American Bar Meeting—A large portion of the program of the Fifty-seventh Annual Meeting of the American Bar Association, held at Milwaukee during the week beginning August the 27th, 1934, was devoted to the subject of crime.

In the general meetings the subject was touched upon by President Earle W. Evans, in his Annual Address, in which he attacked the unethical lawyers of all classes and advised a general housecleaning. He took occasion to emphatically state that the crusade must not only be against the shyster, the ambulance chaser, and the sharp trial practitioner, but also against corporation or business men’s lawyers, who in the interests of influential clients betray the public trust.

The subject was further considered at a special meeting on crime, which was held on August 29th. At this meeting, after the reading of two addresses on law-enforcement, the time was entirely consumed in the consideration of the reports of the work of the Section of Criminal Law, the report of the Committee on Code of Criminal Procedure, and the American Bar Association’s “Program for Dealing With the Criminal Law Problem.”

Addresses were given by Joseph E. Keenan, Assistant Attorney General of the United States, and Charles Tuttle of New York. Both of the speakers pledged Federal cooperation in the war against crime, but stressed the point that without the cooperation of the ordinary citizen, his willingness to at times inconvenience himself, and without his personal condemnation of crime and the criminal but little could be accomplished.

On the subject of Probation and Parole, Sanford Bates, E. R. Cass and others, and both at the meeting of the Criminal Law Section and dinners and luncheons, expressed the opinion that, since it was not only inadvisable but impracticable to confine all offenders permanently in our penitentiaries, both probation and parole should be used and be carefully studied. They, however, took the position that their use should not be based on sentimental grounds, but rather on that of the protection of the public itself. They emphasized the self-evident fact that since almost every prisoner must sooner or later be discharged from incarceration, and even fixed sentences end at some time, it is a matter of the utmost importance that while in prison the convict should not only be punished for his crime but be properly trained and educated so that on his release he may be able to adapt himself to society, be a safe risk for society, and not a worse and more desperate man than when he entered the prison.
At other meetings of the Association, Oscar Lee, the Warden of the State Prison at Waupun, Wisconsin, spoke interestingly and convincingly on the pressing problem of prison unemployment. He asserted that the inability to place prison goods on the general market had resulted in an almost universal idleness in our prisons and a consequent impossibility of really training and disciplining their inmates.

O. W. Wilson, Chief of Police of Wichita, Kansas, spoke on "Community Organization for the Prevention of Crime," and J. Edgar Hoover, Chief of the Bureau of Investigation of the United States Department of Justice, discussed "Detection and Apprehension of the Criminal." Both were well received.

A. A. B.

American Bar Association's Recommendations—The Preliminary Draft of Recommendations on Criminal Law was presented to the American Bar Association at the Annual Meeting held in Milwaukee, August 27-31. The Draft reads as follows:

"The American Bar Association recognizes the seriousness of the existing criminal disorder in the United States, and welcomes the responsibility and opportunity before the lawyers of the country to initiate and guide public measures to remedy these conditions. It recommends the following program of action for the better enforcement of the criminal law:

I. (a) The American Bar Association recommends to the Governor of each state (where no such organization exists) the establishment of a permanent Committee on Criminal Justice to be composed of lawyers and laymen charged with the duty of systematically following, improving and criticizing the enforcement of the criminal law. Such committees should maintain close contact with the committees of the state and local bar associations dealing with criminal procedure and police and should also, possibly through membership on such committee of a representative of the United States District Attorney's office, keep contact with the United States Department of Justice.

(b) The American Bar Association recommends to each state and local bar association the establishment of a Committee on the Reform of Criminal Procedure and also a Committee on Police and Prosecution. The committees on procedure should be charged with the serious consideration of the adoption of the model code of criminal procedure approved by the American Law Institute and with the specific recommendations in regard to criminal procedure set forth in this resolution. The Committees on Police and Prosecution should deal with criticisms and improvements of the personnel, qualifications, training and methods of the police and prosecuting staff. These committees should work in cooperation with the Section on Criminal Law of this Association and with the International Association of Chiefs of Police.

These recommendations recognize that protection of the public against the criminal is a vital concern. They recognize also that effective prosecution and elimination of politics and incompetency are major considerations.

II. The American Bar Association recommends the creation in each state, of a State Department of Justice, headed by the attorney-general or by such other officer as may be desirable, whose duty it
would be to direct and supervise actively the work of every district attorney, sheriff and law enforcement agency, and who would be specifically charged with the responsibility therefor. This Department would include a central criminal bureau equipped with records and with investigators similar in character and qualifications to those now attached to the Federal Department of Justice. The American Bar Association recommends that the Commissioners on Uniform State Laws be requested to outline an act for the establishment of such State Department of Justice so drawn as to be adaptable to various state conditions.

This recommendation recognizes the necessity in each state for centralization and the adoption of modern and non-politically controlled methods of criminal detection and prosecution.

III. The American Bar Association recommends that the state and local bar associations concentrate actively on ridding the profession of dishonest and unethical practitioners. They should diligently investigate all complaints, and where the facts warrant, disciplinary proceedings should, with the cooperation of the courts, be promptly instituted and brought to trial. The American Bar Association suggests the subject of disciplinary proceedings as a part of the National Bar Program for the ensuing year, and recommends the same subject to the state and local bar associations.

IV. The American Bar Association recommends to each state bar association that it formulate improvements in criminal law and procedure and submit them to the courts, the legislatures and the people and that the state associations work for the promulgation of rules of court where that method is available, and for the enactment of laws and the amendment of constitutions when the desired improvements can only be accomplished by amendments of statutes or constitutions. It recommends:

(a) that the improvements in criminal procedure be based upon a thorough consideration of the Code of Criminal Procedure prepared by the American Law Institute, and especially the following provisions contained therein:

1. Giving the accused the privilege of electing whether he shall be tried by jury or the court alone. (American Law Institute Code, par. 266, which excepts cases where a sentence of death may be imposed.)

2. Permitting the impanelling of alternate or extra jurors to serve in the case of the disability or disqualification of any juror during trial. (American Law Institute Code, par. 285.)

3. Permitting trial upon information as well as indictment. Where indictment by grand jury remains a constitutional requirement, waiver should be allowed. The Association recognizes that in sound practice a grand jury indictment may be desirable on some occasions. (American Law Institute Code, par. 113.)

4. Providing for jury verdicts in criminal cases by less than a unanimous vote except in the case of certain major felonies. (American Law Institute Code, par. 355.)

It further recommends:

(b) the adoption of the principle that a criminal defendant offering a claim of alibi or insanity in his defense be required to give advance notice to the prosecution of this fact and of the circumstances to be offered and that in the absence of such notice a plea of insanity or a defense based on an alibi shall not
be permitted upon trial except in extraordinary cases in the discretion of the judge. (Law Institute Code, par. 235, provides for advance notice before evidence of insanity or mental deficiency can be introduced.)

