A.B.A. Meeting—The sixty-second Annual Meeting of the American Bar Association was held in San Francisco, July 10-14, 1939. The Section of Criminal Law featured committee reports and addresses as follows:


"The State's Attorney," by Ralph E. Hoyt, District Attorney of Alameda County, California.

Law Reform—The Standing committee on Jurisprudence and Law Reform of the American Bar Association, 1939, made a number of recommendations which are of interest to criminologists. A summary of these follows:

1. Resolved, That the Association approves in principle the establishment of a system of public defenders in the federal courts.

2. Resolved, That the Association approves in principle an act bringing pistols and revolvers within the scope of the National Firearms Act, thus requiring all weapons to be registered, and imposing a nominal tax on their transfer.

3. Resolved, That the Association approves in principle an act permitting the United States to be sued in tort in respect of claims for property damage or personal injuries due to the negligence of government officers and employees in the performance of their duties.

4. Resolved, That the Association approves in principle an act permitting one accused of a crime against the United States to waive indictment by grand jury and to consent to prosecution by information.

5. Resolved, That the Association approves in principle an act requiring defenders in criminal cases in the federal courts who purpose relying upon the defense of alibi, to give to the prosecution notice of that fact before trial.

6. Resolved, That the Association approves in principle an act permitting, in criminal trials in the federal courts, comment upon
the defendant's failure to testify.

(7) Resolved, That the Association approves in principle an act extending the Criminal Appeals Act so as to permit the United States, in criminal cases, to appeal from any order sustaining a demurrer or like pleading.

(8) Resolved, That the Association approves in principle an act providing for a system of voluntary retirement for federal judges who have become disabled before reaching the present retirement age.

(9) Resolved, That the Association approves in principle an act prohibiting federal judges from actively engaging in any other kind of business.

Section Chairman’s Report—A new program of activities was developed by the American Bar Association’s Section of Criminal Law during the year 1938-1939. Much credit must be given to the Chairman, James J. Robinson of Indiana, who directed the development of the policies adopted by the Council. No better description of the work of the Section can be found than the Chairman’s report delivered to the Section members on July 11 at the San Francisco Meeting. He said:

“Fundamentally the new policy is a movement both within and without the Section to link the work of the Section comprehensively with the actual conditions and needs in the field of criminal law administration. Clearly, then, the new policy must be based upon recognition of the fact that the administration of criminal justice is a process having many parts, with each part dependent upon each other part both in structure and in operation. It is essential for the working out of the plan that the whole field of criminal law administration be accurately divided among committees, without duplication and without omission. It is necessary that the committees work on a long-time plan in order to avoid action which might be piecemeal and haphazard, and in order to preserve the advantage of having a definite objective and a continuous policy. The membership of the committees, moreover, needs to be properly balanced between the practicing lawyer and the law teacher or expert or research worker. Finally, the aim of each committee needs to be not merely destructive or detached criticism but rather the concise presentation of a careful finding of facts and of specific, usable conclusions and recommendations.

“With these objectives in mind the chairman of the Section, with the advice of other officers and council members, discontinued eleven of the twelve former committees and established eight new committees. The Committee on Education and Practice is the committee which is continued from the former organization of the Section.

“The name given to each committee by the chairman of the Section shows in general that specific part of the process of criminal law administration with which the committee is concerned. The Committee on Police Training and Merit Systems is developing recommendations for police-training programs and for legislative provisions to meet the growing public demand for non-political and efficient police service. The Committee on Magistrates and Traffic Courts—the committee concerned with the next step in the administration of
a typical criminal case—is making a survey of existing minor court systems with a view to recommending a system which will meet the problem of modern automobile traffic and the problem of corruption in city government arising from 'selling justice' through existing minor courts. The chairman of the Section of Criminal Law, with the problems of the committee in mind, drafted the 1939 Indiana Magistrates Court Act and hopes that the committee will give that statute more or less respectful consideration.

"The Committee on Procedure, Prosecution and Defense has under consideration, among other questions, procedural questions referred to it by the Section of Judicial Administration. The Committee on Supreme Court Rules for Criminal Procedure and the Committee on Federal Election Laws deal with subject matter which would seem to be included within the scope of the preceding committee. The reason for these two special committees, however, is made apparent elsewhere in these reports. The Committee on Sentencing, Probation, Prisons and Parole includes within its scope subjects dealt with by three of the former committees of the Section. The subject of prognostic tables in dealing with offenders is a matter for continued study by the committee.

