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Oregon Notes—The Pacific Coast Institute of Law and the Administration of Justice will meet at the University of Oregon School of Law on September 6, 7, and 8, 1934, and the Oregon State Bar Association meets at Eugene at the same time. Visitors representing the Bar and Universities of Idaho, Washington and California also will be in attendance. It has been decided to build up the Program around four headings: Administrative Law, Legislation and Constitutional Questions Involved, Criminal Law Administration, Legal Education. Each morning of the Institute will be devoted to a plenary session and the afternoons and evenings to round tables. It is the plan to invite one outstanding speaker for each subject, and these speakers will deliver a main address and then serve as chairman of the round tables. Subtopics will be selected in advance and assigned to members of the Oregon bench and bar and to social scientists from Pacific coast universities who will be invited as guests. The Carnegie corporation has granted $1000 for the traveling expenses of guest speakers, and the University and State Bar Association will raise the other funds necessary.

The Institute is not planned as a temporary thing but as a permanent Pacific coast organization. It has great potentialities, and should be able within a few years to exercise a great influence on the administration of law in the Pacific coast area.

In addition to his work of sponsoring the Pacific Coast Institute, Dean Wayne L. Morse of the University of Oregon School of Law is active in the work of the Oregon State Commission for Reform of Judicial Procedure, being Chairman of the Committee on Criminal Procedure. He is engaged in the preparation of a comparative analysis of the Oregon Code of Criminal Procedure and the model code prepared by the American Law Institute. The work on that comparison is about completed and will assist the Commission in making specific recommendations to the Oregon Legislature.

Dean Morse's work on the second volume of the Oregon Crime Survey has been delayed because of a lack of funds and because of his work with the Judicial Reform Commission. However, the two projects dovetail somewhat and he expects to publish the second volume within a year.

At the last primary election in Oregon a constitutional amendment was passed providing for a verdict in all criminal cases other than cap-
ital offenses by vote of ten out of twelve jurors.

California Study—The Bureau of Public Administration of the University of California, under the direction of Professor Samuel C. May, has been engaged for the past three years in carrying on a project which was designed to test the practicability of gathering criminal judicial statistics on a basis of individual case reports. Three California Counties, Alameda, San Francisco, and Los Angeles, cooperated to the extent of furnishing complete information as to the progress of felony cases handled by the Superior Courts of their respective counties for a period of one year, July 1, 1931, to June 30, 1932.

In order that the information collected by these counties might be transferred to punch cards which could be mechanically sorted and tabulated, a code was devised and applied to each unit of information furnished by them. This made possible a detailed analysis of the disposition, offense, plea, type of proceeding, sex of defendant, sentence, and time consumed in the process.

It is expected that an analysis of the data collected and a recommendation for the adoption of such a system by the State of California will be published late in the summer of 1934. Although the method of collecting criminal statistics by means of individual case reports has been recognized as being extremely valuable, the assumption has usually been that it would be expensive and complex in its operation. It is believed that the California experiment will demonstrate that this system for gathering data is both feasible and practical from the standpoint of low cost, reliability of information, and economy of time and effort involved.

Professor Hugh N. Fuller of Emory University, Georgia, outlined this project for the Bureau of Public Administration in 1930, Mr. Richard Graves of the Bureau directed the gathering of the information, and Mr. Ronald H. Beattie of the Bureau is preparing the analysis of the data gathered and the final report.

New Publication—The National Council for the Abolition of the Death Penalty and the Howard League (England) are cooperating in the publication of a new quarterly called “The Penal Reformer.” The first number will appear in July, 1934, edited by the Secretary of the National Council, John Paton. This publication will carry special articles and news similar to the materials found in “Thou Shalt Not Kill” and in addition general articles on penal reform. The Council recently distributed a booklet “Capital Punishment” (Revised Edition) by E. Roy Calvert, former secretary, who died in 1933.

Prison Labor—The States which are signatory to the Prison Labor Compact of Fair Competition have formed an association with Col. John J. Hannon of Wisconsin, Chairman; Mrs. Blanche LaDu of Minnesota, Vice-Chairman; and Mr. James V. Bennett, Secretary-Treasurer. The signatory states include: Alabama, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New York, North Dakota, Okla-
homa, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, West Virginia, Wisconsin, Wyoming.

Immediately following President Roosevelt's approval of the Prison Labor Compact, General Johnson authorized the use of the N. R. A. insignia on all goods made in those prisons adhering to the Compact of Fair Competition. These two most significant actions by the Federal Government are a complete answer to those who have been seeking to place prison labor in the same category with sweat shops and child labor. The Administration apparently now believes that it is possible to conduct prison industries in such a manner that the effects will not be harmful to our economic system, or destructive or injurious to the public welfare.

Mr. Linton Collins, Deputy Administrator, has been designated to represent General Johnson on all matters concerning the Prison Labor Compact.

Hunt Bibliography—Miss E. Mebane Hunt, executive secretary of the Women's Prison Association of New York and the Isaac T. Hopper Home, 110 Second Avenue, New York City, has sent to the editor a bibliography and suggested reading material on "The Female Offender" which lists and classifies 224 separate books and articles. This bibliography is of special value to criminologists in view of the fact that there is no comprehensive study of the modern woman criminal which can be used for reference purposes.