It also recommends:

(c) Permitting court and counsel to comment to the jury on the failure of a defendant in a criminal case to testify in his own behalf. (At the 1931 meeting of the Association a law was recommended by which the prosecution would be permitted to comment to the jury on the fact that the defendant did not take the stand as a witness. By Section 325 of the American Law Institute Code, it is provided that the court may make such comment on the evidence as in its opinion is necessary for the proper determination of the cause.)

Expert Testimony Statute—The Committee on Medico-Legal Problems of the Section of Criminal Law, American Bar Association made its report to the Section on Monday 27, at the Milwaukee Meeting. The Section approved the model Expert Testimony Statute prepared by the committee consisting of Dean Albert J. Harno, Professor Newman F. Baker, Judge Herbert G. Cochran, R. Allan Stephens, Esq., and Dr. William C. Woodward. The report has this to offer:

... The Committee last year gave consideration to the question of expert testimony. In its report it pointed out the chief defects in the law regulating the admission of such testimony. The problems here involved touch not only the field which is within the jurisdiction of this Committee but a wide range of matters outside of that field. It might therefore be contended with force that this subject does not fall within the Committee's assignment. Nevertheless, if the law is to avail itself of scientific knowledge, it must devise adequate procedure to bring this knowledge to bear in administering justice. Obviously, too, there is less point in setting up a scientific agency, such as a medico-legal institute, as an aid in the administration of law, if the results of that agency's activities cannot be made available in settling controversial matters.

The objections to the methods now governing the admission of expert testimony are well expressed in the following statement by Mr. Wigmore:

"But the practice under the present method has for years exhibited shortcomings which are lamentable. Extreme cases, of frequent occurrence, have shaken the faith of juries in expert witnesses. Professional men of honorable instincts and high scientific standards look upon the witness box as a gogolotha, and disclaim all respect for the law's methods of investigation. By any standard of efficiency, the present method registers itself as a failure, in cases where the slightest pressure is put upon it. . . ."

"The principal feature of the breakdown seems to be the distrust of the expert witness, as one whose testimony is shaped by his bias for the party calling him. That bias itself is due, partly to the special fee which has been paid or promised him, and partly to his prior consultation with the party and his self-committal to a particular view. His candid scientific opinion, thus has had no fair opportunity of expression, or even of formation, swerved as he is by this partisan committal.
"The remedy therefore seems to lie in removing this partisan feature, i.e., by bringing him into court free from any committal to either party. Such a status for the expert would indeed not secure perfection. But it can be asserted that no measure can be effective which does not secure such a status for the expert witness.

"How can this be done? The essential features, in the abstract, are that the State, not the party, shall be the one to pay his fee, and that the Court, not the party, shall be the one to select and summon him . . ." (Wigmore, Evidence 1923, 2d ed., Vol. I, sec. 563.)

To meet the problems involved in the situation, the Committee has drawn and offers for the consideration of the Section on Criminal Law the following model statute:

"Section 1. Whenever, in a criminal case, questions arise upon which expert or opinion evidence is necessary or desirable, the court on its own motion, or on the request of either the State or the defendant, after notice to the parties and a hearing, may appoint one or more experts, not exceeding three, to testify at the trial. Such expert witnesses at the request of either party, or of the court, shall make such examination and study of the subject matter of the questions as they deem necessary for a full understanding thereof, and such further reasonable pertinent examination as they deem necessary for a full understanding thereof, and such further reasonable pertinent examination as either party or the court shall request. Reasonable notice shall be given each party of the examination of persons, things, and places, and each party may be represented at such examination. If the mental condition of the defendant at the time of the alleged commission of the offense charged is an issue in the cause, or if his physical condition is the subject of the inquiry, and the defendant is at large on bail, the court, in its discretion, may commit him to custody to be held for a reasonable period of time pending the examination by such experts.

Section 2. The court may require each expert it has appointed to prepare a written report under oath upon the subject matter such expert has examined, and such report shall be put on file with the clerk and open to inspection by either side, and under the direction of the court, or on the request of either party, it shall be read by the witness at the trial.

Section 3. At the trial of the case, either party or the court may call such expert witnesses. The fact that they have been appointed by the court shall be made known to the jury and they shall be subject to cross-examination on their qualifications and the subject of their testimony by both parties, who may also summon other expert witnesses to testify at the trial, but the court may impose reasonable limitations upon the number of witnesses who may give expert evidence on the same subject. Where experts are summoned by the State or the defendant, they shall be permitted to have free access to the persons, things or places under investigation for purposes of examination or observation.

Section 4. If before or during the trial the court has reasonable ground to believe that the defendant is insane, or mentally defective, to the extent that he is unable to understand the proceedings against him or to assist in his defense, the court shall immediately fix a time for a hearing to determine the defendant's mental condition. The court may appoint one or more experts, not exceeding three, to examine the de-
fendant with regard to his present mental condition and to testify at the hearing. Other evidence regarding the defendant’s mental condition may be introduced at the hearing by either party.

If the court, after the hearing, decides that the defendant is able to understand the proceedings and to assist in his defense it shall proceed with the trial. If, however, it decides that the defendant through insanity or mental deficiency is not able to understand the proceedings or to assist in his defense it shall take proper steps to have the defendant committed to the proper institution. If thereafter the proper officer of such institution is of the opinion that the defendant is able to understand the proceedings and to assist in his defense, he shall report this fact to the court which conducted the hearing. If the officer so reports, the court shall fix a time for a hearing to determine whether the defendant is able to understand the proceedings and to assist at his defense. This hearing shall be conducted in all respects like the original hearing to determine defendant’s mental condition. If after this hearing the court decides that the defendant is able to understand the proceedings against him and to assist in his defense it shall proceed with the trial. If, however, it decides that the defendant is still not able to understand the proceedings against him or to assist in his defense it shall recommit him to the proper institution.

Section 5. The compensation of expert witnesses appointed by the court shall be fixed by the court and paid by the county, or the offer or promise by any person to pay such other compensation shall be unlawful and punishable as contempt of court.”

The Committee calls attention to the fact that a statute, containing the substance of the essential provisions, of the statute here proposed, is in operation in the state of Wisconsin: St. 1921, c. 126, adding to St. sec. 4066 a new sec. 4066-1. The Wisconsin Statute was held constitutional in 1930 by the Supreme Court of that State: Jessner v. State, 202 Wis. 184, 231 N. W. 634. The Committee has carefully investigated the operation of the Wisconsin statute and finds that it is working successfully.

In section 4 of the proposed statute, the Committee has followed substantially section 307 of the Code of Criminal Procedure of the American Law Institute.

Report of Psychiatric Jurisprudence—At the Section on Criminal Law, American Bar Association, August 27, Professor Rollin M. Perkins presented the report of the Committee on Psychiatric Jurisprudence. Other Members of the Bar Committee were Alfred Bettman and Louis S. Cohane. The report in part was as follows:

"Committees representing the following organizations met in joint session in the Mayflower Hotel, Washington, D. C., May 11, 1934.