"The Committee on Rating Standards and Statistics has a difficult and important assignment. The setting up of rating standards in criminal law administration is an untried idea. The committee is endeavoring to set up standards and thereupon it will establish a rating procedure comparable to that used in insurance, or analogous to that used by the American Bar Association in the rating of law schools. After standards are established states and cities may be given comparative ranking as to the efficiency or the inefficiency of their administration of the criminal law. The educational value alone of such an appraisal would seem to be of considerable public value.

"The Committee on Public Information, Radio and Press is to place the recommendations of the various committees of the Section before the general public in an effective manner. Questions arising from radio programs and from newspaper accounts dealing with crime or criminal proceedings will be considered also by the committee.

"The principal activity in addition to the reorganization of the Section just described has been the promotion of the proposal to have federal criminal procedure prior to verdict prescribed by rules made by the Supreme Court."

After making recommendations for the future activities of the Section, Mr. Robinson concluded with this interesting statement:

"If all American lawyers should get in earnest about stopping present-day crime, crime as we know it would be stopped. It is not simply the 'shyster' or the lawyer criminal whose attitude is controlling or even decisively important. The lawyer who actually holds the potential control of the situation is the average lawyer of good standing who is uninformed and therefore indifferent about the facts of criminal law administration. His lack of information cannot fairly be called his fault. He has no accurate, comprehensive source of information. He has ac-
cess to no dependable briefs presenting sound recommendations for improvement. On the contrary he may hear only some 'battle of the experts' or some unacceptable propaganda. Here lies the great opportunity of the American Bar Association and of its Section of Criminal Law. By presenting to the average public-spirited American lawyer accurate findings of fact and dependable conclusions or recommendations of laws and practice, the Association and the Section can help the American lawyer to get in earnest about stopping preventable crime by the criminal law. The first requirement therefore is that the Association itself shall get in earnest about assuming such leadership. The Association can here 'raise a standard to which the wise and honest may repair.' At any rate, the Association can exert a serious leadership against crime and for common sense and efficiency in criminal law administration."

Police Training and Merit Systems—In this section of the Journal we do not have space to reproduce the reports of all Committees of the American Bar Association's Section of Criminal Law. One report, presented by Judge Curtis Bok of Philadelphia, has more than current interest to our readers. It deals with police training and merit systems and is unique in that the usual committee of lawyers was assisted by an active advisory committee of police administration experts, headed by O. W. Wilson, until recently Chief-of-Police of Wichita, Kansas. While the conclusions announced were not all unanimous, they merit close study. The report follows:

"The Problem"
"Police training has taken immense strides forward in the past twenty years. The former method was one of trial and error by the cop on the beat. During this time the development of large-scale industries, automobiles, airplanes, radio, firearms, and other apparatus of our expanding civilization has enabled the criminal element of the population to operate collectively, to flow easily over state lines, and to offer a uniform challenge to law enforcement everywhere. It works swiftly and uses the most modern methods. There is organized as well as individual crime and it works in both rural and urban areas.

"Society must meet this challenge with similarly efficient methods of detection and apprehension. The acquisition and use of these methods imply a great deal of educative effort, and your committee has endeavored to survey the field of this effort. Lack of time has prevented our doing it thoroughly, but we have sampled the country.

"Thus far no definite fixed standard for measuring the adequacy of police training facilities has been formulated but progress is being made in this direction. The most highly industrialized and populated areas show, on the whole, the greatest advance in training method. Looking broadly over the country, police work is highly decentralized, and this has had a deterrent effect on training programs and on certain other features of police work.

"Existing Level of Police Training"
"The following is a brief résumé of the states which your committee
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has covered, showing the level of police training there.

"Maine: Small state police force, with little formal training. None for local officers.

"New Hampshire: Local training schools in two cities. Training school for state police in collaboration with the University of New Hampshire.

"Vermont: Training course for state highway patrol. Local course in one city only.

"Rhode Island: Intensive recruit school for state police. Irregular recruit school in Providence.

"Massachusetts: School for state police, which is one of the country's outstanding institutions in the field. State Police Academy for advanced work. Training courses for local police in the larger cities.

"Connecticut: School for state police force. Larger cities have occasional schools for local force.

"New York: Unusually fine training facilities for state police. Active and excellent police academy in New York City and effective schools in Rochester and Buffalo. System of zone schools for local forces which may become mandatory under proposed state law.

"New Jersey: Excellent training school for state police, Rutgers University collaborating. Some effort in larger cities to conduct recruit courses.

"Pennsylvania: Thorough and intensive course for state police: also advanced courses of unusual quality. Recruit courses in big cities. Traffic officers school at state college. Zone schools, with federal grants, open to local police officers.