Statistics Study—the Committee on Governmental Statistics, which is an organization financed by the Social Science Research Council and staffed by the American Statistical Association, is studying criminal statistics of the federal government as a part of an elaborate study of governmental statistics and informational services. The work of the Committee is in collaboration with the Central Statistical Board appointed by the President of the United States. Mr. Morris Ploscowe, who has done much research work for the National Commission on Law Observance and Enforcement, the Massachusetts Crime Commission, Harvard Law School and other agencies, spent several weeks in Washington making a survey of the field of federal criminal statistics.

Exner Visit—Dr. Franz Exner, professor of Criminal Law in Munich, with his son, Adolph, recently paid a visit to various institutions in Chicago. Readers of this Journal will recall that Professor Exner for many years held the Chair of Criminal Law in Leipzig. A year ago he transferred to Munich. He is a distinguished writer on subjects pertaining to the criminal law and penology and was selected to contribute for Germany an article in the Progress Number of this Journal (May-June, 1933). His son Adolph has spent the last academic year in the Columbia University Law School after having completed his law studies in Germany.

Reform Proposals—A group of judges, police, and prosecuting officials, headed by Attorney General John J. Bennett of New York, has presented a memorial to the New York Legislature recommending the
following bills to improve the administration of justice:

"An amendment to the Constitution to permit a defendant to waive his right to jury trial;

"An amendment to the Constitution to permit a defendant to consent to be tried after the filing of an information instead of an indictment by a grand jury;

"A bill 'that will deal adequately with perjury';

"A bill which would prevent criminals with long records from being released on bail after conviction and while awaiting the result of an appeal;

"A measure to make a person who jumps bail after conviction of a misdemeanor guilty of another misdemeanor;

"A measure making the presence of a pistol in an automobile prima facie evidence to put the occupants of the car 'to their explanation';

"A bill to end the 'slot machine racket';

"A measure to insure that when a convict is about to be released from jail the police of the district where he was convicted would be notified;

"Establishment of a felony court in the magistrates' court system in New York city."

In a Rotary Club address in South Bend, Indiana, Judge James H. Clancey of Detroit, founder of the American League to Simplify Court Methods, presented a program of reform which included:

"Abolish the criminal alibi.

"Provide a sentence of death or life imprisonment for carrying a concealed weapon.

"Deny a defendant, classified and proved an underworld character, the presumption that the accused is innocent unless proved guilty, now enjoyed by the hardened killer and the first offender alike.

"Permit classification of defendants and their conviction for being underworld characters, to be proved by reputation.

"Provide for the trial of criminals in any county other than the one in which they live or in which they committed a crime.

"'America adheres to a system of court procedure that dates back to James II, more than 200 years before there was a United States, and long since outlawed by the English people.'" (C. T. June 7, '34.)

It has been the practice in these columns to print such proposals from time to time and undoubtedly many changes may be made which should improve the administration of the criminal law. However, it is interesting to note a statement made by Professor A. M. Kidd of the University of California to the Section on Administration of Justice of the Commonwealth Club of California:

"The recent lynching in San Jose has aroused a storm of criticism which has taken the direction of a demand that the criminal law and procedure be revised. As a matter of fact, the criminal law and procedure are the best things in the whole administration of justice. There are very few changes for the better that can be made, and such changes would make little difference in the administration of justice. For the major defects, the newspapers, chambers of commerce, taxpayers and the men in the street are principally responsible. It is so easy for them to throw the blame on the legal profession and sound a clarion note to pass new legislation. This satisfies the conscience of the various groups really responsible and it does not cost them anything. It is
perhaps the first duty of the bar to
demonstrate that very little changes
in legal procedure can be made, and
that the improvement of the admin-
istration of criminal justice depends
upon other factors."

A thoughtful commentary upon
the difficulties faced in putting popu-
lar reform proposals into effect may
be found in "Recent Criminal Cases"
in this issue of the Journal.

Criminological Research Bulletin—
In May, 1934, the Bureau of Social
Hygiene, Leonard V. Harrison, Di-
rector, issued the fourth of its series
of Criminological Research Bul-
letins. Each year the Bureau sends
out blank statements to be filled out
by research workers in the field of
criminology and the results are ar-
ranged according to subject matter
and printed in the form of a 30-page
bibliography. The Bureau of So-
cial Hygiene uses every means to
make the list inclusive and its serv-
ice is of great value in making
known scholarly works from all
parts of the country and in prevent-
ing duplication. New projects are
listed first in each classification, fol-
lowed by a "follow-up of projects
in Bulletins Nos. 1, 2 and 3."

Committee on Public Defenders—
Mr. Mayer C. Goldman, who is
chairman of the New York State
Bar Association's Committee on
Public Defenders and an active
worker for the establishment of the
office in New York, has sent to the
editor the Committee Report which
was presented to the fifty-seventh
annual meeting of the Association.
The Report is an able argument for
the public defender. Among other
pungent comments was the follow-
ing:

"Despite our so-called 'presump-
tion of innocence,' society as a
whole does not presume the accused
innocent—it presumes him guilty.
If the phrase 'equality before the
law' is to be effective, all classes
of accused persons, whether rich
or poor, must be given equal op-
opportunities, equal resources and
equal rights.

