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Abstracts and Notes

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Accused a Speedy Trial—Petitioners, military personnel, were tried by a general court-martial and convicted of murder over their objection to the court's jurisdiction. The United States Supreme Court vacated the convictions, finding that the offense was committed during peacetime, in a military disciplinary camp in California and that under the Articles of War a court-martial had no jurisdiction over the offense. Ten years later petitioners were indicted for the same offense in a federal district court in California. The district court dismissed the indictment, and the United States Supreme Court affirmed the dismissal, holding that the delay constituted a denial of petitioners' right to a prompt trial. *United States v. Barnes*, 175 F. Supp. 60 (S.D. Calif. 1959).

Crucial to the Court's decision was the fact that the delay was caused by the deliberate act of the government in prosecuting the defendants by a general court-martial. Petitioners attempted to correct the wrongful exercise of jurisdiction and were ultimately successful when the Court vacated the conviction. There was thus an absence of such circumstances as frequently justify the denial of the right to a speedy trial, as when the accused is a fugitive from justice or otherwise hinders apprehension or prosecution. In the absence of such extenuating circumstances, peti-

tioners were entitled to a speedy trial by a court of competent jurisdiction, and a ten-year delay before indictment barred subsequent prosecution for the offense alleged to have been committed.

The Fact, Not the Distance, of Forcible Removal Constitutes Kidnapping—Defendant was convicted of kidnapping. The statute under which he was indicted defined kidnapping as the carrying of another, forcibly and against his will "into another part of the same county." The alleged kidnapping consisted of the removal of a child, age six, from its bedroom and the carrying of the child along a corridor, down fourteen stairs and approximately fifteen feet away from the back porch of the residence where the defendant was apprehended. The defendant contended that the legislature contemplated a greater distance when it wrote the kidnapping statute. The District Court of Appeal of California, First District, affirmed the conviction, holding that "it is the fact and not the distance of forcible removal which constitutes kidnapping." *People v. Phillips*, 343 P.2d 270 (Cal. App. 1959).

(For other recent case abstracts see pp. 608-609).

ABSTRACTS AND NOTES

INTERNATIONAL CRIMINOLOGICAL CONGRESS IN LOS ANGELES

The American Society of Criminology is preparing an International Criminological Congress to be held in Los Angeles, California, in the fall of 1961. This will be the first international congress of scholars in our area of knowledge within the United States. Leading criminologists from all over the world will be invited. The University of Southern California will co-sponsor the Congress, and the American Society of Criminology has been assured of official support of the undertaking from the Governor of the State of California, Edmund G. Brown, the Attorney General, Stanley Mosk, the State Board of Corrections, the University of California School of Criminology, etc.

Many endorsements and enthusiastic pledges of support have been received from leading foreign societies in the field of criminology; for example, the International Society of Criminology, Paris, France, the International Society for Social Defense, Genoa, Italy, the International Society of Social Prophylaxis, Paris, France, etc., and from distinguished, and internationally renowned criminologists all over the world.

Readers are requested to recommend subject matter and topics which should be covered in this Congress. Please send all suggestions to: Dr. Marcel Frym, President, American Society of Criminology, in care of the Hacker Psychiatric Clinic, 160 Lasky Drive, Beverly Hills, California.

CRIME IN PAKISTAN

A recent on-the-spot report from Pakistan indicates that juvenile delinquency has increased in the growing urban areas of that country, though no accurate statistics are available. Police officials in such cities as Karachi, Lahore, and Dacca attribute a relative rise in juvenile thefts to the huge influx of refugees from India and an increase in the number of working mothers. An acute shortage of schools (half the children are not enrolled and most of those who do attend drop out after the third or fourth year of instruction) and lack of adequate recreational facilities for youth are related factors in the problem. Probation is legally specified for first offenders, but there is no provision for the appointment of probation officers. East Pakistan (42 million population) has only one reformatory but there are no juvenile courts in either the East or the West wing of the country.

Only a small minority of juvenile offenses are actually reported to the police. Compared with the extensive gravity of juvenile delinquency in several Western countries, Pakistan does not face an acute problem, but social workers have expressed the felt need to undertake planned preventive measures to forestall a further increase in juvenile misbehavior that may be expected to accrue from the impact of industrialization and urbanization upon a predominantly agricultural country.

The main types of adult crime reported, in order of their frequency, are burglary, ordinary theft, dacoity, robbery, rioting, cattle theft, and murder. The widespread economic distress (median personal income is less than one dollar per week) is a potent causal factor. Reports on the crime rate and periodic trends show conflicting evidence and the available statistics tend to be of dubious accuracy, a situation typical of most Asian countries. Prior to the imposition of martial law in October, 1958, there was a high incidence of white collar crime in Pakistan, mainly black-marketeering, currency violations, the selling of trade licenses, hoarding, smuggling, and official corruption. No proof exists that this condition has been completely terminated but its incidence has been considerably lessened. Heavy penalties now cause Pakistanis to hesitate before engaging in illegal activities that were openly acknowledged to be widespread prior to the present regime.

Pakistani prisons suffer from overcrowding, but

in recent years there has been a marked increase of interest in prison reform, and in 1959 an "open jail" was established at Thatta in West Pakistan to accommodate one thousand prisoners; 7500 acres of land are under cultivation by the Thatta inmates. A conference of officers of the Jail Department recently recommended to the Government a series of reforms for West Pakistan prisons; an important provision was that jails should be divided into four categories, namely, full security, allocation prisons, semi-security, and open jails. Self-governing welfare leagues of prisoners are being set up in a number of prisons to inculcate habits of self-discipline and responsibility, and new experimental provisions are being made for vocational training of prisoners in carpentry, textiles, leather-work, book-binding, and weaving.

A three-months Training Institute and library for prison officials were established at Lahore during 1959, with a preliminary class of thirty-four officers; lecturers were chosen from the Prison Department and from the educational and welfare fields. The syllabus includes penology and prison management, prison labor and industries, hygiene and sanitation.

In East Pakistan an official Jail Reforms Commission has recently recommended a new building program, together with proposals for hygiene and sanitation improvements, better medical attendance, segregation of recidivists, and educational and welfare measures for prisoners. New jails have been built in the province since 1957, but the national poverty precludes the implementation of all the above recommendations.

Since 1947 when Pakistan gained her independence there have been several proposals for a revision of the penal code, which has its roots in the work of Lord Macauley in 1834. Enacted in 1860 as the supreme code of criminal law in India, it represented an attempt to superimpose British justice upon an essentially alien culture. A legal reforms commission appointed at the end of 1958 by the President and Chief Martial Law Administrator is now at work to produce an up-to-date code that will be more relevant to contemporary conditions in Pakistan.—John E. Owen, Wisconsin State College, Superior. (Fulbright lecturer, Pakistan, 1958–59).