"Illinois: No recruit training except in Chicago. School for state police contemplated. Traffic schooling on request.

"Michigan: Strenuous recruit course for state police. Advanced training. Same for local forces in several cities. State college has five-year course in police administration. University of Michigan has short courses for police officials. Plans for more local recruit schools.

"Kentucky: No pre-duty courses. In-service refresher courses. No local training, except in Louisville.

"Indiana: Indiana University has a four-year course in police administration and intensive preservice courses and refresher courses for state police. The university has conducted numerous criminal law conferences, through its Institute of Criminal Law. Purdue University has a traffic course for local officers, and some cities have such courses.

"Missouri: Fine training method and facilities for state highway police. In St. Louis the police department makes careful selection of recruits and has up-to-date school for pre-duty training. No such facilities for rural agencies. Methods and facilities inadequate in other cities.

"Ohio: Ohio State University has held several short-term courses for in-service police from time to time. The University of Toledo has established an active program for training in-service policemen. Good training facilities are found in Cincinnati, Cleveland and Toledo.

"Kansas: Wichita police force regarded by many as a model. State-wide police training under State Board for Vocational Education. In-service training on the administration level at Wichita University.
"Colorado: Full-time itinerant instructors under State Board for Vocational Education.

"California: Excellent facilities planned by State Board of Education. Schools in large and medium-sized cities. Zone and area schools. Fine four-year pre-training course at San José State College, with A.B. degree.

"Texas: Short-term in-service training schools in several of the colleges and universities. The State Department of Public Safety has been giving excellent courses of training.

"Oklahoma: Short-term in-service training school for police officers of the state in conjunction with Oklahoma University. Strong possibilities of more extensive development.

"Iowa: The State University of Iowa recently conducted a short-term police officers training school for the law enforcement officers of the state. This university and several others are interested in developing this field within the state.

"Minnesota: A number of in-service training schools have been held in the larger cities. The University of Minnesota has also been interested in a possible police training program.

"Florida: Several centralized training schools have been held in this state from time to time.

"Wisconsin: Milwaukee police department has maintained a fine recruit and refresher training course for members of this department. The University of Wisconsin has conducted many short-term in-service training school programs.

"Nevada: The Vocational Educational Department has been interested in establishing an in-service police training program.


"Your committee has also surveyed the private industrial field. Here the old type of watchman has been replaced by a modern industrial police officer, trained in fire, safety, theft and personnel relations problems and having a working knowledge of legal duties and public police methods.

"In the traffic field, excellent work is done by the training schools of Yale University, the Bureau for State Traffic Research and the Traffic Institute of Northwestern University. The International Association of Chiefs of Police, through its Safety Division, has cooperated liberally in this work.

"METHODS OF TRAINING

"The volume of persons attending schools is far greater in the municipal schools. The places that suffer most are the smaller cities, the rural areas, and some of the larger cities where police departments are hampered by poor local government; this is also true of some state police situations. The International Association of Chiefs of Police has done much in bringing about the establishment of training schools and in improving the curricula of existing schools.

"It will be observed that the methods of police training fall under the following general heads:

"1. Pre-employment police training, as at San José State College, California.

"2. Recruit schools and advanced training programs for state police.

"3. Intrastate zone or area schools.

"4. Short intensive courses, in-
stitutes, conferences and extension courses.

“5. Itinerant instructors.

“6. Local training programs, as in New York City and other cities.

“7. Training courses for private industrial police.

“Finally, there is the National Police Academy maintained by the Federal Bureau of Investigation at Washington, D. C. It holds three twelve-week sessions a year for representatives of police organizations throughout the country. There is a Re-training School for follow-up work. The Federal Bureau of Investigation will also send agents on request to diagnose local police situations, and to consult and advise in the organization of local training programs.

“Conclusions

“It will be seen from the above that the greatest emphasis of police training appears in the big cities and in the populous states. It also appears in the state police organizations; local forces are neglected in comparison with them. Furthermore, the present police training schools show little uniformity either between the states or within a state.

“Believing that the police service should be a profession and not merely a vocation, your committee has reached the following conclusions:

“1. That thorough pre-employment police courses should be offered in private and state universities and colleges. In all courses having directly to do with police work, persons should be employed as teachers who are engaged in police work or who are peculiarly familiar with it, especially from official experience in criminal law administration.

“2. That zone or area schools for in-service training, like those in California, New York and Pennsylvania, should be established for local police agencies in addition to the department training schools in the larger police agencies so that training will filter through to all local peace officers.