American Psychiatric Association: Dr. William A. White, Washington, D. C.; Dr. V. C. Branham, Albany, New York; Dr. Winfred Overholser, Boston, Massachusetts; Dr. C. P. Oberndorf, New York City. American Medical Association: Dr. William C. Woodward, Chicago, Illinois; Dr. Winfred
Overholser, Boston, Massachusetts. New York Academy of Medicine: Dr. Israel Strauss, New York City; Dr. Dudley D. Schoenfeld, New York City. American Bar Association, Criminal Law Section: Mr. Louis S. Cohane, Detroit, Michigan; Mr. Rollin M. Perkins, Iowa City, Iowa.

Your committee, in a separate meeting, after the joint session had adjourned, passed a motion to the effect that the American Neurological Association be invited to appoint a committee to cooperate with your committee in the future. This invitation was extended to and accepted by the American Neurological Association. Mr. Bettman, of your committee, was unable to attend the Washington meeting, but contributed his views by correspondence.

The joint meeting opened with a discussion of the desirability of a uniform statute on the subject of expert witnesses; but it was the unanimous opinion of those present that this is not the most propitious point of approach. The following statement is a summary of the conclusions which were reached at this meeting (without dissent).

The general social security, as well as reasonable safeguards to the individual, will be promoted by giving more consideration to mental disorder of persons accused of crime than has been accorded to this subject in the past. It is not necessary, however, that all the consideration which mental disorder is to receive should be injected into the guilt-finding part of the machinery of justice. In fact it is desirable to limit within rather narrow bounds the kind and degree of mental disorder which will entitle a defendant to an acquittal. The defendant’s constitutional right to have the jury pass upon every aspect of guilt or innocence must not be overlooked. The ancient common law did not recognize any degree of insanity as a defense to a criminal charge, although in some cases a pardon might be recommended. Later the common law came to recognize very extreme cases of insanity as sufficient to entitle persons, who were so afflicted at the time of the prohibited act, to a verdict of not guilty. Since this position was taken the science of medicine has made great strides in the study of mental diseases; and there seems to have been a tendency to insist that everything known to science on this subject should be injected into the jury trial of a criminal case if the insanity defense is interposed. This has been a trend in the wrong direction. The jury is hopelessly confused if it is asked to pass upon the matter of mental disorder in anything less than a very extreme form. The greatest promise of satisfactory results in the administration of justice seems to lie in the direction of keeping within rather narrow limits the kind and degree of mental disorder which will entitle the defendant to an acquittal, at the same time readjusting the machinery after the point of conviction in such a manner as to take into consideration every kind and degree of mental disorder in determining the disposition of persons who have been convicted of criminal offenses.

The possibility of drafting a statute on the subject was mentioned, but it was agreed by all that it would be better for the time being to formulate statements of principle rather than to attempt to draft proposed legislation. The statements of principle agreed upon are incorporated in the resolution submitted herewith (all were in favor of each statement.
except that Drs. Woodward and Overholser were opposed to number five in its present form). In addition to these formal statements, informal approval was given by all present to the plan of the “treatment tribunal”—that is, the scheme of criminal justice in which the disposition is determined by a different tribunal than that in which the question of guilt or innocence is decided.

It was the opinion of several members that attention should be emphatically drawn to the fact that the proper tendency in disposition should be (1) indeterminate sentences; (2) classification of criminals upon their reception into institutions with a system of transfer and parole; (3) disposition tribunals which will largely determine the length of a sentence dependent upon whether the individual has proven himself so adjusted that he no longer constitutes a social menace and is ready to return to society with safety to the community and profit to himself.

To place before the Section the statements of principle agreed upon by the committees in their joint meeting, we submit the following resolution:

Resolved that the Criminal Law Section shall go on record as favoring the following general statements of principle:

1. Criminal incapacity by reason of mental disorder should be limited within very narrow bounds. The end to be achieved is to have only the most extreme cases of mental disorder recognized as grounds for acquittal.

2. A defendant acquitted on the ground of insanity shall be committed as a matter of course to the appropriate state hospital for mental diseases, subject to release only on conditions applicable to the release of other committed inmates of the institution together with the approval of the trial court or other appropriate tribunal.

3. Provision should be made whereby mental disorder which is not sufficient for an acquittal may result in treatment other than that provided for convicted persons who are not mentally disordered.

4. In all cases of crime resulting in conviction, where either before or after conviction evidence of mental disorder has been introduced, the court shall order the commitment of the defendant to a state hospital for mental diseases to determine whether he is actually suffering from mental disorder. If the hospital authorities find him not to be mentally disordered, he shall be returned to the court for sentence. If they find him to be mentally disordered, he shall be kept at the hospital until such time as he is declared by the hospital authorities, and a suitable tribunal, not to be a social menace.

5. In capital cases where insanity has been pleaded and the defendant found guilty, the court may on its own motion, and shall on application of the defendant, remand the defendant to a state hospital or other appropriate institution for examination and report, and shall conduct a hearing to determine if mental disease substantially contributed to the commission of the offense; and if the court thus finds the fact to be, it shall remit the death sentence to one of life imprisonment with provision for appropriate treatment.”

Proposed Reorganization in Indiana—At the request of Governor Paul V. McNutt, the American Public Welfare Association joined him in assembling at his office in
Indianapolis, on July 6, 1934, a panel of experienced administrators to review Indiana Citizens Legislative Committees' recommendations.

This experiment in comprehensive handling of large problems was completed successfully on July 24, 1934, by reason of the free hand given by the Governor to the panel of administrators. The panel consisted of Sanford Bates, Director of Federal Prisons; Blanche L. LaDu, Chairman of Minnesota Board of Control; Warden Lewis E. Lawes, of Sing Sing Prison; Ernest N. Roselle, Superintendent of Mooseheart School; John Landesco, member of Illinois Board of Parole; F. Lovell Bixby, Assistant Director of Federal Prisons; and Burdette G. Lewis, Field Representative, American Public Welfare Association, who acted as chairman of the panel group. R. Clyde White, Secretary of the Citizens Committee, and Dean A. A. Potter of Purdue University Engineering School acted as consultants and aided the panel in its work.

Under his present authority, the Governor can place the proposed department in operation. He agreed at the meeting of the House of Governors at Mackinac Island to make the panel report available to other interested States.

The recommendations of the special panel of experienced administrators may be summarized as follows:

The major recommendations of the Special Commission whose major objective is the substitution of a program of prevention of crime and dependency and of rehabilitation of afflicted persons for a policy of custodial care alone are:

(1) A consolidated department of Public Welfare.

(2) A semi-independent Central Sentencing Parole and Clemency Court.

(3) County units of Public Welfare coordinated with the state department of public Welfare.

(4) A State safety or highway police system.

(5) Interstate agreements covering police, safety, probation and parole activities beyond the boundaries of the State of Indiana.

The major steps to be taken in order to accomplish these improvements follow:

(1) There should be established a State Department of Public Welfare.

