply as a prop in order to sell books. In one instance, in reply to an accusation of a certain judge, he pointed out that if every man, woman and child in that particular state went out tomorrow and started buying Gardner books, he wouldn't even notice the difference in his royalty statements. He also stated that his appearance was pretty much his "swan song", for he is 70 years old and is giving up extracurricular work and retiring from the "Court of Last Resort". Gardner stated he would like to have a non-profit corporation organized for the purpose of bringing home to the people the necessity for respecting the law and obeying it, which he had thought could be started in a small way with a group that worked in the "Court of Last Resort". Eventually, when the corporation got big enough, it could be taken over by some foundation or group which could provide a paid manager. However, he added that the thing was just too big to start small. He said he would like to see the Association broaden its scope, in doing something about re-appraising the few cases, percentage-wise, where people are the victims of wrongful conviction.

(Editor's note: The National District Attorneys' Association is at this time looking into a particular case which was called to its attention regarding whether or not an individual was innocent of a crime for which he was convicted. The Association has filed a brief as amicus curiae in this case. In addition, a committee has been appointed, within the Association, to spearhead the possibility of forming a foundation such as Mr. Gardner suggests, such foundation to include all branches of law enforcement, i.e., police, sheriffs, wardens, prosecutors, as well as other interested parties.)

"CRIME AND THE FAMILY"

The program for the year 1959 concentrated on the theme "Crime and the Family". Many outstanding personalities from across the nation were presented, under the direction of James H. DeWeese of Troy, Ohio, the program chairman of the Milwaukee Meeting.

"The Punishment and Rehabilitation of the Convicted Family Provider"

A panel discussion on the subject "The punishment and rehabilitation of the convicted family provider" was moderated by Keith Mossman, County Attorney, Vinton, Iowa. Judge Robert W. Hansen, of the District Court of Milwaukee County, Wisconsin, and Chairman of the Citizens Advisory Committee on Jails and Rehabilitation of Criminals, discussed the Wisconsin Huber Act. He pointed out that the purposes of this state parole system are (1) to promote rehabilitation and

reformation of offenders; and (2) to provide for the support, without recourse to public assistance, of the dependents or family of the offender. On the 30th day of July, 1959, in the Milwaukee County Jail alone, there were 102 Huber Act prisoners, including 2 women, of which 88 were employed and the others were seeking employment with the Sheriff's assistance. In the year 1958, in Milwaukee County, Huber Act prisoners earned $161,000 of which $60,000 remained with the County to pay for their board. Judge Hansen stated that he believed the Huber Act will graduate from being an alternative available in the disposition of misdemeanor cases to being used also in connection with felony defendants committed to a state prison.

Sheriff Robert O'Neal of Indianapolis, Indiana, spoke about the year old Indiana Law which provides for a person convicted of violating any traffic law and sentenced to not more than 30 days, to serve out the sentence on weekends, at the option of the court. He mentioned that although this is a new law, the courts of Indiana had been sentencing such persons in that manner for several years without such a law. While some sheriffs are against the use of such a law, he believes it has merit when limited to the individual who has particular dependency problems.

Mr. Hugh P. Reed, Midwest Director of National Probation and Parole Association, of Chicago Heights, Illinois, commends the objective of the Huber Act, but feels that the combination of complete restriction of liberty, coupled with complete freedom without help, is not the best approach to the problem. It may scare a man into paying for support of his family, but it has nothing built into it which will correct a family or individual problem. There is too great an emphasis on money collected and managed by the government. He suggests probation without confinement. Good probation, involving a comprehensive diagnostic study leading to the isolation of causes of behavior and the projection of treatment goals under close supervision. Such supervision can be successful in 70 percent to 75 percent of the felony convictions with no greater danger to the public and tremendous savings. The Huber Law has its place in carefully selected cases where there can be no profit from traditional probation services.

ABSTRACT OF RESOLUTION #2

In regard to the Huber Act, a more extensive and comprehensive written study is deemed necessary, for the use of the various prosecuting attorneys of the nation in educating their local communities and state legislatures.

It was resolved the National District Attorneys' Association make a statistical study of the effect of the Huber Law in two Wisconsin Counties (one a large one and one a small county) and make the results available to all members, paying all necessary expenses in connection therewith.

