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## Notes and Announcements

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## NOTES AND ANNOUNCEMENTS

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**Readers Criticize Inbau Article.** An address entitled "Public Safety v. Individual Civil Liberties: The Prosecutor's Stand," which was delivered by Professor Fred E. Inbau of the Northwestern University School of Law at the 1961 Annual Conference of the National District Attorneys' Association, appeared in the NDAA section of the March, 1962, issue of the *Journal* (Vol. 53, No. 1, pp. 85-89). The *Journal* has received the following letters concerning the article.

Hugh R. Manes, Esq., of the California Bar, with offices in Hollywood, wrote as follows:

"As a former member of the *Law Review*, and ex-student of Professor Inbau, I was shocked and dismayed to read in the March, 1962, edition of the *Journal* his address to the National District Attorneys' Association on the subject of 'Public Safety versus Individual Civil Liberties.'

"The intemperance of his comment is not only un-professorial, but un-lawyerlike as well. Not once in his bitter denunciation of the *Mapp* decision and of the exclusionary rule does he refer to the duty incumbent upon police officers to obtain a warrant before rummaging through a man's pockets or his house. Indeed, he does not even refer to a search warrant at all.

"Instead of encouraging the district attorneys to enforce the Constitution, and to persuade them that police officers should be encouraged to do likewise, he sets upon the Supreme Court as if there was no Fourth Amendment or Fourteenth Amendment, and as if there were no warnings such as appeared in *Irvin v. California*, and even in *Wolf v. Colorado*.

"Professor Inbau's deep concern for the public safety simply ignores the public interest in the right of privacy. While our State Department is proclaiming how 'free' we are, here we have law professors, of all people, inviting the police to enter our homes without warrant or authority.

"I would suggest to Professor Inbau that what he advocates has historically been held to be unconstitutional; and that therefore his criticism of *Mapp v. Ohio* carries with it the suggestion that the officers should enforce the law unlawfully. How can a free and democratic society abide by such a policy? How can a civilized nation tolerate

the admission of confessions into evidence where they have been coerced by brutal police methods? The kind of public safety which Professor Inbau speaks of will soon lead us to the police state. So far as this writer is concerned, *Mapp v. Ohio* was long overdue; and it is about time that those who undertake to teach the law, do so in a way that will not impugn the integrity of the courts or of the Constitution which has for over 175 years set the tone and standards by which we live."

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Professor Alfred R. Lindesmith, of the Department of Sociology of Indiana University at Bloomington, had this to say concerning Professor Inbau's article:

"It seems to me that Mr. Inbau comes very close to making a defense of police lawlessness in the speech which he made to the National District Attorneys' Association. Mr. Inbau says he wants to feel secure when he walks the street after dark, that he wants his daughter to be free to walk home after dark without being dragged into an alley and raped, and that he wants property owners to be free from racketeers, burglars and robbers. If he has reference to conditions in Chicago I should like to suggest that police lawlessness and inefficiency have contributed infinitely more to the hazards of life in that city than all of the decisions of the Supreme Court put together. Mr. Inbau does not want the courts to police the police. Who, then, should do it? In England police handling of suspects is guided by the Judges' Rules which, incidentally, forbid interrogation of the defendant after arrest. Mr. Inbau implies on page 88 that he favors secret interrogation of the defendant, from and after the indictment, without the protection afforded by the presence of counsel. This, it seems to me, would be an open invitation to the police to use third degree tactics.

"It is unfortunate that Mr. Inbau did not present statistical evidence concerning the number of guilty criminals who are freed each year by court decisions of the kind he deprecates. Had he done so I think he would have found that the number so freed constitutes a mere trickle compared to the criminals who are exempt from punishment by

reason of police inefficiency and corruption and because crimes committed by the police themselves generally go unpunished. It is notorious that, despite decisions of the Supreme Court, illegal arrests, searches and seizures, and illegal detention continue to flourish. The prosecutor is already the most powerful figure in the judicial process, and Mr. Inbau evidently wants to give him even more power. Does he have any responsibility for police lawlessness? The view seems to be that justice is best served by giving police and prosecutors a free hand to send to prison, by whatever means, persons whom they believe to be guilty.

"It seems to me that intemperate and ill considered attacks upon judges and courts are especially frequently made by officials in those jurisdictions characterized by relative inefficiency and lawlessness. The F.B.I., for example, seems to get along fairly well in the strait-jacket which Mr. Inbau complains of; so do the English police."

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*For further comment on Professor Inbau's speech, see the paper by Professor Yale Kamisar which appears in the leading articles section of this number of the Journal.*

**American Society of Criminology Honors O. W. Wilson**—The American Society of Criminology presented its Annual Award to Orlando W. Wilson, Superintendent of Police of the City of Chicago, at a meeting of the Society in Denver, Colorado, on December 29, 1961.

Before becoming head of the Chicago Police Department approximately two years ago, Wilson was Dean of the University of California School of Criminology in Berkeley. A former U. S. Army colonel, he headed up the Occupation Police in post-war Germany. Before joining the faculty of the University of California, Wilson was Chief of Police in Wichita, Kansas, and was a protege of August Vollmer, the "father of modern professional policing" in the United States. Wilson is the author of several standard textbooks on police administration and police science.

Previous winners of the annual award of the American Society of Criminology include: Dr. Robert Gault, former Editor-in-Chief of this *Journal*; Dr. Thorsten Sellin, President, International Society of Criminology; and Most Rev. Dr. Bernard J. Sheil, founder, Catholic Youth Organization.

**American Society of Criminology Presents August Vollmer Award to Sheldon and Eleanor Glueck**—On December 29, 1961, the American Society of Criminology presented the August Vollmer Award to Dr. Sheldon Glueck and Dr. Eleanor Glueck of the faculty of the Harvard University Law School for "their many distinguished contributions to the literature of criminology." The plaque was presented at a meeting of the Society in Denver, Colorado.

Sheldon and Eleanor Glueck are well known among criminologists for their follow-up researches on recidivism (e.g., *500 Criminal Careers; Later Criminal Careers*; and *Criminal Careers in Retrospect*) and particularly for their development of the "delinquency prediction tables." Both Gluecks have long been leaders in the fight to abolish capital punishment.

Previous winners of the August Vollmer Award include Dr. Marvin Wolfgang, University of Pennsylvania, and Dr. Paul Bohannon, Northwestern University.

**Judicial Conference on Sentencing, Nova Scotia**—A Judicial Conference on Sentencing, presided over by the Right Honourable J. L. Isley, Chief Justice of the Supreme Court of Nova Scotia, was held on Saturday, March 3, 1962, in Dalhousie Law School, Halifax, Nova Scotia. It is believed to be the first conference of its kind in the British Commonwealth in which Judges and Magistrates exercising jurisdiction in all the various criminal courts joined together to discuss common problems in the field of sentencing and to endeavour to work out a consistent sentencing philosophy for the entire judiciary.

After an introductory survey by Professor J. L. J. Edwards of Dalhousie Law School outlining the principal developments in the Canadian penal system since the publication of the Fauteux Report in 1956 and comparing some new sentencing practices in the United Kingdom and in the United States, the Conference was addressed by Mr. A. J. MacLeod, the Commissioner of Penitentiaries, and by Mr. T. G. Street, the Chairman of the National Parole Board. Recent and projected changes in the federal penitentiaries, with special reference to the institutions at Dorchester and Springhill, were outlined by Mr. MacLeod, and Mr. Street explained the underlying principles and procedures upon which the National Parole Board exercises its powers. A frank and useful exchange