“3. That a national school of police training should be established, patterned after West Point, or the Federal Bureau of Investigation's National Police Academy enlarged to a corresponding extent, in order to provide superior officers for the service as a whole.

“4. That residence requirements for applicants to police forces should be abolished.

“5. That legislation should be passed in states not already having it, designed to remove restrictions on the interstate pursuit and apprehension of criminals. More specifically:

“a. Limitation of extradition proceedings to the sole question of the suspect's proper identification.

“b. Extension of reciprocal witness laws.

“6. That a uniform code of criminal procedure and of the major crimes should be drafted for adoption by all the states.

“7. That State Bureaus of Investigation should be established, patterned upon the Federal Bureau of Investigation, but modified to meet local conditions in regard to responsibility and to harmonious working with other state departments.

“8. That the Federal Bureau of Investigation should continue to extend its services to local organizations and that these should be urged to cooperate with the Bu-
reau and avail themselves of the opportunities it offers.

"9. That the work of this committee should be continued and prompt announcement made of the committee's personnel, so it may have as much of a full year as possible to cover and report upon the very extensive and complicated field involved. Your present committee feels that with sufficient time the following things could usefully be done: (a) A careful survey made of police training facilities in all the states. (b) Further study and research into the relationship between state and local police forces. (c) The gathering of opinion from appropriate college and university presidents on the feasibility and method of integrating police education with their curricula. (d) A study of civil service and merit systems in the various states, of the desirability of requiring them for police service, and of which of them are most applicable to the police service. And (e) the feasibility of drafting uniform standards for police training."

Sentencing, Probation, Prisons, and Parole—The Section of Criminal Law of the American Bar Association was fortunate in having as Chairman of its Committee on Sentencing, Probation, Prisons and Parole, Dean Wayne L. Morse, who has been serving as director and editor-in-chief of the Attorney General's Survey of Release Procedures, as noted from time to time in this Journal. He placed at the disposal of the Section committee the findings of that study. Through this medium the members of the bar were given the conclusions and findings of the Survey. Since these materials soon will be in the hands of all interested persons it is advisable to limit the discussion of the Committee's report to one topic, Prisons, and the concluding recommendation:

"Prisons"

"It is the view of the committee that the American prison system is deserving of much more careful thought and study than the average lawyer is prone to give to it. The committee recommends a careful reading of the Department of Justice's survey report of eighty-three American penal institutions. Some of the conclusions of this report are:

"1. Imprisonment is only one part of the period of servitude, definitely limited in its possibilities due to the necessities of safe keeping. This is the period of protection and preparation. To be most effective the period of imprisonment should be followed by a period of rehabilitation under supervision in society.

"2. To carry out such a program a professional personnel must be added to the present guarding force in most penitentiaries.

"3. Training courses for prison officials are needed in every state.

"4. Even though intelligent safe keeping remains the first duty of the prison, custodial requirements must harmonize with other considerations. The provision of maximum security facilities for any but unclassified or dangerous prisoners is wasteful of public funds and detrimental to the program of preparation.

"5. For effective protection and preparation the whole concept of prison discipline needs restating to fit different types of criminals.

"6. To establish who these dif-
ferent types of criminals are and what they need necessitates the organization of classification personnel, and procedure in most prisons. Such classification units should provide complete case histories and physical, psychological, and other examinations of each criminal and a diagnosis of recommendations for training.

"7. The practice of corrective medicine should be continued, but particular attention should be directed to abnormal and subnormal mental cases now too frequently neglected in most prisons.

"8. Training under professional guidance is essential to any preparation for release.

"9. A great deal of the preparation for parole should take place while the prisoner is still within the prison walls.

"10. The average American penitentiary succeeds as a custodial institution, but is a failure when evaluated in terms of rehabilitating offenders. Punitive theories of justice still characterize too many prison practices.

"It is the opinion of this committee that the members of the bar in the several states could, and should, be of great assistance to the prison officials in their states, who, for the most part, are desirous of securing support for the adoption of penological methods which will help make the average American prison something more than a mere custodial institution.

"RELEASE PROCEDURE LEGISLATION"

"There has been prepared and released recently by the National Probation Association a model uniform parole and probation law. Although the constitutional restrictions in some states will prevent its adoption in toto, it is, on the whole, a great improvement over the parole and probation laws now existing in a majority of the states.

"Therefore, it is recommended by this committee that the Section of Criminal Law of the American Bar Association endorse in principle the model parole and probation law of the National Probation Association, subject to the understanding that because of local conditions and local restrictions prevailing in the several states this committee does not recommend a blanket adoption of the model law. Space does not permit setting forth the National Probation Association's model parole and probation law, but copies of the law can be obtained from Mr. Charles L. Chute, of the National Probation Association."