"The Sexual Psychopath as a Criminal Offender"

The "sexual psychopath" was discussed in a panel moderated by Judge Herbert J. Steffes of the Municipal Court of Milwaukee. Panel members were Dr. Edward J. Kelleher, Director of the Psychiatric Institute for the Chicago Municipal Court; Dr. Reginald S. Rood, Superintendent and Medical Director of Atascadero State Hospital, Atascadero, California; and Dr. David Abrahamsen, Consultant to the Department of Mental Hygiene of the State of New York, and Professor of The New York School of Social Research.

Judge Steffes discussed the Wisconsin law which deals with "sex deviates", describing the problems as the typical undermanned psychiatric staff and the fact that personnel and facilities are not fully adequate. He expressed the hope that continuing experience will result in fuller implementation of vital physical and personnel facilities.

Dr. Kelleher said that his Institute has been called upon to function under the "Sexually Dangerous Persons Act", and its precedent acts, since 1938. The staff of the Institute is composed of 37 members, which includes the psychiatrists, psychologists, social workers, technicians and a variety of clerical assistants. In recent years they have examined 5,000 people a year, which includes nearly all of the sex offenders, which number 600 to 800 a year. He thoroughly discussed the Illinois law which is the oldest act relating to sexually dangerous persons. It was pointed out that there is no one type of individual who is a sexual offender; he may be feeble-minded, mentally ill, of superior intelligence, young, old, senile, or an arteriosclerotic person. Usually the family does not know its member is a sexual offender until the offender is apprehended. While our sex offender laws have considerable popular support, the question arises whether we can do anything better. Might these

individuals be considered under the Mental Health Act as mentally sick people in need of mental treatment?

Dr. Rood, in discussing the California Law, mentioned the need to treat the person who commits certain sex crimes and sex related crimes. To such persons the philosophy of punishment as a deterrent is irrelevant because they represent behavior that most people are not interested in doing, and thus, no example is set for those that can be so deterred. It helps to have the "patients" convicted before they come to the hospital, so that the hospital staff can maintain discipline and keep the hospital a hospital. If an individual turns out to be a hospital criminal psychopath in a hospital setting, scheming and rioting, etc., they can send him back to the court and say, "Sentence him."

Dr. Abrahamsen spoke on "The Personality of Wives and Mothers of Sex Offenders", dealing particularly with the family of the rapist. The question is, "What does the family of the sex offender have to do with making him an offender?" In a study made of this subject, the conclusions were that the wives and mothers showed very similar traits in their personality make-ups. It has been found that rapists have been sexually overstimulated in childhood by their mothers or mother substitutes. On the surface it seemed that the offenders had been given a great deal of care and affection by their mothers, but they experienced constant frustration. Rapists had unconsciously chosen wives who were similar to their mothers in that they stimulated aggression, only to encounter it with rejection, although they seemed to be submissive and masochistic. Most of these marriages failed, because neither wife nor husband were sexually satisfied. The offenders who were given psychiatric treatment complained of their wives' frigidity. It was found that the wives were afraid of men, and the wives had no female figures in the records nor any woman with whom they could be identified. They unconsciously wanted to defeat their husbands sexually. The rapist was compelled to prove himself in order to show that he was a man. The mothers and wives, who consciously or unconsciously were partly responsible for the dastardly crimes of their sons and husbands, usually stuck by them.

The Sex Offender

Synopsis of paper delivered by Victor Blanc, District Attorney of Philadelphia County, Philadelphia, Pennsylvania, at the National District Attorneys' Ass'n. Convention held in Milwaukee, Wisconsin.

The Criminal Sexual Psychopath

The sex offender with whom we of the legal profession and our brothers of the medical profession are concerned, is the offender most usually called the criminal sexual psychopath, or the dangerous sex offender.[1] Despite popular opinion to the contrary, the sex offender has a low rate of recidivism. Homicide alone has a lower rate. It is also enlightening to note that another of the great misconceptions about the sex offender is that one who is guilty of one kind of perversion may run amuck and engage in others which are more dangerous.