"The District Attorney's principal
function is to prosecute and not to
defend. It is impossible for him ade-
quately to perform the double role,
even though he conscientiously at-
ttempts to do so. The popular im-
pression that many defendants are
persecuted rather than prosecuted is
not without reason. While there
are fair-minded prosecutors with a
keen sense of justice, unfortunately
too many of them are dominated by
the desire to 'make a record.' To
them accusation is often equivalent
to proof. The average prosecutor
scents guilt, not innocence. The
tendency of many prosecutors to
seek convictions has been frequently
commented on by the Appellate
Courts. The law reports abound
with criticisms directed against over-
zealous and ambitious prosecutors
'who run dangerous, foolish and un-
professional risks to secure a con-
viction,' and who often evince 'ig-
norance of the ordinary rules of
evidence or disregard the interests
of both the people and the defend-
ant, which alike require that a trial
should be had according to law.'
(People v. Cascone, 185 N. Y., p.
334.)

"The vice of the 'assigned counsel
system' generally in vogue in the
United States is too well known to
require elaborate discussion. It is
sufficient to say, that this system has
been a source of constant criticism
and attack for many years by those
coming in contact with the criminal
courts. It is fundamentally wrong from every standpoint. It is as unfair to counsel as it is to the accused. Accused persons are entitled to a real defense, not a perfunctory one. Even the ‘crook’ is entitled to a fair trial. Under our Constitution, any person charged with crime is entitled to counsel, which means that he is entitled to competent counsel. He is entitled to a fair trial, which means that he should have every facility and resource to produce the law or the facts bearing upon the question of his guilt or innocence."

Danville, Illinois, Crime Survey—Active work on the Danville Crime Survey, headed by Professor Donald R. Taft of the University of Illinois, has recently been suspended because lack of funds did not permit the completion of the more technical parts of the study, and because the part which could be carried on without further funds had been completed. A large amount of material in the form of completed schedules of information about families living in areas of delinquency remains to be tabulated and analyzed.

To date the tentative findings of the survey seem to be:

1. That the concentration of crime in certain neighborhoods in Danville is due quite as much to the migration thither of individuals and families who already had criminal records before coming to Danville, as to the influence of the neighborhood situation in Danville. In other words, that neighborhoods act as selective agents attracting criminal and potentially criminal elements and then confirming them in these trends.

2. That the criminal elements in these areas are very mobile, though adequate comparison between their mobility and that of the general or non-criminal population has not yet been made.

3. That in Danville there are neighborhoods where many criminals live, but where there is neither (a) a general approval of anti-social patterns of behavior, nor (b) complete absence of common approved or disapproved patterns such as might characterize a rooming-house area. Rather criminal behavior seemed dependent upon primary group patterns of families, gangs, etc., functioning in partial isolation from other primary groups with different patterns.

During the current year a collateral study has been conducted jointly by Professors J. W. Albig and Donald R. Taft with the use of F. E. R. A. funds. Its object has been to test different methods of measuring mobility of population and to approximate a measure of mobility which will include the movements of transients who seem to be disproportionately involved in crime. Progress has been made in these directions, but a decline in the accuracy of police statistics in Danville has made impossible comparisons between the mobility of the arrested and the not-arrested.

Medical Care in Prison—In a letter to the Editor of the Journal of the American Medical Association Dr. James L. McCartney, Director of the Classification Clinic, Elmira Reformatory, and secretary of the Medical Section, American Prison Association, states:
“Of the 251 federal and state prisons there are at least 119 that have very inadequate medical service and show a gross neglect of the physical and mental care of their wards. These 119 institutions take care of about 30,000 individuals each year and turn them back into the population without consideration as to the individual’s health. They pay no attention to the hazard to public health that these 30,000 individuals obviously create. Many of the other institutions are extremely lax in the medical care of their prisoners, and it is an unfortunate situation that in less than a dozen state prisons is adequate medical and surgical care being given to the inmates. Fortunately, the federal prisons are supplied full time physicians from the U. S. Public Health Service.

“The widespread recognition which medicine has come to gain as an agency of social hygiene and social amelioration carries with it new opportunities and new responsibilities for the medical profession. It renders imperative the physician’s emancipation from the individualistic tradition of aloofness which has gained control of the profession with the passing of the family doctor and of the innate personal relationships that could not survive under modern conditions of specialization. Unfortunately, our prisons have enlisted to their service medical men who in many cases are cast-offs of the profession—physicians who are failures and, consequently, obtainable at a beggar’s fee. The administrators have been too prone to make the statement that even these derelicts of medicine are too good for the ‘gutter rats’ confined to their cells. Seldom, if ever, does a warden or superintendent of a prison call on his institutional physician for professional care. . . .

“The medical profession should take an interest in this matter and lend its support to raising the standard of the profession in these important institutions. Much can be done by the profession to remedy this situation. If the standard of medical care in our prisons could be raised to the standard it should be, undoubtedly it would act as a prevention of crime. If the prisoners were released better than when they were committed, there would not be the resentment against society for depriving them of their liberty. But it is extremely unfortunate that, in most cases, prisoners today stand a chance of release from prison in a more deplorable state than when they were committed to incarceration.”

