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Prison Labor Problems—Mr. E. R. Cass of the American Prison Association writes:

"This has been an exciting year for prison labor. As you will probably recall, during the earlier part of the year there was some attempt made to restrict the use of the State Use system by making it apply only to custodial institutions, thereby eliminating the opportunity to sell the products of prison labor under the State Use system to institutions and agencies of the state, or its political subdivisions. For example, if the restrictions of State Use that were proposed earlier in the year were applied to the State of New York the prisons of our State could not manufacture furniture and other supplies for the various departments of education throughout the State, or for other departments in county, city and village governments. This restrictive effort was most noticeable in legislation appearing in some of the States as a follow-up of the Hawes-Cooper bill. However, that effort in the main did not succeed. Then came the matter of industrial codes and it soon became known that effort would be made to restrict prison labor by setting up certain prohibitions in some of the codes. The Textile and Retailers Code had a definite prohibition. As a matter of fact, the Retailers Code just 'threw prison labor out of the window' by prohibiting the members of the Retailers Association from handling in any way prison made goods. The Twine and Cordage code also has a prohibitive clause."

It was finally decided by the N. R. A. to eliminate, at least for the present, from the individual codes reference to the subject of prison labor. The purpose of this was to prevent a variety of prohibitions on the subject. Then the prison people were asked to get together and try to develop a code. Representatives of thirty-two states met in Washington September 8th and nine additional states communicated their views by letter or telegram, and in some instances authorized representatives present from other states to act for them. This meeting was "history making" in that it represented a united attempt to solve a long perplexing problem—prison labor. The solution arrived at the Conference was accepted by thirty-one states within three weeks of the meeting. For results obtained we refer the reader to the following note:

Prison Labor and the N. R. A.— On October 21, 1933, the President approved the first major code which attempted to deal with the prison labor problem. Section 3 of Article 9, "Code of Fair Competition for the Retail Trade," dealing with trade practices outlines the general
policy of the Recovery Administration towards prison labor. This section in effect outlaws the sale of prison made goods in the open market unless prison industries are operated under a code or compact assuring that they will compete on a fair competitive basis. The prisons of the several states are given ninety days in which to formulate a compact or code and have it approved by the Administrator.

The action of the Recovery Administration in this respect represents a substantial victory for the prison men who have been fighting the attempts of those who wish to eliminate the sale of any prison-made goods on the open market, no matter under what system or how they were produced. For more than three months a considerable group of prison administrators have been actively engaged in presenting their side of the case to those in charge of the Recovery Program.

The Committee at first devoted its attention largely to protesting the inclusion of restrictive clauses in the various codes, basing their arguments largely upon the fact that it was improper for the Recovery Administration to attempt to dictate to the sovereign states how they should operate their prison industries and that it might do enormous harm to the rehabilitation programs of the various states for the Recovery Administration to regulate and restrict prison labor policies. They also contended that clauses dealing with prison labor were not germane to the basic purposes and policies of the Recovery Act. In the view of many prison administrators, the Recovery Administration admitted that they could not deal with this problem directly by attempting to license or regulate the operation of all prison industries, and so they sought to accomplish their objectives by placing a clause in the Retailers' Code. This was doing indirectly what they could not do directly.

It was soon apparent, however that these arguments would not prevail and accordingly those interested in the movement called a conference of the various states to discuss the question and draft a code of fair competition for prison industries, to be submitted to the National Recovery Administration. On September 8, 1933, the representatives of thirty-two states met in Washington and after organizing the meeting and electing Colonel John J. Hannan of Wisconsin as chairman and Mr. J. V. Bennett as Secretary, proceeded to draft a code or set of principles. After two days of debate the conference adopted a code which provided in substance:

(a) That prisoners should work the same number of hours as applies to other workers in the industry in which they are engaged, but in no case should they work more than forty (40) hours per week;

(b) That goods made in prison must have charged into their cost of production the same labor burden per unit as enters into the cost of producing goods of like character made in free industry and prohibits the sale of any prison-made articles at less than the cost of production.

These two basic principles were aimed at eliminating the principal objections which have always been made to the use of prison labor. The prison men felt that under these conditions prison-made goods could not be sold on the open market in such manner to depress the wages and standards prevailing in private industry. The prison administrators
agreed that their products should compete for markets fairly and equitably on the basis of their merits.

This code, however, has not been approved by the Recovery Administration and has been returned to its authors with the suggestion that some consideration was necessary in view of the fact that the code did not assure that prison-made goods would be marketed on a fair competitive basis. Apparently the Recovery Administration felt that there were other items besides the direct labor burden and hours of labor which ought to be regulated by the code of fair competition for prison industries.

The general opinion of prison administrators is that the Recovery Administration believes other items of operating overhead should also be charged into the cost of producing goods by prisoners. Some suggestions have been made that no prison made goods may be sold at less than the lowest reasonable cost of producing similar goods by a private industry adhering to the codes of fair competition promulgated by the Recovery Administration.

Just what is to be done with these suggestions has not yet been determined but in all probability a new code will necessarily have to be drafted, presented to the states and approved by the duly constituted authorities within ninety days, or all merchants covered by the "Code of Fair Competition for the Retail Trade" will be forbidden to sell articles made in a prison. It is the unanimous opinion of all of those who have examined the code and know the baffling nature of the prison labor problem that well-nigh epoch making progress has been made. The prison labor advocates are cooperating as never before and are sincerely trying to eliminate any basis for charging that prison labor depresses the standards and working conditions of private employers. They are united in their desire to preserve to the states the right to use one of their most potent, regenerative agencies in the administration of prisons and will doubtless continue their efforts to formulate some method by which the public can be assured that law violators will not be maintained in idleness at the expense of the tax-payer. It is altogether a most significant undertaking.

J. V. B.

Declaration of Principles of the American Parole Association—At the meeting of the American Parole Association which was held at Atlantic City, New Jersey, on October 9, 1933, the following Declaration of Principles was adopted. This Declaration was the result of a session attended by members of boards of parole, parole commissioners, supervisors and field and institutional parole agents who had before them for discussion and amendment a tentative Declaration of Principles which had been prepared for discussion by a committee of the Association. This committee was continued and to it will be referred all problems properly belonging to the problem. Its members are: Andrew A. Bruce, Northwestern University, Chicago, Illinois; E. H. Sutherland, University of Chicago, Chicago, Illinois; Justin Miller, Duke University, Durham, North Carolina; Fred A. Moran, Executive Director of Parole, Albany, New York; Winthrop D. Lane, Director, Division of Parole, Trenton, New Jersey; Rachel Hopper Powell, Women's Prison
Association, New York City, N. Y.; St. Alban Kite, Assistant Director, Division of Parole, Trenton, New Jersey; Ray L. Huff, Parole Executive, Bureau of Prisons, Washington, D. C.