The term, "Criminal sexual psychopath," has been criticized by many eminent psychiatrists.[2]

Analysis of the Criminal Sexual Psychopath Statutes[3]

Most of the statutes define the "sexual psychopath" or the "sexually dangerous person" in terms generally of one suffering from a mental disorder, but who is not mentally ill or feeble-minded to an extent making him criminally irresponsible for his acts, with criminal propensities to the commission of sex offenses. Some of the statutes provide that

[1] *Sexual Deviation Research* (Cal., 1953), p. 12; Karpman, *The Sexual Offender and His Offenses*, (1957), p. 229; Karpman, "Felonious Assault Revealed as a Symptom of Abnormal Sexuality," 37 *J. Crim. L. & C.* 193–215 (1946).

[2] *Report of the Royal Commission on the Criminal Law Relating to Criminal Sexual Psychopaths*, pp. 17–20; Tappan, "The Habitual Sex Offender, *New Jersey Commission of the Habitual Sex Offender*, p. 15 (1950); Hacker and Frym, "The Sexual Psychopath Act," 43 *Calif. L. Rev.* 766, 769–77 (1955).

[3] Ala. Stat. Tit. 15, Sec. 434 (1951); Cal. Welf. & Inst. Code, Sec. 5500–21; Colo. Rev. Stat., Sec. 39-19-1 (1953); D. C., Code Tit. 22, Sec. 3501 (1948); Fla. Stat. Ann., Sec. 917.12, (1955); Ill. Stat. Ann., Sec. 820.01 (1955); Burns Ind. Stat., Sec. 9-3401 (1949); Ia. Code, Ch. 225a (1955); Kan. Crim. Code, Sec. 62-1534-62-1537 (1953); Mass. Stat., Ch. 123A (1958); Minn. Stat., Sec. 526.09 (1939); Mo. Stat. Ann., Sec. 202,700 (1949); Neb. Rev. Stat., Sec. 29-2901 (1956); N. H. Rev. Stat. Ann., Ch. 173 (1949); N. J. Stat., 2a:164-3 (1954); N. Y. Laws, Ch. 525, Sec. 26 (1950); Ohio Stat., Sec. 2947.28 (195); Pa. Purdon's Stat., Tit. 19, Sec. 1166-1174 (1952); Tenn. Code, Sec. 33-1301 (1957); Utah Code, Tit. 77-49-1 (1953); Vt. Stat. Ann., Ch. 65, Sec. 2811-2816 (1951); Va. Code, Sec. 53-278.2, 53-278.3 (1950); Wash. Rev. Code, Ch. 71.06 (1951); Wis. Stat. Ann., Sec. 959.15 (1951); Wyo. Comp. Stat., Sec. 10-3001 (1957).

the mental disorder must have existed for a period of time.[4] Other statutes contain no definition of a sexual psychopath, but indicate that the law is applicable only to those convicted of enumerated[5] sex crimes or any sex crime,[6] while other statutes become applicable when there has been a conviction of any crime, or a sex motivated crime.[7]

Still other statutes apply when there has been only a charge of crime.[8] The Washington and New Hampshire statutes appear to be applicable only when the charge is of a sex offense. Under the District of Columbia statute, it is not even necessary that there be a charge of any crime, sexually or otherwise, for there proceedings may be instituted under the Act against persons other than a defendant. The same appears to be true in other states.[9]

Most of the statutes provide that proceedings may be initiated by the court or the prosecutor. In a few instances the defendant or any person who believes himself to be suffering from a physical or mental condition which may result in sexual trends dangerous to the welfare of the public, to voluntarily file a petition under the sexual psychopath legislation.[10] Some other jurisdictions allow any reputable citizen to file a petition under the Act.[11]

A sexual psychopath is determined usually on the examination of two or more psychiatrists, in a judicial hearing, with or without a jury. The psychiatrists are required to have a varied amount of experience,[12] while some states merely specify that the examination shall be conducted by physicians.[13] There is no uniformity among the states as to the effect of an adjudication of sexual psychopathy upon the criminal offense.