Moley Report—The first of Raymond Moley’s Reports on the Federal Enforcement of Criminal Law was issued May 24, 1934. It urged the broadening of the Federal Government’s authority to combat crime through legislation and reported favorably upon the bills pending in Congress at that time. It also stressed the desirability of increasing the number of special agents of the Division of Investigation from 397 to 1,000. The report was very moderate and showed the benefit of counsel of practical workers in criminal law administration. Lack of space prevents the printing of the entire report, but a few significant paragraphs dealing with the problem of Federal expansion into the field of crime-fighting should be included:

“The gravity of the crime problem and recent successes of the Federal Government in dealing with it, have produced a considerable
opinion in favor of enlargements in Federal criminal jurisdiction. The hearings conducted by the Senate subcommittee on racketeering, of which Senator Copeland is chairman, have effectively developed this viewpoint.

"On the other hand, Congressman Hatton W. Sumners, chairman of the House Judiciary Committee, has urged that caution be observed in launching the Federal Government upon a vast bureaucratic undertaking which might result in weakening the crime repressive influence of the States quite as much as it strengthened that of the central government. When it is considered that the great majority of criminal offenses are, and will necessarily continue to be, entirely outside of Federal jurisdiction, and that the police of the States and minor civil divisions are a hundredfold more numerous than those of the Federal Government, the objections of Chairman Sumners acquire added weight and meaning.

"Certainly it cannot be denied that even though all of the proposed anti-crime bills were adopted at the present session, and necessary increases in Federal police strength were provided, the center of gravity of the police machine would still remain with the States, which would also still be solely responsible for investigating most of the crimes committed within their boundaries.

"To shift any large number of criminal cases, either in law or in fact, from State to Federal jurisdiction or to their joint jurisdiction, would perhaps actually reduce the net effective result, and if accompanied by a proportionate increase in Federal police personnel, might develop a great unwieldy administrative machine which would collapse from its own weight.

"It might be argued, of course, that the failures of local law enforcement have become in some instances so serious that the Federal Government is bound to step in, regardless of all apparent difficulties. Yet it is by no means certain that such faults cannot be corrected by local action, as evidenced by the recent rehabilitation of police service in Chicago and elsewhere. If this process is extended, it is almost sure to produce much more substantial improvement than any large-scale Federal adventure in law enforcement.

"Not only will criminal investigations be improved, but what is even more important to the law-abiding citizen, the preventive and protective services will likewise become more effective. These last are not, and cannot be, within the competence of any of the Federal police agencies. Hence, they must be extended, if at all, by local devices.

"The police forces of many cities are now making strenuous efforts to solve the crime problems with which they are confronted. What is equally important, a real public sentiment for criminal law enforcement is developing which promises much by way of effective support for State and local police forces.

"There is no danger of autocracy of bureaucracy in our system if, while the interest and power of government increases, there be developed on the part of the citizen an increasing participation in public affairs. It is when the citizen sits back and permits an all-powerful government to take the conduct of his affairs completely out of his hands that the danger of autocratic government becomes important.

"This participation by the citizen is much easier and more effective when it is in the realm of local
government, because that is the government which touches him most intimately. Consequently, in the field of criminal justice, as in other fields, it is very important not to permit the citizen or his local government to get the idea that the suppression of crime will be entirely assumed by Federal enforcement machinery.

"In the last analysis, the suppression of crime depends upon the attitude of the citizens, and if the citizens are not actively and intimately related to its suppression, it cannot be suppressed even by the most extensive growth of Federal machinery."

Prison Congress—The Sixty-Fourth Annual Congress of the American Prison Association will be held in Houston, Texas, September 17 to 21, 1934. The Texas Committee under the leadership of Mr. W. A. Paddock, Chairman of the Texas Prison Board, is preparing the local arrangements.

The tentative program is as follows: Monday, September 17th; morning, 10 to 12: general session under auspices of Committee on Probation; afternoon, 1:00 to 2:30: luncheon meeting under auspices of American Parole Association; the balance of the afternoon until 4 P. M. is open for meetings of committees or allied groups of the Association; 4:00 P. M.: mass meeting as a preliminary to the opening evening session. Speaker, Mrs. Maud Ballington Booth of the Volunteers of America; evening, 8:15: joint opening session of the American Prison Association Congress and the National Conference of Juvenile Agencies; addresses of welcome by the Governor of Texas and the President of the American Prison Association; address by the President of the National Conference of Juvenile Agencies; reception.

Tuesday, September 18th; morning: general session, topic: administration; speakers: Professor Louis N. Robinson, Swarthmore, Pennsylvania, and Mr. Charles P. Messick, New Jersey, President of the National Civil Service Association; second topic: prison labor; speaker: Mr. James V. Bennett, Assistant Director, U. S. Bureau of Prisons, Washington, D. C.; afternoon, 1:00: congress luncheon, under auspices of Women's Committee; balance of afternoon available for meetings of committees and allied groups; meetings of the National Conference of Juvenile Agencies also will be held from 2:00 to 3:00 and from 3:00 to 4:00 P. M.; evening: general session: "Conflicts in Penal Theories," Professor Nathaniel Cantor, University of Buffalo, Buffalo, New York; second subject and speaker to be announced.

Wednesday, September 19th; morning: general session, subject: case work and treatment; speakers to be announced; afternoon, 1:00: luncheon meeting, auspices of Committee on Jails; speaker, Judge Joseph C. Hutcheson, Federal Court of Appeals, Houston; balance of afternoon until 4:00 P. M. available for meetings of committees and allied groups; the National Conference of Juvenile Agencies will hold meetings also during the afternoon; 4:00 P. M.: annual business meeting of the American Prison Association; evening: general session: 1. Education vs. Punishment, speaker, Hon. Austin H. MacCormick, Commissioner, Department of Correction, New York City; 2. Responsibility of the Community to Antici-
pate and Reduce Its Crime Problem, speaker to be announced.