1. In a formal or legal sense, parole is conditional release from a correctional or penal institution under supervision. Properly conceived and administered, it is not a form of clemency or leniency; it is not employed for the purpose of shortening an offender's term; it is not giving an offender a reward for being a "good prisoner."

Fundamentally, there are two ways in which an offender may be released from an institution. He may be completely and finally discharged, with no subsequent supervision; or he may be conditionally released, under supervision, the competent body retaining the authority to return him to the institution if he violates the conditions of his release or commits additional crimes. We believe that the second of these affords a fuller measure of protection to society. Parole is a carefully considered part of the whole process of treatment begun when the offender enters the institution, or earlier. It is an extension of the authority and effort of the state beyond the doors of the institution and beyond the time of institutional residence. A period spent on parole is a period of supervision and re-adjustment from the extraordinary and artificial life of the institution to normal life in the community. In this view, parole is not based primarily upon consideration for the offender; it is based primarily upon protection of society, seeking that protection through the readjustment and welfare of the person who has broken laws. To this end, it uses and coordinates all the resources of the community, and aims at the prevention of crime and the reduction of recidivism.

In the interests of clarity, the distinction between probation and parole may be again pointed out. Probation is a form of supervision in the community applied by courts in the place of sentences to institutions; parole is applied to persons who have already served sentences, or parts of sentences, in institutions.

2. Recognizing that the life led by offenders in institutions, and the activities of such institutions, affect parole beneficially or harmfully, the American Parole Association here endorses the Declaration of Principles of the American Prison Association as revised and reaffirmed in 1930.

3. All offenders leaving correctional and penal institutions should be released by the method of parole. There should be no other form of release, except, of course, for those who are pardoned, recalled by courts, or who leave for some other exceptional or unforeseen circumstance. The reason for this is that a period of readjustment and supervision is desirable, both for the offender and society; the offender gains by the assistance rendered him and society gains both by such assistance and by its power to return him to the institution if he violates its mandates. It makes no difference, therefore, whether a person has a long criminal record or a short one, whether he is an experienced law-breaker or an inexperienced one, whether his most recent conviction was for a serious or a light crime, whether he has an unstable or a stable personality—these, together with his record in the institution, are not important in answering the question: Shall he be held under supervision after he
leaves the institution? If he is to leave the institution—and we are not here considering the matter of permanent custodial care for some types of offenders—the conditions and policy of parole should be applied to him. This is true both of those receiving indeterminate and definite, or fixed, sentences; advantage should be taken of every possibility to release the latter before the final date of their sentence (as by the operation of “good time” rules) in order that there may be some period of supervision and control under conditions of community life.

4. Selection of prisoners for parole, therefore, becomes a matter of choosing the time at which release of each offender is most advantageous or beneficial. It is not a matter of determining who shall be released by the method of parole and who shall not.

5. It is unfair to the prisoner if, though otherwise eligible for parole, he is kept incarcerated merely because no person or agency can be found to whom he may be paroled. Where the local parole boards cannot undertake this duty, the establishment of agencies to which prisoners who are without friends and relatives may be paroled should be encouraged.

6. Preparation for parole should begin the moment the offender reaches the institution. It should be a conscious and deliberate part of the policy of the institution to fit the offender for parole. This not only means preparing him as far as possible for useful and industrious life outside, but it means the desirability of specific instruction in regard to his obligations and opportunities while on parole.

7. Too much importance cannot be attached to the re-educative and rehabilitative efforts of the institution. Success on parole will depend, to a large degree, upon what has happened to the offender while behind the walls. It is a prerequisite to satisfactory parole work, therefore, that the institution shall have done its utmost to bring about the necessary changes in the health and attitude of the offender. This means a careful study of the needs and personalities of individual offenders and the use of all available resources in such fields as medicine, education, religion, psychology and psychiatry, recreation, vocational training, and social work, to enable the offender to rise to his own potential capabilities. The institutional life of the inmate should be carefully planned, a record of his progress kept, and changes should be made as often as necessary. Society gains by the incarceration of offenders in so far as there has been improvement in their habits, attitudes and behaviors.

8. Preparation for parole includes a study of the offender's family situation and relationships, and the extension of such assistance or social service to his family as may be required while he is still incarcerated. In this effort, the cooperation of appropriate community agencies should be obtained—and that is an obligation upon either the institution or the parole authority that will be ultimately responsible for the supervision of the offender.

9. In the development of all parole plans, the prisoner must be an active agent. He must be a participant in programs affecting the welfare of himself and family. To this end, he must be frequently informed and consulted about the situation and problems in which his family is involved. To disregard him in these
matters for the purpose of protecting him from distracting influences from the outside, or to make him more submissive to institution control (or for other purposes) interferes seriously with his preparation to face the realities of the life that he will find awaiting him upon release. Consideration for release upon parole should come up automatically, and at intervals not too infrequent, in the course of every inmate's residence. It should be as essential a part of the necessary routine, in the handling of every inmate, as questions relating to a change in his work assignments, attendance at the institution school, etc. The necessity for a formal application for parole from the prisoner himself, before he will be considered for parole, should not be allowed to exist.

10. In choosing the time most suitable for his release upon parole, consideration should be given to the following questions, which are major: Has the institution accomplished all that it can for him; is the offender's state of mind and attitude toward his own difficulties and problems such that further residence will be harmful or beneficial; does a suitable environment await him on the outside; can the beneficial effect already accomplished be retained if he is held longer to allow a more suitable environment to be developed?

11. Meetings of boards, committees or groups, at which the release of particular offenders on parole is considered should be confidential and private. In general, only persons having a direct and official interest in such proceedings should be present on this occasion. Oral pleas from interested persons, such as attorneys, friends, relatives, politicians, etc., whether for or against the parole of the offender, should be excluded, but the paroling authority should have power to subpoena witnesses and take testimony. There should be no newspaper men at such hearings and prisoners and their families should be protected from exploitation. Newspaper publicity should not be given to such hearings.