[4] Fla., 4 months; Miss. and Ill., 1 year; Ala., 2 years.
[5] N. Y., Pa., Utah, Ohio, Colo., N. J., and Wyo.
[6] Ala., Wis., Colo., Wyo., Mass., Tenn., N. J., Kan., Ohio, N. Y., and Utah.
[7] Cal., Fla. and Va.
[8] Iowa, Ind., Ill., Mich., and Mo.
[9] Neb., Minn. and Iowa.
[10] Wyo., Va. and Wis.
[11] Mo., Iowa and D. C.
[12] Fla. and Ill., 5 years; Neb., 2 yrs.
[13] Iowa, Ind., and Minn.

CRITIQUE OF THE SEXUAL PSYCHOPATH STATUTES

The sexual psychopath statutes are based on the sound premises that the only effective remedy for certain types of anti-social behavior is the destruction of the very root of the aberration responsible for the conduct. Despite this sound basis, experience under the Acts has not been too satisfactory.

The definition of the sexual psychopath in general terms is too vague to accurately describe the anti-social conduct at which the legislation is aimed. The definition is so broad as to include the nontraumatizing or nuisance group of crimes, the latter of which contain approximately ninety-five percent of all sex offenses.[14] As was expressed by The American Law Institute, "the difficulty with many of the sex psychopath laws is that they permit too ready an inference of public danger from relatively minor episodes of deviate sexuality."[15]

It is absolutely clear that the entire area of sex offenses, their causes, prevention, cure and their punishment is one which needs re-evaluation by all concerned—the legal, medical, religious, and educational authorities. The sex psychopath statutes should be revised so that they will more realistically meet the problems for which they were designed. In addition, professional thought should be concentrated as well on techniques of detecting potential sexual offenders and of preventing, as far as possible, the occurrence of the dangerous crimes.

ABSTRACT OF RESOLUTION #6

Recognizing that the mentally abnormal sex offender is a serious problem throughout the United States; and that the procedure for handling such cases is not uniform; it was resolved that the whole complex subject be considered by the National Commissioners on Uniform State Laws with a view to drafting proposed uniform legislation on the subject with particular emphasis on the period of confinement and treatment, and the most effective methods, or procedures in such cases for the primary purpose of affording the greatest degree of protection to the public.

[14] *Sexual Deviation Research* p. 107 (Cal. 1953).
[15] Model Penal Code, Tent. Draft No. 4, p. 277.

"Social Security"

Summary of Remarks by Blaine Ramsey, State's Attorney, Lewiston, Ill.

Mr. Ramsey spoke on the need to find the runaway father, and how the problem could be reduced if the names, addresses and pertinent information of the Social Security files were made available to public agencies, such as Welfare Departments, Prosecuting Attorneys, and/or the Courts. A resolution was passed by the organization to remedy this situation.

ABSTRACT OF RESOLUTION #1

Federal Legislation to Permit Disclosure of Addresses of Persons Who Refuse to Provide Support for Their Minor Children by the Department of Health, Education and Welfare

The present economic problem concerning the care and support of minor children is increasingly becoming an acute problem for the courts, law enforcement officials, welfare agencies, and the taxpayer. One way to alleviate the problem is effective and vigorous enforcement of present laws relating to runaway fathers. New methods of findings such persons are necessary. It was resolved that the National District Attorneys' Association approve and recommend adoption of the House Bill 2446 and Senate Bill 2380, and this resolution be brought to the attention of the Committees of Congress concerned with these bills.

Uniform Reciprocal Enforcement of Support Act

Summary of remarks by Vincent P. Keuper, County Prosecutor, Freehold, N. J.

Twelve years ago a distinguished member of the National District Attorneys' Association, Mrs. Grace Clyde Seaman, Assistant District Attorney of Kings County, New York, laid the ground work for the Uniform Reciprocal Enforcement of Support Act. The plan is excellent, but it has not reached its potential by any degree. The cost of supporting wives and children of runaway fathers runs into millions of dollars each year. No law can be more effective than the people charged with enforcing it. The basic responsibility for implementing the Reciprocal Enforcement of Support Law rests with the judiciary, with strong support and assistance from the prosecutors. Mr. Keuper made the following recommendations with regard to what can be done individually and as a group: (1) Give immediate attention to petitions filed under the Acts. (2) Conduct a national survey on cost to the taxpayer for support of abandoned families and money saved in successful reciprocal act cases to show the need for action. (3) Participate in national and regional conferences conducted by the Council of State Governments. (4) Urge special attention be given at the White House Conference on Children to be conducted at Washington next year.