(2) In the administration of the Department of Public Welfare, the Governor should have the advice and assistance of a non-partisan Board of Citizens, entitled a “State Board of Public Welfare” which is to serve without compensation.

(3) The State Board, with the approval of the Governor, should appoint an experienced administrator as director of Public Welfare, to serve during good behavior and faithful performance of duty, and whose selection should not be confined to any residence.

(4) The State Director of Public Welfare should appoint, with the approval of the State Board, the various Division Heads to his staff.

(5) The division Heads of his staff recommended are as follows:

a. Classification, Education and Training.


c. Social Adjustment and Rehabilitation.

d. Industrial Activities.

e. Probation, Pardon and Parole.

f. Physical and Mental Health.

g. Relief and local cooperation.

(6) For the time being existing
local Boards are to be continued but are to be appointed by the State Board of Public Welfare with the approval of the Governor.

(7) A system of county units of Public Welfare should be established with a competent, experienced Public Welfare director in charge of each and having the advice and help of a County Board of Citizens.

(8) The social activities, which should be consolidated and merged in county units of Public Welfare, are as follows:

(a) The organization of a social service exchange of a county.

(b) Local administration of old age assistance; of mothers' assistance and other grants in aid of individuals or families.

(c) Outdoor relief of the ordinary poor.

(d) Unemployment relief including vocational rehabilitation and re-training of unemployed.

(e) Management of all Asylums, Jails, Infirmaries, local institutions and Agencies supported by townships or counties and situated within a county.

(f) Registration of unemployed persons. The keeping of records for the department having jurisdiction over employment exchanges.

(g) Management of all child dependency services within the county.

(h) Management of probation and parole of juveniles within a county.

(i) Cooperation between county supervisors of welfare and probation and parole agents.

(j) Receipt and expenditure of funds allotted by the State Department under Federal or State grant in aid appropriations.

(9) (a) A semi-independent Central Sentencing Clemency and Parole Court consisting of a member of the State Supreme Court designated by the Governor to serve during his judicial term; (b) the division Director of Probation, Pardon and Parole and of Classification, Training and Education, as regular members, with the further provision that the superintendent of the Central Receiving and Classification Center, or Centers, and the superintendent of the institution where the convicted offender is serving his sentence at the time eligibility for parole is alleged, shall be ex-officio member of the aforesaid court for the consideration of the cases of offenders held under their respective jurisdictions.

(10) Public Safety in small towns in rural regions demands the development of satisfactory public safety organizations equipped with adequate and competent detection facilities.

(11) Interstate agreements, or compacts, in interest of public safety and the release upon parole or probation of convicted offenders beyond the boundaries of the state, should be negotiated with adjacent states.

(12) As a preliminary step there was recommended the immediate appointment of a qualified woman consultant in institutional work to make an appraisal and set of recommendations for the modernization of the Indiana Girls' School, also, the appointment of an experienced specialist in training of children to evaluate the work of the Indiana Boys' School and to inaugurate a model system of administration, which will include provision for proper home
life and vocational training, and character building.

(13) The purpose and keynote of all of these facilities should be maintenance of a program of community, crime prevention, the coordination and cooperation of all civil, educational, social and character building activities and agencies and with the proper cooperation of the State with Federal and regional governmental organizations in providing for the Public Welfare. To this end the appointment of a competent Director of Public Welfare is absolutely essential for the effective development of the entire program.

The report contains what amounts to an administrative code covering the method of appointing the proposed State board of Public Welfare, and the manner of selecting, and the qualifications of the proposed State Director of Public Welfare; the conditions in accordance with merit system, whereby the State Director, with approval of the State board of Public Welfare, will select the directors of divisions; the conditions under which the State board and the State Director must approve the appointment of the majority of the county boards of Public Welfare and approve of their appointment of county administrators of Public Welfare.

Included in the report are suggested definite assignments of duty for each director of each of the divisions enumerated in the above summary.

B. G. L.

Pacific Coast Institute—A morning session, September 8, of the Pacific Coast Institute of Law and Administration of Justice, was devoted to the field of Criminal Law. The chief speakers were Professor A. M. Kidd of the University of California who spoke on the subject "The Work of the State Bar Committee on Crime" and Professor Newman F. Baker of Northwestern University whose subject was "Some Problems of Criminal Prosecution." The session was held in conjunction with the Oregon Bar Association and was under the general chairmanship of Dean Wayne B. Morse of the University of Oregon Law School, who has been active in his state in interesting the local bar in the subject of criminal law administration. Dean Albert J. Harno, who teaches criminal law at the University of Illinois was the chief speaker at the banquet at the close of the Institute sessions.

New York Study—The Committee on Criminal Courts and Procedure of the New York County Lawyers Association, Irving I. Goldsmith, Chairman, has issued a study of 166 pages entitled "Discussion of Proposed Criminal Law Enforcement Reforms and Tentative Recommendations" prepared for the American Bar Association. The preparation of the Report was largely the work of Mr. George Sylvester. In all, twenty-two topics are discussed and each topic is concluded with recommendations. The discussions included a summary of the Crime Surveys and pertinent statutes and judicial decisions. It should be studied with care by all bar association committees on reform of the criminal law and criminal procedure. The subjects covered are as follows: Right of the Defendant in a Criminal Case to Waive Trial by Jury; The Less Than Unanimous Jury Verdict; Selection of Jurors by Trial Judges; Authority of the
Appellate Court to Modify Judgments in Accordance with the Proof Where a Lesser Crime Than That Charged Has Been Proved; Waiver, Limitation or Abolition of the Grand Jury Indictment; Addition to the Summary Jurisdiction of Magistrates; Grant of Rule-Making Authority to the Criminal Courts; Privilege Against Self-Incorporation; Right of Comment on the Failure of a Defendant to Testify in a Criminal Case; Right of the Trial Court to Comment on the Evidence and on the Credibility of Witnesses; Admissibility of Prior Convictions on the Prosecution's Direct Case; Abolition of Mandatory Jury Exemptions; Notice of Defendant's Intent to Offer a Defense of Alibi or Insanity; Impeachment by a Party of a Witness Called on His Behalf; Admissibility of Evidence or a Previous Identification; Perjury; "Trial by Newspaper": Power to Punish for Contempt; Disposition of Cases by the Prosecuting Attorney; the Nolle Prosequi and the Bargained for Plea of Guilty to a Lesser Offense; The Administration of Bail; The Enactment of a Federal Statute Regulating the Importation of Firearms; The Establishment of a Federal Crime Records Bureau to Provide Uniform Statistics for the Aid of State Legislatures; The Requirement That All Hospitals, Physicians, etc., Report Immediately Cases of Injuries Due to Dangerous Weapons.

Alcatraz Prison—A hundred men, the elect of the criminals held by the Federal Government, have been stowed away on a private island. The island is Alcatraz, a rocky little hump in San Francisco Bay, where the Federal Government has built up an escape-proof prison for its most desperate captives.