12. Careful preparation of the environment into which the offender is to go is a prerequisite to release and an essential of competent supervision. This requires wholesome living conditions in the offender's own family or elsewhere; a neighborhood in which the prospects of successful readjustment are fair; opportunities for either work or school, if needed; provision insofar as practicable against an immediate period of financial difficulty and an attitude of understanding and helpfulness on the part of those with whom the offender will come into immediate contact. Important, also, is the absence of any unnecessary attitude of suspicion, persecution or vindictiveness on the part of local police and other law enforcing officials.

13. The supervising agency or officer should regard the family of the offender as its charge or client, as well as the offender himself. Supervision of offenders on parole is a branch of social case work and in general should use the same methods and be bound by the same professional standards as the better class of family welfare societies.

14. The parole officer, both man and woman, should be an active field agent. This means that he should not depend upon reports of what his parolees are doing, but should visit the offender in his own home and should know what are the offender's habits, who are his asso-
ciates, under what conditions he is working, how he spends his leisure time—and all the things necessary to constructive and intelligent planning for the offender's welfare. The officer should be an understanding and sympathetic friend of the offender, ready to initiate any measure on his behalf that may be necessary. His supervision should be unobtrusive and designed to encourage confidence and self-respect in the offender. He should avoid an unduly suspicious and persecutory attitude. At the same time he must be ready to discipline the offender, even to the point of returning him to the institution for further care, when necessary.

15. The primary object of supervision is the restoration of the offender to society as a participating and law-abiding member, and as personally happy and socially useful as possible. Competent supervision involves two main aspects: (1) the personal guidance and influence over the offender by the officer; and (2) the use or manipulation of social agencies and community forces in the interest of the offender's rehabilitation and the welfare of his family. This requires careful planning and the offender should take part in such planning. The parole officer should be active in helping the offender to find work, in straightening out difficulties within his family and in other relationships, in encouraging him in the wholesome use of his leisure time and in other respects. He and his superiors should be thoroughly familiar with the communities in which the offenders live. They should be acquainted with, and when possible should draw upon, the services and resources of private and public organizations capable of being helpful to the offender. These include health agencies and clinics, character-building organizations, educational institutions, social service agencies, organizations providing means for the spending of leisure time, various types of clubs, religious organizations and others. The services of local, state and Federal governmental organizations and institutions are often useful. The function of the parole officer, or the supervising authority, in this connection, is to enlist and coordinate the services of these agencies, and such agencies ought at all times to be willing to cooperate.

16. Personnel of a high order is necessary to carry out these tasks. A parole officer should be skilled in social case work, including a knowledge of ways of influencing human behavior and a personality giving him a ready facility in the use of such knowledge. He should have a good education, good habits and qualities of firmness. His superiors should be persons professionally trained in social case work and of executive ability. The staff should be large enough to insure that competent supervision is done. Throughout the organization should be a professional spirit similar to that found among teachers, and politics should play no part in the selection of personnel.

17. The statutes should not make it mandatory on the parole authorities to return the offenders to the institution in the case of any and all parole violations, regardless of seriousness. This matter should be left as largely as practicable to the discretion of those charged with the supervision of offenders.

18. The States and the Federal Government should cooperate in parole work, because contacts with more than one state are frequently necessary in obtaining information.
and in supervision. It is also desirable that there be reciprocal relations among states, especially among states close to each other, in regard to the supervision of parolees.

19. No matter how good the work of both institution and supervising agency, the moment when an offender leaves a correctional institution is an extremely important one and the shock induced by the sudden change in his situation may be serious. For that reason, we recommend as worthy of study those experiments now being conducted in some countries whereby the release from the institution is gradual, the offender toward the close of his stay leaving the institution by day and returning at night, or leaving for a longer period of time and then returning for a period. This is possibly of greatest use in the cases of offenders who have already been in the institution for a considerable time.

20. To improve practice in the field of parole, as well as to add to general knowledge about crime, continuous study and research should accompany parole work. This research should be conducted in a thoroughly scientific manner and spirit. The research staffs at state and other universities should be encouraged to assist in such tasks as public servants.

"The Section was in a peculiar dilemma. Many statements of supposed principles of criminal law administration were continuously being made in the general meetings of the Association and being as constantly repudiated in the Section meetings. As a consequence the strange anomaly was presented of the Association working in one direction and the Section in another. Dean Miller called attention to some of these supposed principles which may not actually be fundamental at all and the belief in which may actually be contributing to the prevailing unfortunate crime conditions. For instance, he felt he was safe in saying that the members of the Section did not believe that a man twice convicted should never be released on parole; that a man convicted three times should be incarcerated for life; that punishing kidnapping by death would be a wise procedure; that there was any easy solution of racketeering and that any statement that came from the Chairman of a Congressional Committee or anyone else that racketeering would soon be eliminated was anything more than a brave whistling in the dark; nor that the solution of the crime problem lies solely or largely in rigorous prosecution or long incarceration.

'Finally,' he continued, 'I think it is accepted as a fundamental principle in our Section that the lawyer's interest in this crime problem is not or should not be limited to questions of the changing of criminal procedure. We believe that there is important work to be done in that field. We believe very thoroughly, as one of our resolutions will reveal, in the work which the American Law Institute has done in the preparation of a code of criminal procedure. In our opinion, not
only is that a small part of the problem, but only a small part of a lawyer's responsibility. I think I may safely express the opinion of our Section in telling you that the present situation, so far as the effective administration of criminal justice is concerned, is more largely due to the unwillingness of lawyers to assume the leadership which they once held, responsibility which they once undertook, to provide constructive direction and supervision of administration of criminal justice than to any other single thing.

'The problem must be considered as a whole if substantial progress is to be made. The lawyer group is qualified for this task. No other group has that combination of tradition, experience and influence upon legislation and administration necessary for the accomplishment of the desired result. The specialized information of the lawyer group relates to a system of substantive criminal law into which the specialized information of all other groups fits at various points. This cannot be said of the specialized information of any other interested group. No other group can set up a system which will be inclusive and into which the specialized information of the lawyer and all other groups can fit.' . . ."