ABSTRACT OF RESOLUTION #4

To Make More Effective the Uniform Reciprocal Enforcement of Support Program

Citing the need, the National District Attorneys' Association resolved to call upon all of its members to diligently and conscientiously devote themselves in every way possible to increase the use of the Reciprocal program. The President of the Association was requested to cause to be made a national survey to determine the public expense for support of abandoned families and to fix the savings achieved through successful use of the Reciprocal program petitions.

The convention took official notice of the valuable work being done by the Council of State Governments in relation to the Reciprocal Act, and called upon President Eisenhower to recommend that special attention be given to this matter at the White House Conference on Children in 1960.

Juvenile Delinquency

Abstract of Remarks by George M. Scott, County Attorney, Minneapolis, Minnesota

The FBI tells us that although only 12 percent of the arrests represent those under 18, 50 percent of our national major crimes are committed by this age group. The age group from 10–17 has increased only 25 percent in the past ten years, but the delinquency in this group has increased 250 percent. Juvenile court appearances are approaching two million a year. There is no pattern. One area may have a decrease one year, while another area has an increase, and the following year you will find the opposite. Juvenile crime in the rural areas has now reached city-wide proportions.

The local prosecutors, with assistance from the National District Attorneys' Association, should develop a Youth Board or Crime Prevention Bureau to organize with the Juvenile Court in continual experimentation with feasible approaches and ideas that might be successful in certain situations in local problems confronting that group.

ABSTRACT OF RESOLUTION #5

Recognizing that the family life must be strengthened to combat effectively juvenile crime; the need for respect for authority of the family, schools, churches and courts must be instilled at all levels; and the local prosecutor, because of his close association with the juvenile courts, as well as the adult court to which the juvenile graduates, has knowledge of the over-all problems in his community, it was resolved that the Na-

tional District Attorneys' Association call upon its members to accept the leadership in assisting its Juvenile Courts in integrating all possible religious, social, governmental and other volunteer organizations in an effort to co-ordinate all ideas, energy and financial assistance in combating juvenile delinquency.

The Summary of Available Literature on the Effect of Crime Portrayal by the Public Media

WILLIAM B. MCKESSON, *District Attorney, Los Angeles, California*

Many cases might be cited to demonstrate the effect which the media have upon crime. For example, investigating officers of the Los Angeles Police Department reported to us that they noted a sharp increase in the incidence of sawed-off guns following the advent of a TV series featuring such a weapon. In another case, two boys committed extortion, threatening to blow up the house of a woman in Atlanta, Georgia. They got their idea from a comic book. However, we must approach this subject with caution. Most knowledge in this field is in the form of "expert testimony", rather than the result of scientific research. Despite the numerous fact-finding committees, concerned with mass media in relation to juvenile delinquency, little scientific knowledge has been accumulated in this field.

Mr. McKesson summarized the available literature on the subject involved in the following bibliography:

Barron, Milton L., *The Juvenile in Delinquent Society* (Alfred A. Knopf, 1954).

Berelson, B., "Communications and Public Opinion," in W. Schram, Editor, *Communications in Modern Society* (University of Illinois Press, 1948). pp. 168–185.

Bloch, Herbert A. & Frank T. Flynn, *Delinquency* (Random House, 1956).

Blumer, Herbert & Philip M. Houser, *Movies, Delinquency and Crime* (Macmillan, 1933).

Citizens' Advisory Committee to the Attorney General of Crime Prevention, *Juvenile Violence*, 1958.

Hendrickson, Robert C. & Fred J. Cook, *Youth in Danger* (Harcourt, 1956).

Higgins, Lois Lundell & Edward A. Fitzpatrick, *Criminology and Crime Prevention* (Bruce, 1958).

May & Shuttleworth, *Social Conduct and Attitudes of Movie Fans* (Quoted by Neumeyer, p. 220).

Merril, Maud A., *Problems of Child Delinquency* (Houghton Mifflin, 1947).