First of the inmates of America's model "Devil's Island" were locked in their cells late in August. There were an even 100 in all led by Al-Capone, former public enemy No. 1. The Bureau of Prisons refused to make public the names of all the prisoners transferred to the most impregnable of lockups.

As the toughest and most intractable of criminals are gathered in, the Government expects to ship them off to Alcatraz. Isolated from all other human habitation, they are expected to be safely disposed of for the full duration of their sentences.

Alcatraz is the site of an old army prison. Last Winter Attorney General Homer S. Cummings, casting about for a sure-fire way of holding desperadoes, persuaded the War Department to deed the prison to the Department of Justice. Since that time the Justice Department has been reinforcing and refitting the old prison.

As far as Army records show, no prisoner ever escaped from Alcatraz in its lengthy history. The tiny, craggy island holds nothing but the prison establishment. Although not far from shore, it is, according to Attorney General Cummings, swept by swift currents of the bay out of which it rises in sheer, steep bluffs.

The prison will be a vast pocket world, sufficient unto itself. The island affords ample space for recreation areas and the prison quarters. It will be stocked with provisions and will have its own hospital and other service centers.

A rigid discipline involving a work schedule of 48 hours a week has been mapped out for the island's inmates. They will be made to perform the services necessary to keep their little world functioning. The
prisoners will labor in a prison laund- dry, a clothes shop, a shoe shop and the prison kitchens.

Elaborate precautions were taken by the Government in transporting its most desperate criminals to the rocky island. Most of them came from Atlanta penitentiary, with a sprinkling of others from other prisons. (U. S. News.)

Philadelphia Association—On May 1, 1934, Thomas A. Meryweather, Special Agent of the Philadelphia Criminal Justice Association since its organization, resigned to become Executive Director of the Philadelphia Crime Prevention Association, but is still retained by the Criminal Justice Association as adviser. Frederick C. Voigt, an agent of the Association, was promoted to Special Agent. Mr. Voigt has been an investigator with many years experience, and at one time was a County Detective under the late Samuel P. Rotan. The other Agent of the Association is Mr. J. Gordon Shuey, an investigator, formerly a member of the United States Department of Justice.

Pending Federal Crime Laws—On June 14, 1934, Senator Royal S. Copeland of New York reported to the Senate concerning the bills which had become law at that time. (See “Current Notes” for July-August, Vol. XXV, p. 304.) He has, since then, made public the short title and status of pending bills. While it is difficult to keep up with “pending legislation” in this column it is thought that it would be of interest to print his statement to show the wide range of bills pending which probably will become law. This list will cause those who con- tend against “Federal Expansion At the Expense of the States” to renew their efforts.

S. 1978 (Rept. No. 710). A bill to assure to persons within the jurisdiction of every State the equal protections of the laws, and to punish the crime of lynching.

This bill, as indicated by the short title, is intended in the main to prevent lynching and mob violence. It is pending on the Senate Calendar No. 750.


This bill is intended to add title V to the Packers and Stockyards Act, to regulate the handling of live poultry. The type of racketeering that this bill would prevent is one of the most prevalent and in many instances has increased the price of poultry to the consumer as much as 8 cents a pound. It is pending before House Committee on Agriculture.

S. 2254. A bill to amend section 1014 of the Revised Statutes of the United States.

This bill is designed to abolish the writ of habeas corpus in cases where the writ has been granted to test the validity of a warrant of removal or detention thereunder and after a complete hearing the petitioner has been remanded to custody for removal on said warrant. This is considered to be a very desirable and far-reaching piece of legislation. The bill is pending before the Senate Committee on the Judiciary.

S. 2255. A bill to regulate the defense of alibi in criminal cases.

This bill makes it discretionary for the court on the interposition of the defense of alibi to grant a recess in order to enable the prosecution to inquire into the merits of the alibi defense. It has passed the Senate.
and is now pending before the House Committee on the Judiciary.

S. 2257. A bill to authorize the consolidation of investigative agencies.

This bill authorizes the President, by Executive order, to consolidate the several penal and investigative agencies of the Federal Government. This matter has been discussed for a number of years, and it is believed that some consolidation of these investigative agencies should be made. It is pending before the Senate Committee on the Judiciary.

S. 2782. A bill to protect and preserve fingerprint records in the possession of bureaus of identification or investigation.

The purposes of this legislation are as indicated in the short title. It is pending before the Senate Committee on the Judiciary.

S. 2838. A bill to establish a confidential relationship between guidance workers and pupils or patients.

One of the major problems resulting from the investigation of this committee is to correct juvenile delinquency. This bill is intended to make records kept in the schools regarding anti-social conduct of pupils privileged and to grant the educational personnel who keep these records the privileged status which is now enjoyed by doctors, lawyers, and clergymen. Legislation which, in the opinion of the committee, should be passed. It is pending before the Senate Committee on the Judiciary.

S. 2840. A bill to provide for the taxation of manufacturers, importers, and dealers in small firearms and machine guns.

This bill is designed to regulate and restrict the use of firearms by the imposition of an excise tax levied on manufacturers, importers, and dealers. The bill is pending before the Senate Committee on the Judiciary.

S. 2842. A bill to make husband or wife of defendant a competent witness in all criminal prosecutions. This bill is designed, as indicated in the short title, to make husband or wife competent to testify to any statement made during the existence of the marriage relationship admitted confidential at common law. The bill is pending before the Senate Committee on the Judiciary.

S. 2844. A bill to tax the sale or other disposal of firearms and machine guns by importers, manufacturers, and others, and to restrain the importation thereof.

Designed to regulate the transportation in interstate and foreign commerce of firearms, including machine guns, by internal revenue tax. The bill is pending before the Senate Committee on the Judiciary.

S. 3068. A bill to provide deportation of aliens upon conviction of a felony.

This bill is intended to make mandatory the deportation of aliens upon conviction of a crime involving punishment of imprisonment for a term exceeding 1 year. This is a far-reaching piece of legislation and should be passed. The bill is pending before the Senate in modified form, S. 3771, as reported by the Committee on Immigration.

S. 3069. A bill relative to coercing of witnesses.

This bill provides a penalty for making the testimony of any person unavailable in any court or before any jury by writing or using any other means of coercion or intimidation. The bill is pending before the Senate Committee on the Judiciary.

S. 3070. A bill making it a felony to willfully fail to appear after having been admitted to bail.
This bill makes it a felony for any person who has been admitted to bail in connection with a charge of an offense punishable by death or imprisonment for a term exceeding 1 year to willfully fail to appear. The bill is pending before the Senate Committee on the Judiciary.

S. 3071. A bill to prevent the promotion of frauds through interstate communication.

This bill provides fine or imprisonment for any person who shall communicate or attempt to communicate any message by any method whatsoever for the purpose of promoting fraud. It is pending before the Senate Committee on the Judiciary.