Interstate Crime Session — The fifth annual session of the Interstate Commission on Crime met July 7-10, 1939, at San Francisco. The high point of the Sessions was a radio symposium featuring Judge Hartshorne, Governor Olson of California, Governor O’Conor of Maryland, President Quinn of the International Association of Chiefs of Police and Warden Johnston of Alcatraz. In the report of the Commission’s President, Judge Richard Hartshorne of New Jersey, there was described the “Three Year Plan of the Commission.” He stated:

"First Year: ‘The Public and Crime’ was the theme of the forthcoming San Francisco session, July 7-10. This was selected for three reasons: first, because only with public support can crime be successfully controlled; second, the Commission has already had un-
precedented success with its legislative program, making such public support now the desideratum; third, 1940 will be an off legislative year, when our attention can be concentrated on obtaining public support for our crime prevention program as well. The San Francisco Conference therefore marked the initial step in this First Year program.

Second Year: Intra-State Fresh Pursuit. As a result of repeated requests from the police groups gathered at our last-year's Cleveland sessions, and from a Northeastern States Highway Conference, later held in New York City, your Commission is at the present moment obtaining from every State Attorney General in the country advices regarding the law in his state as to the right of intra-state fresh pursuit for crime and jailable highway offenses. This is in order to ascertain the need for the drafting of an intra-state fresh pursuit act in compliance with the above requests. If, as seems probable, this new legislation is needed, same will be drafted by the Commission during the forthcoming year, for presentation to the legislatures of the country as the Commission's Second Year program during the big legislative year of 1941.

Third Year: Modernizing the Law of Arrest. Your President has conferred recently with Professor Sam Bass Warner of the Harvard Law School, draftsman of our Uniform Pistol Act, as to his doing further constructive research work for the Commission, particularly along the lines of modernizing the present archaic, variant, and complicated laws regarding arrest throughout our states. This will require a year or more. The Commission will therefore be gratified to learn that Professor Warner has succeeded in obtaining, tentatively, a sabbatical leave of absence from Harvard Law School for the purpose of making this study along both administrative and legislative lines, and solely as an act of devoted service to the Commission and the nation. This study should be completed in time for the Commission's action on this model law of arrest, as its new contribution to the country for the Third Year.”

Nordiques Arsbok, 1938--The Association of Criminologists of Denmark, Finland, Norway and Sweden, having previously issued separate publications, have now published a joint year-book, entitled "De Nordiska Kriminalistforeningarnas Arsbok 1938." It contains mainly the proceedings of the said Associations during the year, but there is also information on other subjects within the scope of the Associations. The Editor of the year-book, K. Schlyter, President of the Court of Appeal of Malmö, has given a survey in French of the proceedings of the four Associations during the year. The rest of the year-book is written in Danish, Norwegian or Swedish.

What Makes Crime?—The Public Affairs Committee which issues pamphlets as "brief, readable summaries of important national questions, based upon the best research available" has distributed galley proofs of a new issue "What Makes Crime?" by Winthrop D. Lane. Using the method of asking a leading question and then answering it Mr. Lane presented a wealth of ideas in compact and attractive form.
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A.L.I. Project—At the meeting of the American Law Institute held in Washington in May, 1939, Director William Draper Lewis reported that the Institute was undertaking to study the problems of youth and criminal justice.

"Director Lewis pointed out that from the beginning the Institute had recognized that it was its duty to do what it could to improve criminal justice. In the performance of that duty it had already prepared and published a Code of Criminal Procedure—many parts of which were already in force in a considerable number of States—and in addition, had had two important reports from an 'advisory committee composed of eminent judges, lawyers, law professors, and members of allied social sciences—men whose studies and practical experience lend just weight to their opinions.' In further explanation of this projected activity, he said in his report:

"In 1935 this advisory committee recommended that we should produce a comprehensive Code of Criminal Law and Administration, suggesting an organization for the accomplishment of the task. As I stated in my last annual report, the sum required to carry out its recommendations is large and general financial conditions so far have prevented us from securing the necessary funds.

The second report which was submitted on February 12th of last year was, like the first report, unanimous. It is a most interesting document. The Committee points out that: the object of criminal justice should be the protection of society. The substantive and adjective criminal law and the things which should be done to the convicted person should be judged from that standpoint. In the United States, however, we have inherited a system that makes not the protection of society but punishment of the criminal its primary object. As a consequence, the convicted person is punished according to the degree of abhorrence with which the community regards the act he has done. Punishment fits the crime not the criminal. With the expiration of his term the prisoner, though perhaps known to be dangerous, is released to prey again on society; while often a prisoner recognized as practically certain not to commit another crime is kept in jail at the public expense until he has, by completing his term, paid his debt to society.