Chiefs' Committees— Readers of the Journal will find listed below the members of a number of committees serving the International Association of Chiefs of Police. This information was obtained through the courtesy of Mr. August Vollmer of the University of California: Automobile Theft Committee: John P. Smith, Superintendent of Police, Detroit, Michigan; John Allman, Commissioner of Police, Chicago, Illinois; Allan Rutherford, Chief of Police, Brookline, Massachusetts; George Reyer, Superintendent of Police, New Orleans, Louisiana; Captain John H. Mintrens, Captain of Police, Baltimore, Maryland. Radio Committee: Donald S. Leonard, Michigan State Police, Detroit, Michigan; Joseph A. Gerk, Chief of Police, St. Louis, Missouri; Michael A. Lyons Deputy Chief Inspector, New York City, New York. Committee to Confer With Committee of American Bar Association: Joseph A. Gerk, Chief of Police, St. Louis, Missouri; William P. Quinn, Chief of Police, San Francisco, California; William P. Rutledge, Executive Vice-Pres., Wyandotte, Michigan; Harry H. Clayton, Chief of Police, Red Bank, New Jersey; M. A. Newfield, Chief Special Agent, Railway Express Agency, Buffalo, New York; O. W. Wilson, Chief of Police, Wichita, Kansas; Herbert Mosher, Pinkerton National Detective Agency, New York City, New York. Committee to Confer With United States Parole Committee: George Black, Secretary, Wilmington, Delaware; William G. Slaughter, Chief of Police, Norfolk, Virginia; William B. Mills, Superintendent of Police, Philadelphia, Pennsylvania. Committee on Police Training: Leon V. Jenkins, Chief of Police, Portland, Oregon; Thomas J. Godley, Chief of Police, Fitchburg, Massachusetts; William H. Funston, Chief of Police, Schenectady, New York. Public Safety and Traffic Control Committee: John P. Smith, Superintendent of Police, Detroit, Michigan; John Blandford, Director of Public Safety, Cincinnati, Ohio; Oscar Olander, Michigan State Police, Lansing, Michigan; Major Ernest Brown, Superintendent of

New Kidnapping Legislation—One of the most important laws enacted at the recent Extraordinary Session of the New York Legislature was that amending the Penal Law relative to the penalties for kidnapping. Aroused by the increasing frequency of this nefarious crime, and de-
terminated that New York State would do its utmost to stop the practice, Governor Lehman urged the Legislature to increase the penalties to be meted out to any person or persons convicted of kidnapping.

As a result, several bills relating to the matter were introduced. Under the terms of the bill which was finally passed by the Legislature, and signed by Governor Lehman, the death penalty may be inflicted upon conviction for kidnapping (except where the kidnapper is the parent of the one kidnapped) if the kidnapped person has not been returned alive prior to the opening of the trial. The law further provides that the jury returning a verdict of guilty may recommend imprisonment of the person convicted, in which cases the penalty imposed must be imprisonment for from twenty years to life. In the event that the kidnapped person has been returned alive prior to the opening of the trial, the penalty upon conviction must be the same as though the jury had recommended imprisonment aforesaid.

The new law also contains provisions defining accessories to kidnapping and specifies the penalties to be imposed upon conviction. Any person refusing to divulge to proper authorities information which he may have as to the kidnapping, the whereabouts of the kidnapped or of the person or persons responsible, or which may lead to the detection and punishment of the kidnappers; or who, by retaining, concealing, suppressing or destroying information or evidence, obstructs the progress of the lawfully constituted authorities in their endeavors to apprehend and punish the kidnappers; or who gives false information concerning any of the aforementioned matters, is held to be an accessory and upon conviction is punishable by imprisonment for not less than five, nor more than fifteen years. (Correction, September, 1933.)

Crime Prevention Work in Philadelphia—In addition to directing the work of the Criminal Justice Association, Thomas A. Meryweather has also been acting as Executive Director of the Philadelphia Crime Prevention Association. Much of his time therefore is taken up with Crime Prevention Association activities among boys of 16 to 20 years of age. The association works in conjunction with the Crime Prevention Division of the Bureau of Police, supplementing their work. Mr. Meryweather assists in the formation of boys' clubs in areas where there is a high delinquency rate among older boys and endeavors to coordinate the work of public and private agencies, so that recreation, supervision and case work may be more effective in reducing the number of older boy delinquencies. The work of the Crime Prevention Association of Philadelphia is described in the First Annual Report, recently published during the Summer of 1933. Mr. Meryweather visited various cities in the Middle West in order to learn of worthwhile projects in crime prevention which might be helpful to Philadelphia, and he is now preparing a report of his observations.

Criminal Justice Among the Indians—Two years ago Professor Ray A. Brown of the University of Wisconsin Law School, in collaboration with Professor Mary Louise Mark of the Department of Sociology of Ohio State University
and Mr. Henry Roe Cloud, an Indian graduate of Yale University and now principal of the Haskell Indian Institute at Lawrence, Kansas, made a study of the administration of criminal justice among the Indians of the Northwest. This study has been included in the report of the hearings of the Committee on Indian Affairs in the United States Senate, pp. 14134-14426, and is of great interest to any person studying the administration of criminal justice.

Indian wards of the United States Government while on the reservation are not subject to the ordinary criminal law of the states or of the Federal government. A Federal statute does indeed make cognizable in the Federal courts eight so-called major crimes, such as murder, manslaughter, robbery. For the rest, these Indians are not subject to the jurisdiction of any recognized court, either state or Federal. There do exist on the reservations certain administrative courts, called the courts of Indian Offences, which are administered by the Indians themselves, subject to a considerable degree of control by the superintendents of the particular reservations. As the Indians have developed and have approximated the degree of our civilization, demand has arisen for a change in the old law. Some have suggested that they be placed like all other citizens under the regular courts of the states. There are, however, many problems in connection with this due to the still comparatively unadvanced state of the Indians, their ignorance of our law and customs, the quite unsettled condition of a good deal of the Indian country, and the rather inferior character of the justice administered by the state courts in many of the localities.

The authors endeavored to make a study of the “law in action” and to fit their proposals to the actual social conditions of the Indian and of the people with whom they are surrounded. The study approaches the problem from a practical and social viewpoint and not from a purely legalistic one. A number of case studies are included which adds to the interest of the work.

Prison Congress—The Sixty-third Prison Congress was an outstanding success. “It was one of those rare occasions when everybody seemed satisfied and kept smiling.” There was representation from 38 states, 3 foreign countries, and Canada. Frequent comment was heard on the high character of the program and the meetings were well attended.