S. 3073 and 3074. Bills to amend sections 1015 and 1016 of the Revised Statutes.

These bills make it mandatory on the judge or other persons authorized to take bail to inquire into the source of money or security offered for such bail and if it shall appear that any money or security so offered shall be the proceeds of certain crimes of violence to refuse to grant such bail. They are pending before the Senate Committee on the Judiciary.

S. 3075. A bill to permit the appointment of special agents of the Division of Investigation of State officers. Report No. 1123.

This legislation is intended to increase Federal jurisdiction within the several States by the appointment of special agents in the Division of Investigation on the nomination of the Governors of the several States. Such special agents so named to also possess the police power of the State from which they are nominated on the employment of the Attorney General. These particular special agents would have jurisdiction both Federal and State.

The unsuccessful attempts to secure the arrest of Dillinger is evidence of the desirability of such legislation. It passed the Senate on June 13, 1934, now pending before the House Judiciary Committee.

S. 3076. A bill to prohibit the transportation in interstate or foreign commerce and carriage through the mails of certain gambling devices, and for other purposes.

This bill is intended to make it unlawful to transport within the limits of the jurisdiction of the United States certain gambling devices, including slot machines. The committee in its investigation obtained a catalog of 80 pages known as "The Secret Blue Book." Every device offered for sale in this catalog is controlled in some mechanical or electrical way giving the innocent victim no chance whatever and making gambling a sure thing for the professional gambler. This piece of legislation should be enacted. The bill is pending before the Senate Committee on Interstate Commerce.

S. 3476. A bill to prohibit the making, passing, or negotiation of spurious checks or other financial paper purporting to be payable by institutions in other States.

This bill is aimed at the transportation and negotiation of spurious paper in interstate and foreign commerce. Spurious paper is drawn on both real and fictitious banks. It is usually negotiated in a widely separated locality from the place in which it is drawn. The unfortunate thing in this type of fraud is the fact that the banks are not the losers but the innocent merchant who receives and cashes the spurious paper is the victim when the same is presented to his bank in the nature of a deposit. The bill is pending before the Senate Commit-
S. 3556. A bill to prohibit the transportation in interstate or foreign commerce of plates, dies, forms, or tools intended to be used in the reproduction of any security or financial paper.

This bill is designed to stop the transportation in interstate or foreign commerce of plates, dies, forms, or tools intended to be used in the making of counterfeit securities or financial paper. The hearings of this committee indicated that professionals engaged in the transportation of spurious money, stocks, and securities carry with them plates or dies which are of small bulk and readily transported. Printing presses are available now in almost any community, and it is frequently more convenient and advisable to transport the means of producing counterfeits rather than to transport a large bulk of counterfeit paper. The methods of reproduction and engraving adopted by the modern counterfeiter have followed the development of the legitimate printer's art. It is believed that this legislation is meritorious and should be passed. This bill is pending before the Senate Committee on the Judiciary.

S. 3623. A bill authorizing the introduction in evidence in criminal cases of testimony taken at a preliminary hearing, and for other purposes.

In many criminal cases when brought to trial the testimony of important witnesses is not available owing to the fact that the witnesses are dead, have become intimidated, or are kept away from the trial by the willful acts of the accused. This bill is believed to be a substantial reinstatement of the common law and it is believed that as such it will be held not to contravene the Constitution. It is the common practice of gangsters who are indicted and held for trial to kill or intimidate witnesses intended to be used by the prosecution. If this legislation is enacted it will have a far-reaching effect in criminal trials, particularly where the accused is tried for crimes of violence. It is believed that this legislation should be passed. The bill is pending before the Senate Committee on the Judiciary.

S. 3680. A bill to provide for the taxation of manufacturers, importers, and dealers in small firearms and machine guns, to tax the sale or other disposal of such weapons, and to restrict importation and regulate interstate transportation thereof.

The purposes of this legislation are as indicated in the short title. It is pending before the Senate Committee on Commerce.

Ohio Loan Fund—Four years ago, Dr. Philip Zenner, of Cincinnati, Ohio, established a loan fund for released prisoners in the Ohio Penitentiary. The time of release is a specially perilous one for those without money or friends as the suspicion and unfriendliness of society makes it difficult for them to find occupation and so turns them to crime. The loan is intended to tide them over this period.

One hundred and seventy-five men have received loans. It very rarely exceeded fifty dollars—the usual loan—and was often less than this. The larger number of those who received it the first year—1929—repaid it in part or in full. From that time on the number repaying it has steadily lessened, very few having done so the fourth year. This is doubtless due to the steadily
deepening depression and their increasing difficulty in finding work.

Of the one hundred and seventy-five men forty have been returned to the penitentiary. The smallest proportion of these is of those released the first year. The proportion gradually increased in subsequent years, due no doubt to the depression.

The establishment of this fund was, in a manner, a recognition of the manhood which is still present in the convicted criminal. It was also to help men in dire need, to many of whom it was indeed a blessing. But its chief purpose was to lessen the number of recidivists by lessening the urgent needs of released prisoners.

P. Z.

Educational Conference—A conference of Educational Workers in Correctional Institutions was held at Teachers College, Columbia University, August 10, 1934. At the morning session Commissioner Walter N. Thayer, Jr., Mr. A. H. MacCormick, and Mr. Walter M. Wallack spoke on the general subject of correctional education. At the survey meeting Mr. Calvin Derrick and Drs. William F. Russell and William E. Grady spoke. Afternoon round-tables were conducted by Dr. Edgar A. Doll, Dr. V. C. Branhm, Dr. Jesse F. Williams, Mr. E. R. Cass, and Miss Jane Hoey.

Hawaiian Reorganization — Lieutenant Thomas J. Finnegan of the University of Hawaii writes:

"The Massie Case, which brought Hawaii in the limelight and caused so much ridicule to be cast on the Police Department and prosecuting forces in the Territory, was one of the main reasons why the governing forces in Hawaii were thoroughly investigated by the Attorney General's office and the Department of Justice. It was through this investigation that the affairs of the Territory were presented to Congress by Seth Richardson, Attorney General, who stated that certain sections of the organic act should be abolished so that proper action could be taken for the building up of a stable government for the Islands. It was through his report on conditions in Hawaii that several bills were introduced in Congress and referred to an Investigating Committee on Territorial and Insular Affairs. Committees were also formed in Hawaii and through their suggestion a special session of the Legislature was called and bills were introduced and quickly passed for abolition of the office of Sheriff and the removal from politics of the Police Department. A Police Commission of fine outstanding men in the community were appointed by the Governor who then selected a Chief of Police who also was a man of outstanding qualities. He immediately set about to reorganize the Police Department."

"This was one of the principal changes made in our Territorial Government and so rapid was the improvement in this branch of Public Service which was now receiving the whole-hearted support of the community that the Special Committee on Territorial and Insular Affairs set aside indefinitely the laws that were then before Congress for the repeal of the Organic Act."