Of course, our advisory committee being experts in criminal behavioristic characteristics recognize that in many cases punishment has a therapeutic value to the person punished and at least some value as a crime-deterrent. But they were of the opinion that the underlying defect in our existing criminal law system lies in making punishment an end in itself rather than one of the means to the real end which is the protection of society.

It is significant evidence of the advance of our thinking that not only the psychiatrist and the person experienced in our prison administration but also judges and lawyers who have spent much of their lives in our criminal courts believed that what the Institute most usefully could do to improve existing conditions was to take a segment of our criminal law administration, the segment which affects the youth group between the ages of sixteen and twenty-one, and suggest those changes resulting from making the protection of
society rather than the punishment of the convicted youth the primary object.

A year ago last winter the report just described was discussed and unanimously adopted in principle by the Council. Later, as stated in the first part of this report, the necessary funds were secured to prepare an act or acts which could be submitted to the Council and later to you for consideration.

The plan adopted in our Restatement work has been followed. Preliminary Drafts are being worked over by a comparatively small group composed of the Reporter, John Barker Waite of the University of Michigan, and Advisers. The personnel of the Advisers varies somewhat with the particular topics before the group for discussion. Among the Advisers at present there are: Judge Curtis Bok, Court of Common Pleas No. 6, Philadelphia; E. R. Cass, Secretary of the American Prison Association, New York; Sheldon Glueck, Professor of Law at Harvard University; Leonard V. Harrison, Washington, D. C., with Pryor McM. Grant, author of 'Youth in the Toils'; Doctor William Healy, Director Judge Baker Guidance Center, Boston, Massachusetts; Edwin R. Keedy, professor of law at the University of Pennsylvania, Philadelphia; Austin H. MacCormick, Commissioner of the Department of Correction, New York; William E. Mikell, professor of law at the University of Pennsylvania, Philadelphia; John D. Rockefeller, 3d, New York; Doctor Thorsten Sellin, Department of Sociology, University of Pennsylvania, Philadelphia, and Judge Joseph N. Ulman, of the Supreme Bench of Baltimore City, Maryland.

We are not engaging in original fact researches although Doctor Sellin has compiled from existing official statistics most interesting and informative statistics for the use of the Committee. Indeed, the Institute would not be undertaking this matter had not existing experience and study by those devoting their lives to the subject produced a group of persons adequate to do the work we want to do. That work is to ascertain the legal and practical difficulties of adjusting our criminal law and its administration as it affects the sixteen-to-twenty-one age group to the better protection of society, reducing the danger of further anti-social acts by those members of that group who are charged with or convicted of crime; not only of serious crime but of any anti-social conduct. For instance, one of the things which has already engaged the attention of the group is whether it would be wise and legally and practically possible to commit convicted youths for a long or indefinite period to a treatment board, and what should be the organization and duty of such a board and the extent of its powers. If any positive affirmative conclusions are reached, and we can, I think, assume that some will be reached on this or at least one some other pertinent matter, the conclusions will be formulated in drafts either of carefully stated principles or proposed statutes, accompanied by adequate commentaries and explanatory notes. These drafts, though like all our other preliminary drafts confidential, before being embodied in a final preliminary draft for the consideration of the Council next winter, will be sent to the members of the Advisory Committee to which I have referred and also to many others who
have given special consideration to the subject.” (From A.B.A. Journal, June ’39.)

Illinois Parole Bill Defeated—The Ward-Schnackenburg Bill, mentioned in this Section upon previous occasions, was defeated in the Illinois Legislature. Once passed, it was vetoed by Governor Horner (see 28 J. Crim. L. 318) and again it was introduced into the Illinois Legislature at the next session (see 30 J. Crim. L. 150). This Bill would have permitted trial judges to set maximum and minimum sentences within the limits of the present indeterminate Act and, in effect, emasculate or destroy the operation of the Illinois Parole Law. Much credit is due the Chicago Crime Commission and the Citizens Committee, led by Professor E. W. Puttkammer of the University of Chicago, in securing its defeat.