The officers for the new year are Calvin Derrick, Superintendent of the State Home for Boys, Jamesburg, New Jersey, President; five Vice-Presidents as follows: Stanley P. Ashe, Warden, Western State Penitentiary, Pittsburgh, Pennsylvania; Vernon C. Branham, M. D., Deputy Commissioner, State Department of Correction, New York; R. E. Davis, Warden, Utah State Prison, Salt Lake City, Utah; Harold E. Donnell, Superintendent of Prisons, Baltimore, Maryland; Florence Monahan, Managing Officer, State Training School for Girls, Geneva, Illinois. For Treasurer, George C. Erskine, Superintendent, State Reformatory, Cheshire, Connecticut, and for General Secretary, E. R. Cass, General Secretary, The Prison Association of New York.

The 1934 Congress probably will meet at Houston, Texas, although the matter has not been settled definitely.

We cannot begin to indicate the
value of the papers presented and the resultant discussions. To mention some and exclude others may be considered bad taste upon the part of the editor. We feel, however, that we must at least mention the talks on the Italian penal system and the conditions in the correctional field in Germany by Professor Nathaniel Cantor of the University of Buffalo. Mr. Cantor heads the Committee on Criminal Law for the next year.

Evanston Police School—The Traffic Officers' Training School of the Midwest Police Conference was held from October 9 to 21, under the sponsorship of the Evanston, Illinois, Police Department and Northwestern University. The sessions of the school met at the headquarters of the police department and in Harris Hall at the university. The average attendance at the school was about thirty, and many of the men in attendance came from some distance. The police departments of Portland, Maine, Omaha, Nebraska, and Hannibal, Missouri, among others were represented, and the instruction staff was drawn from all over the United States. The organization and direction of the program was in the charge of Lieutenant Frank Kreml, director of the bureau of accident prevention of the Evanston Police Department. During this two weeks period the school met in formal class sessions during the morning, and the afternoons were devoted to field work on the problems of traffic control.

The following courses of instruction were given: Organization of the traffic unit, by Lieutenant Ray Ashworth, of the Wichita, Kansas, Police Department; traffic planning, by Burton W. Marsh, director of safety and traffic of the American Automobile Association, Washington, D. C., and Lieutenant Herbert McCaske, of the Detroit Police Department; educational work, by F. C. Lynch, director of the Kansas City, Missouri, Safety Council; modern methods of enforcement, by Inspector B. A. Lamb of the traffic bureau of the Metropolitan Police Department, District of Columbia; training, by Captain P. J. Dorr, deputy superintendent of the Pennsylvania State Highway Patrol; arrests and court work, by Captain L. A. Lyon, of the Michigan State Department of Public Safety; legislation, by Sydney J. Williams, director of the public safety division of the National Safety Council, Chicago; and accident investigation, by Lieutenant Frank Kreml, director of the bureau of accident prevention of the Evanston Police Department.

The field work was directed by Maxwell N. Halsey, traffic engineer for the National Bureau of Casualty and Surety Underwriters, New York, and Earl J. Reeder, traffic engineer, traffic engineer for the National Safety Council, Chicago. The field work was devoted to the following subjects: Collision diagrams, condition diagrams, measuring traffic flow, making marking checks, the study of vehicle speeds and spacing, the design, makes, and uses of motorcycles, the prosecution of traffic cases, the investigation of accidents, and the work of the National Safety Council.

Work of the Division of Investigation—Since public interest in the Federal war upon crime is so great we are pleased to print an account of the activities of the investigating unit of the United States Department of Justice. Mr. J. Ed-
gar Hoover, Director, has sent this information to "Current Notes."

The Division of Investigation has the responsibility of investigating offenses against the laws of the United States and collecting evidence in cases in which the United States is or may be a party, and possesses primary investigative jurisdiction of those offenses against the laws of the United States not specifically assigned by Congressional enactment to other Governmental agencies for investigation.

This Division does not investigate violations of the Narcotic Laws, Smuggling, Counterfeiting, Immigration Laws, and certain other miscellaneous statutes.

Among the most generally known violations investigated by the Division of Investigation are the following: Bankruptcy Act; Antitrust Laws; National Bank and Federal Reserve Acts, Crimes on the High Seas and on Indian and Government Reservations; Frauds Against the Government; Impersonation; Peonage; Theft of Government Property; Bribery of Government Officers; Espionage; Escaped Federal Prisoners; Neutrality Laws; Perjury; Pardon, Parole and Probation Matters; and certain violations involving interstate or foreign transportation, including the National Motor Vehicle Theft Act, known as the Dyer Act; White Slave Traffic Act, known as the Mann Act; Kidnapping; and Thefts from Interstate Shipments.

Organization: It requires a comprehensive organization to investigate such a large number of important Federal crimes throughout the United States, Hawaii, and Alaska. In order to perform its work most expeditiously and economically, the Division has offices in twenty-two cities located throughout the United States. Its investigative activities are not limited by State boundary lines. A Special Agent in Charge has charge of each of its respective offices which covers a definite geographic area. As occasion requires, the number of employees assigned to each office varies with the amount of work to be performed. For instance, if the number of cases in the territory covered by the Jacksonville, Florida, Office is comparatively few, while the number of cases covered by the New York Office is unusually large, employees may be shifted from Jacksonville to the New York Office, or from Portland to Philadelphia, or from New Orleans to San Francisco, as the occasion demands.

This is, of course, a distinct advantage, and permits thorough and prompt attention to be given every case referred to the Division for investigative action to the end that all pertinent evidence and facts may be collected and presented to the appropriate United States Attorney in proper form for his opinion as to prosecution.

Personnel: The Division gives most careful consideration to the selection and appointment of all its employees. Only duly qualified graduates of recognized law schools, who are usually members of the bar, or expert Accountants with practical experience, are appointed as Special Agents. Applicants for appointment to investigative positions must be between 25 and 35 years of age. Upon their appointment, Special Agents are given intensive training courses at Washington, where they are required to master all phases of their work. Special Agents in charge of the field offices of the Division are in turn selected from those employees who have proven themselves to be possessed
of investigative, administrative, and executive ability of the highest order. All employees are required to render appropriate assistance to law enforcement officials at all times and to strictly observe the rights of all persons with whom they come in contact. The Division as a result of the high standard maintained by its employees, is enabled to attract to its ranks individuals of integrity and ability.