Thursday, September 20th; morning: general session, subjects and speakers to be announced; afternoon: reserved for visitation and entertainment in accordance with the very earnest request of our hosts, and in keeping with some attractive plans they have under way; evening: general session: 1. speaker: Dr. J. W. Slaughter, Rice Institute, Houston, subject to be announced; 2. subject and speaker to be announced.

Friday, September 21st; morning: general session, program being arranged; afternoon and evening: it is not yet decided whether the American Prison Association will hold any meetings during the afternoon or evening of this day; however, committees and allied groups are free to provide for afternoon meetings.

Crime News—L. B. Ammerman, T. W. Anderson and T. S. Dabagh recently made a study of the "Front Page" crime news record of a metropolitan morning daily paper with the following results: Total news inches for the period: 27,840; total inches of crime news: 7,367 or 26% of news space; lowest month was 5%; highest month was 45%; of the total crime news, 713 inches, or 2½%, were pictures; homicide news and pictures came to 3,816 inches, or 51% of the crime news; kidnapping news and pictures came to 2,761 inches, or 37% of the crime news; suicide news and pictures, not included in the above data, came to 473 inches, or 1.7% of news space.

In any interpretation of these statistics, it should be kept in mind that only one newspaper was examined, and only for a short period of time, during which three major cases "broke". On the other hand, the newspaper is not considered a sensational paper, and major cases are always breaking, and in any event the suggestion and other significance may be greater when the news is concentrated than when it is spread over a period of time. The front page was taken as the unit to measure as it is by far the most effective page.

Central States Parole Conference—The Central States Parole Conference was held in Chicago, June 26 to 29, 1934, with delegates from the following states: Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin. The subjects discussed included Reciprocal Agreements Between States on Supervision of Out-of-State Parolees; Needed Legislation in Connection With Parole Supervision; Problems Concerning Adult Parole Supervision—Male and Female; Problems Concerning Juvenile Supervision—Male and Female; Pre-Parole Education of Inmates Eligible for Parole; Sponsorship and After-care of Parolees, stressing the housing of persons without friends or relatives, and the thorough treatment and care of parolees infected with social diseases. Among the speakers were: Judge Frank Bicek, of the Juvenile Court of Cook County; A. L. Bowen, Director, Department of Public Welfare, State of Illinois; George D. Bryant, Chairman, Parole and Parole Board, State of Missouri; Ernest W. Burgess, Professor of Sociology, University of Chicago; Henry Barrett Chamberlin, Operating Director, Chicago Crime Commission; Hinton G. Clabaugh, Former Chairman, Board of Par-
Illinois Model Code—At the meeting of the Illinois State Bar Association held June 1, 1934, a model criminal code, designed to provide a more elastic system of punishment of criminals, was presented and was approved by the Association. The report of the subcommittee on drafting was drawn up by Professor Robert W. Millar of Northwestern University Law School and it adopted in general the plan of the Judicial Advisory Councils of Cook County and the State as formulated by Judge Harry M. Fisher.

The new code proposes to divide all crimes into six classes. With the classification of crimes of the second and third grades, however, there is a provision for repeated offenders. The significant feature is that if the offender of a crime of the second grade has been previously found guilty or convicted of a crime of the first and second grade, his offense automatically becomes a crime of the first grade and subject to its punishment.

The same holds true of a repeating offender of a crime of the third grade, and it is possible that he might, by a third offense, become subject to punishment of the first and most severe grade. The new code provides that the graduated scale may be applied against offenders who have committed previous crimes outside of the state.

The six classes of crimes, listed in the report of the subcommittee, are:

1. Those punishable by death or life imprisonment in the penitentiary, subject to benefit of parole at the end of one year but not probation. In this class are treason, murder, rape, kidnapping, bombing, armed robbery and attempts to commit such crimes.

2. Those punishable by imprisonment in the penitentiary for a term of not more than 15 years and subject to probation and parole. In this class are carrying concealed weapons, auto theft, jail escape, bribery, perjury, subornation of perjury, forgery and counterfeiting, robbery, larceny above $1,000, embezzlement, obtaining money under false pretenses and false statements and fraudulent conversion by bank officials.

3. Those punishable by imprisonment in any other institution than a penitentiary, not to exceed three years. Among these are abandonment and abduction of children, abortion, receiving deposits while insolvent, unlawful loans to bank officers, bigamy, unlawful manufacture of explosives, frauds and theft offenses involving less than $1,000.

4. Those punishable by the same imprisonment as in the preceding class, but without increase of punishment upon a second conviction. This class includes accessoryship after the fact, living in adultery, contributing to the delinquency of children, gaming offenses, libel and radio
slander, mob violence in more serious forms, assault and compounding a crime.

5. Those punishable by confinement in the county jail, house of correction or workhouse for not more than six months, a fine of not more than $1,000, or both. These include false weights and measures, violations of civil rights, various frauds.

6. Petty offenses, not previously assigned, punishable by a sentence of not more than 30 days in the county jail, house of correction or workhouse, a fine not to exceed $200, or both.