Overholser Appointment — Dr. Winfred Overholser, who has been Secretary of the Massachusetts
chapter of the American Institute of Criminal Law and Criminology since 1925 and a contributor to this Journal for many years, has recently been appointed Commissioner of Mental Diseases of the Commonwealth of Massachusetts. The Journal extends its congratulations to Dr. Overholser. He has submitted an article on the “Briggs Law of Massachusetts” which will appear in a forthcoming issue.

International Penal and Penitentiary Commission—Plans for the Eleventh Congress of the International Penal and Penitentiary Commission to be held in Berlin in the summer of 1935 are being completed. The Commission will meet in August of this year to arrange the final program for the 1935 meeting, which promises to be one of exceptional interest and importance to students of criminology.

The practice followed at these meetings is to lay out an agenda a year in advance of the meeting, to invite competent people from all of the adhering nations to prepare papers discussing the subjects assigned to them. These papers are submitted to so-called “rapporteurs”, who digest the contents and summarize them for the benefit of those attending the Congress. These digests are translated into the several languages and are discussed during the week of the Congress at section meetings and form the basis for resolutions to be adopted at the general sessions of the Congress, thus crystallizing the concensus of opinion of the representatives of the various countries on topics of major importance.

Between the dates of the quinquennial meetings the Commission keeps in touch with developments in the various countries by correspondence. A set of rules was recently adopted providing certain minimum standards of prisons, jails and reformatories. A special study is now being carried on by the Commission with reference to the scientific examination of prisoners as carried on in the United States and foreign nations. Data is likewise being gathered to form the basis for reciprocal extradition treaties and a greater uniformity in the treatment of discharged prisoners. Frequent bulletins are issued by the Commission for the information of its members.

The International Penal and Penitentiary Commission was formed in 1872 for the purpose of facilitating the interchange of views between the United States and foreign countries on the matter of prisons and the control of crime. There is a general secretary located at Berne in Switzerland and the business of the Commission is carried on by delegates who meet annually.

Every five years it has been the custom to hold a Congress under the auspices of this Commission at which representatives of the various countries are invited to discuss certain prepared programs. Meetings were held at London in 1925 and in Prague in 1930.

The Commissioner on the part of the United States is Sanford Bates, care Department of Justice, Washington, D. C., to whom inquiries may be addressed.

Mr. Bates recently circulated a booklet of 22 pages containing the “Rules for the Treatment of Prisoners” drawn up in 1929 and revised in 1933 by the International Penal and Penitentiary Commission.
Prison Notes—

Prison Labor: The most important happening in the field of prison labor during the last three months was the issuance of an order by General Johnson permitting the use of the N.R.A. blue eagle on goods made in prisons under the terms of the Compact of Fair Competition. This order was issued by General Johnson after a public hearing was held on the question by Deputy Administrator Linton M. Collins. General Johnson had previously authorized the use of the N. R. A. insignia on prison goods but certain labor and industry representatives had objected to the use of the blue eagle on prison products and had petitioned for a stay order. The hearing on the stay order was held on May 28, 1934.

Representatives of the Women's Trade Unions Committee, the Federation of Women's Clubs, and certain other women's organizations appeared at the hearing and objected to the use of the label on the ground that it would encourage the sale of prison made goods in the open market. They argued that prison labor was inherently injurious to the public welfare and that the Recovery Administration should not grant it a label and thus encourage further the sale of prison goods in the open market. Mr. Sidney Hillman, President of the International Garment Workers' Union, Mr. John Manning of the Union Label Division, American Federation of Labor, Miss Rose Schneiderman and others likewise objected to the use of the label because they said so many evils had arisen in the past and union members had suffered so much that no faith could be placed in the prison compact as a remedy to the problem. They protested vehemently that the N. R. A. should not permit the blue eagle to become a "jail bird".

The views of the prison people were presented by Mr. Sanford Bates, Director of the Federal Bureau of Prisons, who outlined the reasons underlying the drafting of the compact and the need for its continuation. He stated that the opponents were trying to place the whole question of the use of prison labor and the Compact on trial and were not limiting their facts to conditions existing at the present. He contended the labor representatives were bringing in irrelevant data as to conditions which existed many years ago and that no data or evidence had been submitted as to existing conditions under the Compact.

Colonel John J. Hannan, Chairman of the Association of States Signatory to the Prison Labor Compact, followed Mr. Bates and pointed out the accomplishments which had taken place since the Compact was adopted and indicated that if a label were refused he believed the Compact would be a nullity.

Mr. Howard Gill, formerly superintendent of the Norfolk Prison Colony and now economic advisor to the Prison Labor Authority, then pointed out the reasons why an N. R. A. label was absolutely essential to the Prison Labor Authority if it was to function as designed. He showed that it was an instrument of enforcement as well as a necessity if prison goods were to be sold through ordinary channels.

Mr. James V. Bennett, Assistant Director of Federal Prisons and Secretary to the Prison Labor Authority, then argued that the opposition had submitted no data or evidence that the Compact was being violated or that goods were being sold on the market under such con-
ditions as would depress market prices or lower the standards of free labor. He also presented data to show that the Compact was the first intelligent attempt to solve the perplexing problem of prison labor through cooperative action of the several states.

The hearing on the whole was a most interesting one to those concerned with the problem and the detailed testimony can be obtained from the National Recovery Administration. Deputy Administrator Collins took the matter under advisement and after obtaining reports from the Consumers' Advisory Board, the Industrial Advisory Board and the Labor Advisory Board an order was issued refusing to grant the stay on the previous order of the Recovery Administration granting the prisons the use of the blue eagle.

For the first time in the history of the country an unprejudiced body, anxious to solve fundamental social and economic problems, has considered this question and has determined that there is nothing inherently injurious to the public welfare in permitting the sale of prison goods on the open market, so long as they are produced under fair conditions of competition. The Compact provides these conditions because it limits hours of work of prison inmates, provides that prison products shall not cut the fair market prices of competing private products, and stipulates that prison labor shall be contracted for amounts equaling in value the labor and overhead necessarily paid by competing private industry.

However, in spite of this action of the Recovery Administration and the effectuating of the Compact, it is becoming increasingly difficult to find profitable methods of constructively employing the inmates of penal institutions. At no time in the history of the country has there been so much idleness in the prisons. For example, in the Moundsville, W. Va., Penitentiary more than 1900 inmates are on the idle list. The prison shops in Michigan have almost completely shut down. Alabama has reduced its employment opportunities tremendously. Everywhere there is a shortage of work due to a wide variety of reasons, some political, some economic, and some legal. The Hawes-Cooper Act, divesting prison made goods of their interstate character is causing a great deal of trouble and uncertainty. Business in the kind of goods made in prison is poor and purchasers will not accept prison goods unless there is a large price differential which is impossible under the Compact. The states which manufacture binder twine are in a more favorable position than other states particularly those which formerly made cotton garments of various kinds and sold them in the open market. Many of the states are going over to the state-use system and are experimenting with this method of solving their employment problem. Rhode Island has recently passed a state-use law. Virginia is installing machinery for the manufacture of textiles for state-use, and Indiana and New Hampshire are likewise undertaking a broad development of the state-use system.