Accomplishments: The accomplishments of the Division of Investigation have been commended in the highest terms by the Courts, prosecuting officers, and law-enforcement officials generally. Statistics at best are rather dry, but offer the most concise method of outlining the achievements of the Division. Convictions were secured in 95.51 per cent of all cases investigated by the Division which were brought to trial.

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The sentences imposed in these cases included 7 life sentences and totaled over 4,764 years, exclusive of probationary sentences, totaling 2,659 years, and suspended sentences of 1,149 years. The fines imposed during the same year totaled $326,177.07.

The total value of recoveries effected in cases wherein employees of the Division performed investigative work amounted to $6,392,332.82.

During the same fiscal year 1,163 Federal fugitives from justice were located—an average of between 3 and 4 Federal fugitives located per day. In addition, the Identification Unit of the Division assisted various law-enforcement officials throughout the United States in identifying 3,818 fugitives during the same year. Stolen motor vehicles numbering 3,050 and valued at $1,200,307.32 were recovered in cases in which the Division performed investigative work for the fiscal year 1933. Since the enactment of the National Motor Vehicle Theft Act, or to give its commonly accepted name, the Dyer Act, in October, 1919, until June 30, 1933, 34,393 stolen motor vehicles valued at $22,917,143.52 have been recovered in cases in which the Division performed investigative work.

A saving of $281,845 of the Division's appropriation for the fiscal year 1933, which totaled $2,775,000, was effected by economy measures.

Identification Unit: The Identification Unit of the Division of Investigation is maintained at Washington, D. C., and was established on July 1, 1924, to operate as a national clearing house of identification data. At the date of its inception, it began with approximately 800,000 fingerprint records which had comprised the collections of the bureau maintained at the United States Penitentiary, Leavenworth, Kansas, and of the National Bureau of Criminal Identification, Washington, D. C., which had been operated by the International Association of Chiefs of Police.

Since its establishment in 1924, the Identification Unit of the Division has had a phenomenal growth. During the fiscal year of 1933 alone, it received 543,508 criminal fingerprint cards in addition to applicant and civil records.

On September 1, 1933, there were 3,870,910 fingerprint records on file, representing the largest and most complete collection of criminal fingerprint records of current value.
existing anywhere in the world. This Unit now receives criminal identification data from 6,066 contributors in the United States and foreign countries, and receives more than 2,200 fingerprint cards each day, replying to each of these cards within 36 hours.

The subjects of over 45 per cent of all the prints received are identified as having prior criminal records. By means of posting notices of wanted persons in this Unit, the Division at present identifies more than 350 fugitives each month, immediately notifying the proper officials so that these fugitives may be taken into custody. This entire service is furnished free of cost and is maintained solely for the convenience and use of regularly constituted law-enforcement officials and agencies. These data are not made available for private purposes. At the present time, the Identification Unit of the Division exchanges fingerprint records with 43 foreign countries to help cope with the operations of international confidence men, swindlers and gangsters.

"Fugitives Wanted by Police" Bulletins: As an aid to law enforcement agencies in their war upon crime and criminals, the Division publishes a "Fugitives Wanted by Police" Bulletin monthly, in which are listed the names, aliases, descriptions, and fingerprint classifications of wanted fugitives, together with the names and addresses of law-enforcement officials and agencies to be notified when the fugitives are located. These bulletins are distributed each month by the Division to the 6,066 law-enforcement officials and agencies who forward fingerprints for the Division's files.

Crime Statistics: By Act of Congress, approved June 11, 1930, the Division of Investigation was authorized to collect and compile criminal statistics. During the first seven months of 1933, reports were received from 1,625 police departments throughout the United States, representing a population area of 54,716,797 persons. A bulletin containing a digest of figures on crime statistics throughout the entire country is issued quarterly by the Division.

Single Fingerprint Files: As an adjunct to its main fingerprint files, wherein impressions are classified through the use of all fingers considered as a unit, the Division conducts a single fingerprint file wherein individual impressions of known gangsters, kidnappers and extortionists are classified and filed separately, to be susceptible of ready comparison with latent prints found at the scenes of crimes. A detailed descriptive card operated by a punch machine system is prepared to cover each subject of this file, and further supplements this valuable adjunct to the Identification Unit.

Research Division: The Division also maintains at Washington a Technical Laboratory for the study of ballistics, handwriting, typewriting, photography, and fingerprint identification work to keep abreast of developments which are of assistance in the scientific investigation of crime.

Police Recommendation — Recommendations of the Committee of the International Association of Chiefs of Police, appointed by President Charles A. Wheeler, to confer with the United States Senate Sub-Committee on Racketeering, at Detroit, Michigan, October, 3, 1933, are presented herewith:
The Committee is composed of: Austin J. Roche, Commissioner of Police, Buffalo, New York, Chairman; John P. Smith, Acting Commissioner of Police, Detroit, Michigan; Oscar O. Olander, Commissioner, State Police, Lansing, Michigan; Alfred Seymour, Chief of Police, Lansing, Michigan; William P. Rutledge, Chief of Police, Wyandotte, Michigan; and Donald S. Leonard, Lieutenant, State Police, Detroit, Michigan.

Federal Officers to Arrest:—That all Federal Enforcement Officers should be empowered to arrest for any violation of Federal Laws.

Integration of Police Departments:—We recommend the Regional Integration of Law Enforcement Agencies within the State.

Permanency of Tenure of Office:—That there should be permanency of office of heads of Police Departments. The appointment and removal of heads of Police Departments should be vested in a non-political and non-partisan board, composed of men holding no other elective or appointive office, with no power of administration, which should consist of five persons appointed by the Mayor or other Chief Executive of the Municipality. The first board appointed to be staggered, two, four, six, eight and ten years. In all cases the head of a police department should be removed from office only after the filing of specific charges in writing and a fair public hearing before such board. It is a well known fact that many efficient heads of police departments are removed from office with every change of administration.