Bennett Address—The Osborne Association, Inc., has recently issued its Report for the Year 1938. Included therein was the report of the Executive Secretary, William B. Cox, on the activities of the Association dealing specially with the survey of institutions for juvenile delinquents. Also was found the address to the members delivered by James V. Bennett, Director of the United States Bureau of Prisons, Department of Justice. One statement of Mr. Bennett proved most interesting. He said:

“Judging from the niggardly amounts we spend on constructing new prisons, we deserve also to see them overcrowded to the point where every effort at constructive rehabilitation is thwarted and frus-

trated. There is hardly a prison in the United States where two men are not housed where only one should be. In the vast Public Works Program undertaken by this country in the last six years where upwards of five billions of dollars were spent by state and nation on public facilities, including roads, schools, court houses, bridges, and public institutions, only about forty million dollars or about three-quarters of one per cent of the amount was spent on new prison construction. Incidentally, most of this money was spent in a few of the states. We ought, I suppose, to count ourselves fortunate that any state should have enough interest in the welfare of its prisoners to spend anything at all on prison construction in view of the fact that so few people are interested in the prisoner’s welfare. But I am convinced that one of the reasons something more hasn’t been done to replace these antiquated bastilles with new and more modern institutions is the fact that no one had any idea of just what was needed. We did know, of course, from the studies of this association, that the archaic hulk in Columbus, Ohio, ought to be replaced. We know also from your reports that the disgraceful cage-wagons of the southern chain-gang camps should be abandoned. There were other places where we had a vague and general notion of the deplorable conditions under which human beings were housed, but in the main there was no body of information and, what is more important, no organization in each state to press for modernization of our prison system.

“But even where new prisons have been built, mostly they have followed the pattern of the old Au-
burn cell block and have been loaded with tool-proof steel and other gadgets which bring joy to the hearts of the contractors. Furthermore, about the only thought many groups have had in prison construction revolves about how to make them larger and stronger and with higher walls. Not a single penal institution for men has been built by any state on what might truly be called the cottage plan, despite the fact that we know that a substantial proportion of the population of our prisons can be trusted on farms and in minimum security institutions."

Negro Crime—In choosing a Ph.D. dissertation subject, J. S. Hines, Director of Research, Columbus Ohio Urban League, decided to study the causes of Negro crime in his city. He reports that "The normal development of Negro life in northern urban centers of population was profoundly influenced by the mass migration of two and a half decades. In the changes consequent upon this rapid increase of population are to be found the factors determining the nature and structure of the developing Negro communities. The major characteristics of this process were the disorganizing impact of the city upon the rural institutions of the newcomers and their subsequent reorganization. The extent and character of Negro crime in these communities may be understood in large measure by reference to these processes of disorganization and reorganization."

"It is possible to state the disorganization of life for the migrants in terms of the weakening and dissolution of rural patterns of institutional behavior. Reorganization involved adjustment to urban ways of life in those sections where the newcomers settled. This often meant either the reorganization of personality about patterns of delinquent behavior or chronic disorganization. This process can be traced in some detail in the life histories of individual offenders."

"For the purposes of this investigation Negro male inmates of the Columbus, Ohio City Prison were interviewed. Questions relating to five major social institutions—the family, church, school, industry, community—were prepared as a guide to the interviewer. The information secured was arranged into an institutional life history and checked against information already secured from police reports and other records. The documents thus secured were projected against the pattern of community life already described. The present paper illustrates the process of community disorganization and reorganization as it is reflected in the processes of personality disorganization and reorganization."

"The men studied were denied normal home and family experiences. They either left home while still in their teens or came from broken homes. Often they drifted about a good deal before arriving in Columbus and had no roots or family ties in any community."

"The case of Roy H—is typical. He said that he did not remember ever seeing his father and his mother died when he was 11 months old. He was reared by an aunt and uncle. When he was 14 he left this home and went to Toledo to seek work. After remaining there one year he came to Columbus where he has lived 19 years."

"In the southern rural community the church, like the plantation,
spreads its shadow over the whole fabric of life. The church is the institutional structure within which social distinctions and gradations are determined, as well as the center of religious and social life. All these offenders had vivid memories of their early church and religious experiences.

"James C— made the following comments regarding his early religious experiences. ‘My mother was very active in church circles. My father was a deacon and we always had our family prayers. I used to say my little “Now I lay me down to sleep . . .” and whatever it is.’ Church attendance, however, is now a thing of the past for James although he reports that he still says his prayers even in prison. ‘I have attended church once or twice since coming to Columbus but not regularly.’

"Detachment from the church and the weakening of principles of religious conduct are significant elements in the disorganization of personality. This institution has not only lost many of its functions in the city, but has also lost its influence over behavior and conduct.

"School experiences were so short that neither school nor teacher had much opportunity to affect the shaping of personality and conduct. None of the offenders studied had gone beyond the ninth grade and the majority had stopped even sooner.