In view of the attack upon the theory of parole, made by the Criminal Court judges (infra), it is interesting to note that the subcommittee report states:

"It is, of course, at once apparent that the plan embraces an important extension of the province of parole and probation. As to parole, it gives the parole authorities a much wider latitude than is now the case, since as to crimes of the first and second grade it would be theoretically possible for parole to be granted at the end of one year's imprisonment, and as to crimes of the third and fourth grades, upon the lapse of one day. Moreover, it applies the benefit of parole to offenses which are now, because of their seriousness, excluded from it, as well as to offenses which now, because punished by imprisonment otherwise than in the penitentiary, do not fall within its incidence. Startling as this change may appear at first sight, the subcommittee believes that it is in keeping with the most approved principles of modern penology. This, laying emphasis upon individualization of punishment, proceeds upon the theory that the regulation of penal treatment is something that cannot be satisfactorily determined in advance and that so far as possible it should be left to those who are in a position to determine how near or how far the offender is from capability of social readjustment, guided always by the consideration of his future dangerousness to society. . . .

"As at present conducted, the administration of the parole system in this state is believed to be producing greater uniformity in punishment than would be the case if all punishment were left to be fixed by the court. The scientific improvements in the examination and supervision of prisoners which are now being instituted give promise that the effectiveness of parole administration will increase."

Illinois Judges' Report—In a report made to the Illinois Supreme Court by the Judges of the Cook County Criminal Court two sweeping changes were recommended: the virtual abolition of the indeterminate sentence law and provision for jury verdicts by agreement of three-fourths of its members.

The report, which was drafted by a committee of three judges, Michael Feinberg, Grover C. Niemeyer, and James Fardy, argues that the judges are better able to administer a definite sentence in a case while the facts are fresh in mind, rather than allowing the pardon board, which gets its information second-handed, fix it months or years later. Under such a system, the report says, the prisoner would know at the start just how much time he has to serve.

"The provisions of the criminal code should be amended to eliminate indeterminate sentences in criminal cases," says the report. "There ap-
pears to be no logical reason for providing indeterminate sentences for many of the crimes in the code, and excepting therefrom cases of rape, murder, etc.

"The trial judge, having heard all the evidence and observed the witnesses, should be in a better position with more equal justice to the state and the defendant, to determine the length of service in the penitentiary which the defendant should be subjected to, by sentence of the court. The trial judge's experience, with the facts fresh in his mind, and the power to hear facts after a verdict in aggravation or mitigation of sentence, is better qualified to fix a just and definite sentence. Under the present state of the law, the parole board is virtually given the power to fix the sentence of the court in respect to the length of service.

"In many criminal cases it is the common experience of trial judges that juries are prone to return verdicts of not guilty or disagree upon their verdict of guilty merely because they have learned in advance that the indeterminate sentence may subject the defendant to longer service in the penitentiary than in their judgment the facts in the particular case may justify. This, in the opinion of many trial judges, often leads to a miscarriage of justice.

"It would seem to be a fair rule to have the defendant know when he is sentenced what the definite period of service required of him shall be, subject always to the power of the parole board to grant parole within the period provided by law. Under the indeterminate sentence provision of our present law, too often the parole board is called upon to grant parole based on facts presented to them at variance with the facts heard and considered by the trial court, or presented in a different light."

Regarding the change in the unanimous verdict requirements for juries, the report says:

"The requirement that the verdict be unanimous often results in a mistrial due to the obstinacy or bias of one individual. If the concurrence of not less than three-quarters of the jury was sufficient, substantial justice would be done the prosecution and defense, and the possibility of effecting a mistrial through corrupt jurors placed on the panel would be greatly lessened."

It is interesting to note that after this report was made Circuit Judge Harry M. Fisher, speaking before the advisory committee of the Central States Parole Conference on June 19, urged a complete investigation of the Illinois parole system.

Judge Fisher declared the parole system was in danger because an aroused public sentiment might destroy the humanitarian principles involved.

"The chief offense of parole boards," said Judge Fisher, "is that they let some criminals out of prison who should never be out. On the other hand a reexamination of the 10,000 committed to our penal institutions in Illinois would probably reveal that 25 per cent or more could be released."

Criminology Section—Readers of the Journal will be interested to know that a section on "Criminology" was organized by the American Sociological Society last year. This section will be composed of persons interested in the different phases of crime—causation, criminal law, police, probation, parole, institutional care, prevention. It
will provide an opportunity for these persons to get acquainted and exchange views. It will hold a meeting in connection with the American Sociological Society each year during the Christmas Holidays. The papers presented in this meeting will be published as a part of the annual volume of the Society.

The meeting next Christmas will be held in Chicago on the general topic “Social Provision and Planning.” One session of the Section of Criminology will be a round-table discussion of the technique of prediction in parole, probation, institutional placement, and other phases of treatment of delinquents. The topic of the second session has not yet been definitely determined, but it probably will be on the prevention of delinquency by the planned organization of local neighborhoods.

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Probation Bibliography—Dr. W. Wallace Weaver of the University of Pennsylvania has prepared a bibliography of References on Adult and Juvenile Probation in Pennsylvania for the Pennsylvania Committee on Probation. Readers of the Journal may obtain copies from the Division of Research and Statistics, State Department of Welfare, Harrisburg, Pennsylvania. The Pennsylvania Committee was appointed last autumn by Governor Pinchot and has in process a number of special studies on the subject of probation.