Neumeyer, Martin H., *Juvenile Delinquency in Modern Society* (D. Van Nostrand Company, Inc., 1955).

Roucek, Joseph S., *Juvenile Delinquency* (Philosophical Library, 1958).

Subcommittee to Investigate Juvenile Delinquency of the Committee of the Judiciary United States Senate (Television Programs), April 6 and 7, 1955.

Sutherland, Edwin H., *Principles of Criminology*, 5th edition revised by Donald R. Cressey (J. B. Lippincott Company, 1955).

Thrasher, Frederic M., *The Comics and Delinquency* (quoted by Block and Flynn, p. 219).

Wertham, Frederick, *Seduction of the Innocent* (Rinehart, 1954).

ABSTRACT OF RESOLUTION #7

Because there seems to be a decided conflict of opinion on the question and the effect of the manner in which crime is reported, portrayed or described by the public media of America, some contending that no harm results and others maintaining that much of the crime increase is due to the stimulating effect generated by the constant repetition of criminal activity in the public media, it was resolved that the National District Attorneys' Association recommend that the Executive Committee of this Association give serious consideration to formulating a survey or study which might be conducted in the offices of the prosecutors of America for the purpose of "obtaining reliable and objective information as to whether or not crime portrayal in the public media at the present time is harmful."

RESOLUTIONS

The following significant resolutions were passed, in addition to those previously mentioned. While all resolutions were given an overwhelming majority vote, in resolutions #8 and #9 were not unanimous, and certain members recorded their opposition.

ABSTRACT OF RESOLUTION #3

Despite state laws relating to marriage contracts, many bigamous marriages are contracted each year. Some remain undetected; others though known are not subject to prosecution because of legal impediments in the Statutes. The family unit in all states needs to be strengthened for the benefit of children and society.

It was resolved that the Association recommend to State Legislatures where applicable the following amendments:

1. Abolish future common-law marriages in the 17 states that still permit them.

2. Require both persons applying for a marriage license to join in an improved application under oath and subject to perjury.

3. Require proof of termination of prior marriages before issuing a new license.

4. Require a marriage license for a legal marriage.

5. Permit prosecution for bigamy committed in another state when defendant is apprehended in a different state.

6. Extend the Statute of Limitations to permit prosecution for bigamy at any time during the existence of the bigamous marriage.

It was also resolved that the states enter into reciprocal agreements to prevent bigamy by creating one central office for participating states in which duplicate records of future marriages will be filed, with the requirements that a clearance certificate shall be obtained from such central office before any new marriage license shall be issued in participating states.

A copy of this resolution was sent to the Council of State Governments and to the Chairman of the Legislative Committee on Interstate Cooperation in each State, Territory and Possession of the United States and the District of Columbia.

Abstract of Resolution #8

The National District Attorneys' Association has been concerned over the far-reaching effects of the decision of the Supreme Court in the case of Mallory v. United States (354 U. S. 499) rendered on June 24, 1957, and the possible effect of this decision on State matters pending now and in the future. Congressional legislation has been introduced to cure the decision in the Mallory case.

It was resolved the National District Attorneys' Association approve HB 4957 and urge its immediate passage by The Congress, and this Resolution was brought to the attention of all committees of The United States Congress, to whom such measures may be referred.

Abstract of Resolution #9

The Supreme Court of the United States, in Benanti v. United States, 78 S. Ct. 155, has recently interpreted Section 605 of the Federal Communications Act to preclude the states from enacting legislation which would legalize wire tapping by state law enforcement officers. This interpretation of Section 605 deprives state prosecutors and other law enforcement officers of one of the most effective weapons in combating serious crimes and organized criminal activity. In many instances the telephone is the usual means by which persons engaged in kidnapping, extortion and racketeering convey threats and information. This criminal activity can be effectively countered only through the use of wire tapping. To remedy the present situation, legislation has been introduced and considered by The United States Congress similar to Senate Bill 3013, which was introduced in the 85th Congress.

It was resolved that The National District Attorneys' Association urge upon our Congress the introduction and passage of legislation which will eliminate the limitations upon state prosecution and law enforcement officers which has resulted from the Supreme Court decision in Benanti v. United States.