Government Aid:—We recommend government aid for police departments. Inasmuch as the Government is interesting itself in the crime problem, and in view of the fact that most municipalities throughout the country are in dire financial straits, the Government might well assist Police Departments financially. For example, in Detroit for the past year and a half the police department has been working on a reduced budget and personnel—the financial reductions being from 10 to 24 per cent—in some cases the personnel on a five-day-week basis. In addition the combatant personnel has been reduced by 237 men—at a time when actually there should have been an increase. The records and equipment have suffered, as the department was forced to lay off 55 civilian employees and stagger the time of 104 others. Paydays in Detroit have been very indefinite, and there have been months when the employees were not paid at all. This is certainly bad for the morale of a police department.

In view of these conditions and inasmuch as the Government is taking an active interest in the suppression of crime, it seems to us that the question of appropriating money to see that police departments are paid adequately and promptly is one of the things that should be given serious consideration, and help should be forthcoming to the cities, the police departments of which need help from the Government at this time.

Entrapment:—The present law on entrapment hampers police officers from bringing gangs to justice. Laws on entrapment should be changed so as to permit the introduction of evidence obtained by Federal and State officers.

Governors to Remove:—That State Governors be more vigorous in removing officials who fail to enforce the law.

Bail Bond Evil:—When the police
Capture a criminal who has a record of convictions behind him, such criminal should not be allowed to be at liberty prior to his trial where he is charged with a Felony, neither should he be allowed his freedom on bail pending a new trial and appeal after conviction. During this period the criminal is at large. He realizes that he is almost certain to go to prison, and this frees him from certain restraint that otherwise might be imposed upon him. He is, therefore, a most dangerous person to society. We believe that the Court should compel a person convicted of a Felony to begin serving his sentence as soon as technical motions are disposed of.

Evidence:—The rule which excludes evidence under the present interpretation of the law should be changed so that evidence of the guilt of a person may be accepted in Court regardless of how it is obtained. The remedy for unlawful arrest should be by civil action against the arresting officer.

To Report to the Governor:—That Judges and Prosecuting Attorneys should report to the Governor, indictments dismissed, cases not tried, etc., and reasons therefor.

Crossing State Lines:—We recommend that it be made a Federal offense for a person to go from one State to another after committing a Felony, and also to transport stolen property across a State line. It is also recommended that, if the ends of justice be best served, Federal authorities may waive jurisdiction to the State Courts.

Life Tenure for Judges:—That Judges of Courts of Criminal Jurisdiction should be appointed to hold office during good behavior.

Speedy Trials:—That there is altogether too much delay in bringing persons charged with crime to trial. It is the right of the Defendant, under the Constitution, to a speedy trial, and we recommend that he be given one.

Citizens to Give Information:—Under Section No. 146 of the United States Penal Code it is a crime to withhold information in connection with a Felony:—"Whoever, having knowledge of the actual commission of the crime of murder or other felony cognizable for the Courts of the United States, conceals and does not as soon as may be disclosed and make known to some one of the Judges or other persons in civil or military authority under the United States, shall be fined not more than Five Hundred Dollars, or imprisoned for not more than three years, or both."

We recommend that the States have a similar law.

Universal Fingerprinting:—We recommend Universal Fingerprinting for the following reasons:—

Thousands of people die yearly, unknown and unidentified. Other thousands are sent to hospitals, victims of accidents or through sickness, and who have lost knowledge of their identity. The fingerprinting of everyone would also materially aid in the suppression of crime.

Parole:—It is recommended that the authorities in a city where a prisoner is convicted, be notified when he or she is paroled, sentence expires or is pardoned.

Undesirables:—It is recommended that, in the case of Undesirables deported to the United States from other countries, the Bureau of Immigration hold such person at the Port of Entry until the Division of Investigation, Department of Justice, Washington, D. C., has been communicated with to ascertain whether or not the person deported
is wanted for a crime in the United States.

Firearms:—It is our opinion that there is no legitimate use for a revolver or a pistol or offensive gas in the hands of any person, except Law Enforcement officers and Military Authorities, and recommend that a change in the constitution be made to bring this about. Until this can be done we recommend that Congress pass such laws as will prevent the importation of weapons, the interstate shipment of revolvers or pistols, or machine guns, or offensive gas, or the transportation of such weapons or offensive gas by an individual from one State to another.

Extradition:—Extradition Proceedings are entirely too technical and cumbersome. They should be simplified to be merely a demand from the Governor of the State in which the offender is wanted to the Governor of the State in which he is being held, to release the prisoner on proper identification to the officers of the demanding State, and no Court should be allowed to review the Governor's action.

Protect Homes Only:—We do not believe that it was the intention of the framers of the Constitution to have the “Unreasonable Search and Seizure” clause apply to hangouts for criminals, disorderly houses, gambling dens and places where the law is being violated, but merely to guard the sanctity of the home of the decent, law abiding citizen.

Conclusion:—These recommendations are made in the belief that if carried out they will materially aid the law enforcement agencies in curbing Racketeering and Crime.

University of Iowa Notes—In 1933 Mr. Marion Hirschburg, a graduate student in the College of Law, completed a very detailed comparison of the American Law Institute's Code of Criminal Procedure and the Iowa Code of Criminal Procedure, a project on which he had been working for two years.

At the request of the Federal Bureau of Census, Professor Rollin M. Perkins and assistants undertook to make a state-wide survey of indictable crimes in Iowa during the year 1932. They have now practically completed the field work on this project and only three of the ninety-nine counties have not yet been completed. It is hoped that both studies will be printed and distributed in the near future.

Illinois Appointments—The method of parole prediction which has for some years been an object of research by Burgess, the Gluecks, Tibbitts, Vold and others, has now been adopted as a practical method by the State of Illinois. [See Editorial by R. H. Gault, 24 Journal of Criminal Law and Criminology 351 (July-August, 1933).] The Governor of the State has appointed Mr. Ferris Laune as sociologist and actuary for the Parole Board, with C. C. Van Vechten and Sam Daykin as assistants. Their duties will be to provide the Parole Board with information that will assist the Parole Board in making decisions in particular cases. This will include the preparation of expectancy tables of success and failure on parole, based chiefly on the method of parole prediction used by Burgess and Tibbitts.