The Committee includes: Hon. Philip Sterling, Chairman; Mrs. I. Albert Liveright, Secretary of Welfare; Mr. Leon Stern; Mr. J. Prentice Murphy; Dr. Thorsten Sellin; Dr. James H. S. Bossard; Hon. Paul N. Schaeffer; Dr. W. T. Root; Dr. Earl D. Bond; Hon. Wm. R. Lewis; Hon. James H. Gray; Mrs. Gertrude Marvin Williams, Secretary.

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Wisconsin Studies—Professor J. L. Gillin of the University of Wisconsin is working on a comparative study of the penology of Soviet Russia, Germany and Mexico. Four years ago he started a study of the social backgrounds of the murderers in Waupun penitentiary. This year he has been engaged on a study of the backgrounds of the sex offenders and next year he will be on leave for the first semester to study, with the assistance of two graduate students, the property offenders in Waupun. When this is finished he will publish the results with the University of Wisconsin Press as a monograph. He has discovered a number of important conditions in the lives of these convicts and has found some interesting differences between the murderers and sex offenders. It is possible that he will also find some differences in the social backgrounds of the property offenders when compared with the murderers and the sex offenders. Nothing of this sort, so far as known, has ever been attempted before and it is expected that these studies will make a valuable contribution to the etiology of different kinds of criminal conduct.

During the last three years Professor Young, Dr. Dedrick and Professor Gillin have engaged in a study of Madison as a community. This has now been finished and is to be off the press shortly. It will be issued by the University of Wisconsin Press as a monograph.

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Legal Medicine—Drs. S. A. Levinson of the Department of Path-
ology, University of Illinois College of Medicine, and C. W. Muehlberger of Scientific Crime Detection Laboratory, and the Cook County Coroner's Laboratory, Chicago, recently prepared a paper dealing with instruction in “Legal Medicine for Medical Students” which was read at the recent meeting of the American Medical Association.

“The terms legal medicine, forensic medicine and medical jurisprudence are oftentimes used as though they were synonymous, but, of course, this is not strictly true. To avoid misunderstanding by the loose application of these terms, it might be well to define them. Medical jurisprudence is the consideration of the laws of the land so far as they bear upon medical subjects; it is primarily law rather than medicine. Matters pertaining to the contractual relations of physician and patient, the legal rights, duties, and liabilities of the physician with regard to his patient and also the general public are therefore properly classified as problems of medical jurisprudence.

“Legal medicine or forensic medicine, on the other hand, is that portion of medical knowledge which may be of assistance in serving the needs of law and justice. It is often thought of as concerning the medical aspects of criminal offenses, but it is also called upon to render assistance in the adjudication of cases involving life and accident insurance, industrial compensation, soldiers' rehabilitation and other civil court actions.”

“We have examined the latest issues of catalogues of the medical schools in the United States, comprising a total of 77, which shows that of this number 6.5% gave a course in Legal or Forensic Medicine; 58% give lectures on Medical Jurisprudence; 35% do not mention anything in their catalogues in reference to these subjects. Medical Jurisprudence and Legal Medicine as a rule do not exceed 16 class hours. There are a few exceptions, one in particular which mentions 30 hours for Legal Medicine and Toxicology, and in a few instances the lectures on Medical Jurisprudence are given either by an attorney, or a physician, or an individual having both an M. D. and a law degree.”

“So far as we have been able to ascertain, there is no required course in Legal Medicine offered by any of the medical schools of this country. Many medical curricula include courses in medical jurisprudence dealing chiefly with the legal rights and obligations of the physicians. There are also courses in psychiatry with particular reference to its medico-legal applications. During the past several years a few of our medical schools have undertaken some elective instruction in the field of Legal Medicine.”

These schools include Harvard, University of Illinois, and Bellevue of New York University. The authors' thesis is that an expansion of this work is socially desirable.

Federal Legislation—In the last issue of this Journal attention was called to the large number of bills introduced in Congress having for their object the suppression of crime. At the time that this is written at least nine of these bills were enacted into law, and perhaps when the confusion attending the adjournment of Congress is dispelled and the President has had time to consider the bills passed by Congress, a few more will have become law.

The new laws are an important advance in the war against crime.
Several of them relate to offenses against federal agencies or officers, but most of them are designed to assist the states in suppressing crime. This assistance will be rendered mainly where it is needed most—in connection with interstate transportation and communication. The work of local enforcement officials has often been severely handicapped by their jurisdictional limitations and the facility with which the criminal crosses state lines.

Another interesting observation concerning these laws is that they represent an appreciable extension of the power of the federal government. Though a fairly large section has been added to federal criminal law, the new acts perhaps foreshadow the passage of many others, and presage a day when federal authorities will assume much of the burden of enforcing the general criminal law.

1. An act to extend the provisions of the National Motor Vehicle Theft Act. This is perhaps the most important of the new laws. Its title seems rather inaccurate as it is an independent act. It provides for the punishment of persons transporting stolen property, including securities, of the value of $5,000 or more, in interstate or foreign commerce, and also for the punishment of persons receiving, concealing, selling, etc., property of the value of $5,000 or more (except when it is given as security the value need only be $500 or more) which has been stolen or otherwise feloniously taken “while moving in or constituting a part of interstate or foreign commerce.” Originally, the proposed law stated a value of $1,000 or more, and a separate bill was drawn to apply to stolen securities. There can be no doubt of the power of Congress to enact this law, in view of the Lottery Case (Champion v. Ames (1903) 188 U. S. 321) and the case upholding the National Motor Vehicle Theft Act (Brooks v. U. S. (1925) 267 U. S. 432).