Federal Penitentiary Notes: A law was passed at the last session of Congress creating a Government corporation to manage and operate the Federal prison industries. It provides for a board of five directors whose duty it shall be to determine the industries which shall be operated in each Federal institution.
and bring about a greater diversification of Federal prison industries.

Mr. Joseph W. Sanford has recently been appointed superintendent of the United States Industrial Reformatory at Chillicothe, Ohio. Mr. Sanford was for eighteen years Chief Probation Officer of the Juvenile Court of the District of Columbia; was chief investigator of the United States Bureau of Efficiency, and was for two years Superintendent of the Federal Correctional Camp at Fort Eustis, Virginia. He succeeds Mr. A. H. MacCormick, who recently resigned to become Commissioner of Correction of the City of New York.

Dr. F. Lovell Bixby, formerly research secretary of the Osborne Association has been appointed Assistant Director of the Federal Bureau of Prisons. He will have charge of the Welfare and Educational program of the Federal Prison Bureau.

The first United States Narcotic Farm which is being erected at Lexington, Kentucky, for incarcerating and treating persons addicted to the use of habit-forming drugs is nearing completion and will be ready for occupancy some time during the fall or winter. The farm will be under the jurisdiction and control of the United States Public Health Service.

Mr. E. B. Swope, formerly warden of the New Mexico State Penitentiary at Florence, has been appointed warden at the United States Penitentiary, McNeil Island, Washington, succeeding Finch R. Archer, who has retired on account of age.

Mr. James A. Johnston, formerly warden at San Quentin Prison has been appointed warden of the New United States Penitentiary at Alcatraz Island, California. This will shortly be opened and will be used to house the more desperate and recalcitrant Federal prisoners. It is another step in carrying out the Act approved May 27, 1930, which provided that it was to be,

"The policy of the Congress * * * to develop an integrated Federal penal and correctional system which will insure the proper classification and segregation of Federal prisoners according to their character, the nature of the crime they have committed, their mental condition and such other factors as should be taken into consideration in providing an individualized system of discipline, care and treatment of prisoners."

Prison Directory—The American Prison Association has compiled a new directory of State and National Correctional Institutions of the United States and Canada, printed with the compliments of the Maryland Penitentiary at Baltimore. In collecting and making available the information contained therein the American Prison Association has rendered a most valuable service to penologists. The institutions are listed by states and the name of the superintendent or warden is given and the location, date opened, capacity, average 1933 population for males and females, class of offense, age when admitted (minimum and maximum), whether definite or indeterminate term, number of inmate employes, and industries.

A Wisconsin Study of Crime and Criminal Justice—On June 19, 1934, the University of Wisconsin Research Committee and Board of Regents voted to allow Professor John L. Gillen of the Department of Sociology and Professor Alfred
L. Gausewitz of the Law School leaves of absence from teaching duties for one semester of the academic year, 1934-1935, their salaries to be paid from the Graduate School Research Budget, to conduct a survey of some phases of criminal justice in Wisconsin. A sum was also voted for the employment of assistants and travel expense.

H. Ashley Weeks and Ben S. Wood, graduate students who majored in Sociology, and Henry J. Fox, who received his law degree in June, 1934, have been employed for a period of ten months, commencing September, 1934, to assist.

It is expected that the legal phases of the project under the direction of Professor Gausewitz will be directed primarily at a revision and restatement of the substantive criminal law and penalties. The Wisconsin scheme of classification of crimes seems fundamentally sound, but it has not been adequately extended, or has been lost sight of, with the result that in Wisconsin, as elsewhere, the criminal statutes are scattered throughout all parts of the statutes, are an accumulation of years, and have inconsistencies, gaps, overlappings and uncertainties; the penalties are sometimes inconsistent with each other under any theory of punishment; and the definitions of crimes, the penalties, and the provisions for probation, indeterminate sentence and parole all need reconsideration in the light of present day thought in criminology and penology.

It is hoped that facilities will also permit the gathering of police and judicial statistics, information and opinion that will enable an appraiser to be made of the advisability of adopting in Wisconsin proposals made elsewhere in the fields of detection and apprehension, procedure and practice, and political organization, as well as in the fields of substantive law and treatment.

For years Wisconsin has had state-wide organizations at work on the problem of criminal justice. In 1909, following the organization that year of the American Institute of Criminal Law and Criminology at Chicago, the Wisconsin Branch of the American Institute was organized. It held six annual meetings, the proceedings of which were published, and considered and proposed legislation upon many of the problems that are still perplexing, and secured legislation upon some. After its meetings were discontinued, its work was left to the Wisconsin Conference of Corrections and Charities. The latter was succeeded by the still active state-wide Committee on Crime and Criminal Justice of the Wisconsin Conference of Social Work. In addition to this, there is the official Advisory Committee appointed pursuant to section 251.18, enacted in 1931 to observe and study the administration of justice in the courts of Wisconsin and to advise the Supreme Court on the exercise of its power and duty to regulate pleading, practice, and procedure in all courts in the state. There is also a Special Committee of the State Bar Association to cooperate with the Law School in the study of Wisconsin Statutes, a committee on The American Bar Association Program, and the organizations of district attorneys and police.

It is planned to submit any findings and conclusions of the present study to some or all of these organizations for study and revision and for possible proposal to the legislature for enactment into law.
Recent Publications—
"Difficulties in Proving Forgery," by Albert S. Osborn. *University of Pennsylvania Law Review* (June, 1934);
"The Indictment in New York," by Charles B. Nutting. *Cornell Law Quarterly* (June, 1934);
"Classification of Handwriting and Counterfeit Coins," by Captain A. Popkess. *Ibid.*;
"Federal Police Aid," by F. F. Russell. *The Justianian of Brooklyn Law School* (June 7, 1934);
"Advances in Juvenile Court Legislation in Pennsylvania," by Curtis A. Williams. *Probation* (June, 1934);
"The Elmira Psychopathic Clinic," by Thomas J. Hanlon. *Correction* (July, 1934);
"Protecting the Crowds," by Inspector Thomas J. Curtis. *Police and Peace Officers' Journal* (July, 1934);
"German Sterilization Law," by Regierungsrat. *The Eugenics Review* (July, 1934);
"Techniques of the Swindlers," by (August, 1934);
Herbert L. Hepp. *Police "13-13"
"Civil Service for the State Police," by Charles De Lacy. *Ibid.*;
"Educational Activities at the Minnesota State Reformatory for Men," by R. H. Rosenberger. *News Bulletin* (August, 1934);
"When the Prison Door Opens . . . and After," by Sanford Bates. *Ibid.*;
"Chicago Cooperates — but not Enough," by Edgar Sisson. *Today* (August 4, 1934);
"Program of Criminal Law and Its Enforcement," by Albert J. Harno. *Ibid.*;