Federal Prison Notes—Among the publications recently issued by the Federal Government dealing with
crime is the annual report of the United States Bureau of Prisons, entitled, "Federal Offenders, 1931-1932." This report contains a complete description of the activities of the Federal Government in the prison field and also contains voluminous statistics covering Federal prisoners, parolees and probationers. A similar report for the fiscal year ending June 30, 1933, is in preparation and will be available shortly. The Third Quarterly Bulletin of the Bureau of Investigation in the Department of Justice was published early in November, 1933. This report gives the most recent information concerning the number of offenses known to police and concerning persons arrested and fingerprinted for police departments cooperating with the Division of Investigation. The fourth Quarterly Bulletin will probably be published in February, 1934. The Census Bureau report entitled, "Prisoners, 1931-32," will probably be sent to the printer in November, 1933, and will be issued early in 1934. The Children's Bureau has just published its report on "Juvenile Courts, 1931." The Bureau of Labor Statistics in the Department of Labor has recently published Pamphlet No. 596 entitled, "Laws Relating to Prison Labor in the United States as of July 1, 1933."

The United States Hospital for Defective Delinquents at Springfield, Missouri, was formally opened on September 22, 1933. Dr. Lawrence Kolb, Senior Surgeon of the United States Public Health Service, has been appointed as Chief Medical Officer and Superintendent. This institution is for the care and treatment of all Federal prisoners suffering from mental defects and will also treat a restricted number of prisoners suffering from chronic degenerative diseases. This is a further attempt of the Government to specialize the institutional care of Federal offenders. There are now five distinct types of Federal penal and correctional institutions:

(a) The penitentiaries, such as the ones at Atlanta and Leavenworth.

(b) The reformatories for young first offenders, such as those at Chillicothe, Ohio and El Reno, Oklahoma.

(c) The narcotic farms for the care and treatment of those addicted to habit-forming drugs.

(d) The prison camp system for honor prisoners.

(e) The mental hospitals.

Mr. Austin H. MacCormick, Assistant Director of the Bureau of Prisons, has recently been assigned as Acting Superintendent at the United States Industrial Reformatory, Chillicothe, Ohio. Mr. MacCormick's career since graduation from Bowdoin College has been devoted almost exclusively to prison work. He was formerly Executive Officer at the Naval Prison at Portsmouth, New Hampshire, and was for a number of years associated with the National Society of Penal Information. In cooperation with Mr. Paul W. Garrett he edited the 1926 and 1929 publications of the Handbook of American Prisons and Reformatories. He is also author of the book, "The Education of Adult Prisoners." For the past four years he has been Assistant Director of the Bureau of Prisons in charge of Welfare and Education.

Mr. Joseph W. Sanford has also been assigned as Acting Assistant Superintendent at the United States Industrial Reformatory, Chillicothe, Ohio. Mr. Sanford was for eighteen years Chief Probation Officer in the Juvenile Court of the Dis-
district of Columbia. He resigned to accept a position as Investigator in the United States Bureau of Efficiency and cooperated with the Joint Congressional Committee which investigated the Federal prison problem. He was subsequently appointed as Superintendent of the Federal Correctional Camp at Fort Eustis, Virginia.

The Federal prison population is now 11,935. On the corresponding date last year it was 13,568. There has also been a considerable falling off in Federal offenders held in state, county and municipal jails. The estimated number of Federal prisoners boarded in county jails and state institutions on September 30, 1932, was 11,027. On October 13, 1933, the estimated population was 4,700.

The following psychiatrists have been appointed to represent the Attorney General in the examining of Federal prisoners who are transferred to the Hospital for Defective Delinquents as being insane or of unsound mind: Dr. J. G. Wilson of Atlanta, Georgia—Atlanta Penitentiary; Dr. H. M. Brundage of Columbus, Ohio—Chillicothe Reformatory; Dr. E. Frank deVilbiss of Kansas City, Kansas—Leavenworth Penitentiary and Leavenworth Annex; and Dr. J. Allen Jackson of Danville, Pennsylvania—Lewisburg Penitentiary.

Judge Bartelme Retires—On June 6, 1933, Judge Mary M. Bartelme retired as the judge of the Juvenile Court of Cook County, Illinois. She was succeeded by Judge Frank H. Bicek. She began her public service, after several years' practice of law, as Public Guardian, and for seventeen years gave devoted service to the orphans of Cook County. In 1913 Miss Bartelme was appointed assistant to the judge of the juvenile court, with power to hear and make recommendations in cases of delinquent girls. In 1923 she was elected to the circuit court bench and assigned to the juvenile court where she served continuously as judge until her retirement. Judge Bartelme gained nation-wide fame for her work in behalf of the juvenile court and related agencies and for her sympathetic understanding of the problems of under-privileged children. She was a member of the Board and Vice-President of the National Probation Association, and active in its work and councils.

Forthcoming Publications—The study of "500 Criminal Women," begun by Professor and Mrs. Sheldon Glueck a few years ago, is now rounding into shape. They expect the report to appear in print before the close of the year or early in 1934. This book reflects an elaboration of the technique developed in "500 Criminal Careers" (Knopf, 1930), and an important feature will be to make a contribution to a science of correctional treatment, by studying the role of over a hundred personal and situational factors, as well as the passage of time, in the recidivism or reform of a substantial sample of former inmates of the Reformatory for Women, Framingham, Massachusetts. This study was sponsored by the Bureau of Social Hygiene.

The study of "1,000 Juvenile Delinquents: Their Treatment by Court, Clinic and Community," is completed and awaits negotiations for publication. This will be the first volume in the Harvard Crime Survey, of which there will be pub-
lished some eight or nine volumes. This is a critical analysis of the effectiveness of clinics and juvenile courts in curbing recidivism. Both these studies make further contributions to the art of predicting the future behavior of offenders.

Professor Edwin R. Keedy of the University of Pennsylvania Law School is engaged in preparing a series of articles based upon his observations of French criminal procedure during his year abroad in 1931-32.

Dr. Louis N. Robinson, who is Chairman of the Pennsylvania Committee on Penal Affairs, has given us the information that the Committee has just completed a study of 982 defendants in Philadelphia, the study being made under the direction of Leon Stern. This study was made in order to provide a "factual argument for the establishment of a public defender for Philadelphia."


The Editor desires to draw attention to the columns of T. S. Rice which appear in each Sunday issue of the Brooklyn Daily Eagle. Mr. Rice is a vigorous writer and his ideas, while framed for the general newspaper reader, are intelligently set forth. We may take issue with some conclusions warmly advocated by the columnist, but Mr. Rice gives us plenty of food for thought. Mr. Rice is gracious enough to send us reprints from time to time. We are sure that he would favor any subscriber with like courtesy.