2. An act amending the so-called Lindbergh Act by adding thereto a provision that a failure to release a kidnaped person after seven days shall create a rebuttable presumption of transportation in interstate or foreign commerce. This presumption is of course designed to obviate the difficulty of proving that there was transportation in interstate or foreign commerce so as to give the federal authorities jurisdiction. There may be some question as to the constitutionality of the presumption created. (See Mobile J. & K. C. R. Co. v. Turnipseed (1910) 219 U. S. 35, 31 S. Ct. 136, 55 L. Ed. 78; Bailey v. Alabama (1911) 219 U. S. 219, 31 S. Ct. 145, 55 L. Ed. 78.)

3. An act applying the powers of the federal government, under the commerce clause, to extortion by means of telephone, telegraph, radio, oral message, or otherwise. This is another federal act directed, in part, to the suppression of kidnaping. It prevents the extortionist from using all means of interstate communication, besides the mails, which he had already been prohibited from using, without subjecting himself to federal criminal jurisdiction.

4. An act making it unlawful for any person to flee from one State to another for the purpose of avoiding prosecution or the giving of testimony in certain cases. The efficacy of this law is obvious. It is another check to the criminal who has taken advantage of the difficulties attending the enforcement of state laws while state sovereignty and freedom of interstate movement exist simultaneously.
5. An act granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime, and for other purposes. This short statute is fertile with possibilities. Its importance depends upon the use made of it.

6. An act appropriating $25,000 to be used to reward the capture of persons charged with federal or state crimes, and appropriating another $25,000 to reward the giving of information leading to the arrest of such persons, the amounts to be apportioned and expended in the discretion of the Attorney General, and upon such conditions as he shall prescribe. This enactment is of significance in that it shows one of the ways in which the federal government can aid the states in fighting crime.

7. An act providing for the punishment of robbery and attempts at robbery of any federal banking institution, for the punishment of assaults committed in the perpetration of any such crime, and also for the punishment of any one who kills a person or forces a person to accompany him while committing any offense defined by the act, or while avoiding apprehension or freeing himself from arrest or confinement for any such offense. The law is much more concise in form than the original bill, and not as broad in scope as the original bill, which embraced all crimes of theft from federal banking institutions, including embezzlement and the fraudulent obtaining of bank property. The law is directed against one of our worst crimes, and of course is very desirable. Federal banks being instrumentalities of the federal government (Davis v. Elmira Savings Bank (1819) 4 Wheat. 316. 4 L. Ed. 579), they are necessarily subject to the paramount authority of the United States, and consequently Congress has the power to pass such a law as this one. (See Willoughby on the Const. (2nd ed. 1929) vol. 2, sec. 655.)

8. An act which provides first for the punishment of any person who instigates, connives at, attempts to cause, assists in, or who conspires to cause any mutiny, riot, or escape from any federal penal or correctional institution, and which then sets forth particularly various detailed offenses designed to aid escape, such as conveying into any such institution destructive implements, weapons, explosives, and gases.

9. An act providing for the punishment of persons who kill, assault, or forcibly resist, intimidate, etc., certain federal officers, such as marshals and deputy marshals, post-office inspectors, secret service operatives, customs or internal revenue officers, immigration inspectors. We can only express surprise that this and the two previously mentioned laws were not enacted long ago.

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Recent Publications—
"The Use of State Hospitals as Training Centers for Psychiatric Social Workers," by Hannah Curtis and Helen M. Crockett, Bulletin of the Mass. Dept. of Mental Diseases (Nos. 3 and 4);
"The Detroit House of Correction," by William B. Cox and F. Lovell Bixby, News Bulletin (June, 1934);
"Vestigial Organs," by August Vollmer, State Government, (May, 1934);
"Twelve Good Men or One," by Kenneth Martin and Daniel O. Swinney (Ibid.);
"Civil and Criminal Justice," by Bruce Smith (Ibid.);
"The Progress of Police Radio," by H. W. Forster, Police—"13-13" (June, 1934);
"Anarchy in Haymarket Square," John J. Flinn (Ibid.);
"Former Jeopardy—Conviction for False Return of Income No Bar to Civil Action for Penalty," Case Note, Harvard Law Review (June, 1934);
"Effect of a Plea of Nolo Contendere," by Herbert H. Taylor, Jr., North Carolina Law Review (June, 1934);
"Forgery—Signing of Name Known to Family But Not in Business," Case Note, Columbia Law Review (May, 1934);
"Proposals for a Federal Anti-Lynching Law," by David O. Walter, American Political Science Review (June, 1934);
"View by Jury in Absence of Defendant," Case Note (Ibid.);
"Grand Juries," by William T. Kirby, Notre Dame Lawyer (March, 1934);
"The Blame for Crime," by Henry T. Lummus, Boston University Law Review (April, 1934);
"Burden of Proving Alibi," by Sylvia Cohen (Ibid.);
"Admissibility of Evidence in Criminal Trials in Federal Courts," Case Note, California Law Review (May, 1934);
"Criminal Law and Procedure—Statutory Construction," Comment, Michigan Law Review (May, 1934);