"Murray U—, for example, completed the seventh grade in the Park Street School of Birmingham, Alabama.

"Ray A—, born in Merthy, North Carolina, went to the eighth grade in the Atlanta schools. He quit to come to Columbus and help his cousins get an education.

"These men got only a limited amount of education of a dubious quality. None learned a vocation or trade and the majority give the impression of being just literate. The school had slight opportunity to affect their habits and character or to inculcate ideals and ambitions in their minds.

"Adjustments to the institutions of urban industry have been particularly difficult. Work habits, the tempo and rhythm of work and life, a fund of information and a financial and economic psychology geared to a one-crop plantation system are impediments in urban industry. Generally, the results have been lack of skilled experience and the disorganization of work habits—short tenure of jobs, habits of tardiness, carelessness and indifference and negative attitudes toward authority.

"The work experiences of Earl D— are typical. He knew no trade or vocation and did whatever he could find. He had had many jobs since coming to Columbus but remained on each only a short time. Earl worked in a coal yard for several months, he could not remember just how many. He had worked at odd jobs. Just before he was discharged from the ‘working list’ he was a hod carrier for a building contractor. Earl is 56 years old and he reported that the longest time he remained on any one job since leaving his home was 3 years. His other jobs were held for periods of time varying from a few days to 3 months.

"The result is industrial marginality and low economic status. Poverty keeps these men living in slum areas where rents are low and where vice and crime are a part of the setting of life.

"Most of the men had no roots
in the community and were highly mobile, moving frequently from one section to another within the delinquency areas. Since they own no real property and took little interest in the community's affairs, a strong and effective community spirit and organization are almost impossible.

"All these offenders had lived at many addresses during their residence in Columbus. It is not unusual to find offenders with records stretching back more than a decade who had averaged 3 or more different addresses per year for the entire period. One offender whose case is typical had been arrested 34 times in 12 years and was living at a different address at each arrest, all within the delinquency areas.

"Disorganization of a community whose members are mobile and detached is inevitable. In such situations patterns of community and neighborhood life tend to weaken. Mobility and detachment within these areas also mean prolonged exposure to patterns of criminal and vicious behavior which are part of the cultural heritage in such areas.

"The significance of these processes of disorganization and reorganization presents a curious anomaly. While they constitute a fundamental factor in the explanation of Negro crime of the period, they represent also the working out of a more efficient adjustment of the rural migrant to city life. Effective programs of crime prevention and correction have always to keep this fact in mind."

Literature—For an interesting account of the activities of a great organization, read the ninety-fourth annual report of the Prison Associations of New York. For a two-fold picture of criminal law administration in Michigan see the June, 1939, Journal of the American Judicature Society. Detroit's Unified Criminal Court and the disappearance of the Grand Jury in Michigan are discussed. Two well known professors of law debate legislative pardons ably and with zeal in 27 Calif. L. Rev. May, 1939. They are Professor Max Radin of the University of California and Henry Weihofen of the University of Colorado, both versatile writers. Roberts J. Wright, Executive Secretary of the National Jail Association and Assistant Secretary of the Prison Association of New York and the American Prison Association prepared for the Jail Association Journal of May-June, 1939, an article entitled "Wanted—A Clear Understanding of Parole." His opening sentence was, "Parole today is America's Bad Boy." In the Bar Bulletin for April, 1939, of the Bar Association of the City of Boston we find the following statement in a short article entitled "Liberty and Security":

"House Bill 1932 provides 'Before any organization, group or body, other than churches, shall solicit funds or contributions from persons other than their members there shall be filed in its behalf with the state secretary a statement containing the true names and addresses of its officers and principles and the purpose for which such funds or contributions are proposed to be solicited, on oath of its president and secretary or corresponding officers . . . .'"

"It is further provided that upon the receipt of this statement, the state secretary shall issue to such
organization a certificate that it has filed such a statement.

"Only churches are exempt. If, therefore, the head of a boy scout group should desire to solicit even as much as a dollar from a father of a boy scout, in order to buy his troupe ice-cream sodas, previous to soliciting the dollar, he would have to send a certificate to the secretary of state, or otherwise be punished by a fine of not less than ———, or by imprisonment for not more than ———, or both.

"Why the author of House Bill 1932 did not insert the penalty for its violation, we have no means of knowing. Perhaps he could not himself determine exactly how heinous is the offense of soliciting the dollar."

Can a governor be compelled to extradite a prisoner when he arbitrarily determines against so doing? This was discussed by M. Stanley Mosk of the Los Angeles Bar in the California State Bar Journal, April, 1939.