Editorials

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EDITORIALS

[At the regular meeting of the Board of Editors of this Journal on August 19 it was unanimously voted that the present number should be designated as: "Honoring John Henry Wigmore."

The following editorials by members of the Staff, officers of the American Institute of Criminal Law and Criminology, Founders and a Proxy are arranged by authors alphabetically—Eds.]

THE INNOVATOR

On Monday morning at 9:45 o'clock, June 7, 1909, in the Assembly room on the second floor of the Northwestern University Law School, the National Conference on Criminal Law and Criminology was called to order by the temporary chairman, Roscoe Pound. Since this group organized the American Institute of Criminal Law and Criminology and sponsored the first issue of this Journal, the reader should note the words uttered by the chairman as the gavel descended. He said:

"Gentlemen—The immediate occasion of this conference, as you know, is to celebrate the fiftieth anniversary of The Northwestern University Law School. It seemed to Dean Wigmore, who is entitled to the credit of conceiving this novel, and, I think, highly commendable mode of celebrating an anniversary, that instead of the conventional anniversary celebration, an attempt should be made to signalize this occasion by undertaking a public service, a service to society and a service to the law; and it seemed that no field of interest, legal or social, afforded a better opportunity for such service than the administration of punitive justice in this country."

The idea was Wigmore's. It was novel and unconventional but highly commendable. This remark characterizes the "Wigmorian idea," and he has had many of them since that memorable occasion.

After the Institute was formed it was necessary to choose a President. Dean John D. Lawson of the University of Missouri Law School arose to make a nomination. The record reads:

"I desire to put in nomination a man whom every man in my position looks up to as the head of the faculties of the law schools of the United States, and this Conference will do itself honor if it puts at the head of the new organization John H. Wigmore, of Chicago. (Prolonged applause.)"

Then William W. Smithers, a Philadelphia lawyer, spoke up: "Mr. Chairman, I move that the name of Mr. Wigmore be adopted as that of the President of the Institute despite anything he may say to the contrary." (The motion was seconded and prevailed unanimously.)

One of Mr. Wigmore's first official acts was to receive Resolution C:

"Whereas, There is at the present time no periodical in the English language devoted to the scientific study of criminal law and criminology, although there are some twenty-five such journals published in foreign countries, including Austria, Belgium, France, Germany, Italy, the Netherlands, Russia, South America, Spain and Switzerland; Resolved, That the President appoint a
committee of five to take under consideration the establishment of such a journal with power to do so, with the approval of the Committee on Details of Organization."

Mr. Wigmore appointed Professor Adolph Meyer, chairman, H. C. Carbaugh, Hastings Hart, Edwin R. Keedy and Charles A. Ellwood, and thus he launched the Journal in which you find this, today.

It is to be noted that the first issue of the Journal (May, 1910) contained a forthright comment by Mr. Wigmore upon a recent criminal case, and Mr. Wigmore’s name in the list of associate editors. The same name is there as this was being written. How many hundreds of editorial board meetings has he attended? What a stimulation he has been to his colleagues! How many novel but unconventional ideas has he so warmly supported that printing was assured? After nearly a third of a century he is still with us, kindly and considerate, but always the innovator. He will examine any idea for what it is worth; he prods his associates to be alive and aggressive; he invariably looks forward for past accomplishments mean nothing. Progress for the sake of humanity is always his goal.

Newman F. Baker.

THE PSYCHOLOGIC INTEREST

Dean John Henry Wigmore, whom we honor in these pages, was the leading spirit in establishing this Journal, the first number of which appeared in May, 1910, as the official organ of the American Institute of Criminal Law and Criminology. It was designed to be a common platform for all competent people, whatever their profession, occupation or avocation, who have something to say on the problems that occur by reason of the fact that there are criminals in our midst. A periodical on such a plan is unique.

Unfortunately it is not possible to make an objective measure of its influence upon thought and upon what men do. It would be interesting, and not unprofitable, to trace out the changes for better or for worse that have occurred in our patterns of thought relating to Criminal Law and Procedure and to Criminology in the course of the years since our first volume came upon the scene.

That would be an ambitious undertaking. Dean Wigmore has always been most hospitable to the attempts of Psychologists to contribute to Criminologic lore. Each edition of the "Principles of Judicial Proof," e.g., contains a great many references to scientific literature over practically the whole range of Psychology. Moreover, in each volume he has admirably selected from this literature such passages as are pertinent to the subject immediately at hand. Academic walls between areas of subject-matter have not restrained Wigmore—the roving scholar. The concept of mental measurement was already old in 1910. An epochal work that appeared in 1863 was devoted to "units of measure" of such psychologic phenomena as sensation. Moreover, our first year followed
very shortly upon the arousal in this
country of a great enthusiasm for what
were then considered important new
tools for measurement in the field of
Applied Psychology. Soon thereafter
the abbreviated terms "Psychometry"
and "Psychometric" were invented,
became fixed in the language, and are
now in wide use. Ardent Psychome-
trists couldn't long stay away from the
courts and from the doings of the wit-
ness. In the United States they did not
arrive in any force upon this field 'till
after 1909.

It was in February of that year when
Dean Wigmore published in the Illinois
Law Review, Volume III, his unique
article that had been provoked by
Hugo Muensterberg's book entitled
"On the Witness Stand." In that arti-
acle he made a list of 149 titles relating
to Psychology as applied to testimony.
This material had never before been
brought together. Only nine of these
titles were in the English language.
Subsequently a considerable volume of
experimental work on the validity of
testimony has appeared in American
periodicals—much of it in this Journal.
A deal of it was probably inspired by
the Dean's survey of the literature and
by his stimulating comments thereon.
References to published reports of
much of this work are found in the
three editions of his "Principles of
Judicial Proof" (1913, 1931, 1937). In
the last of these he says: "There still
remains, unexploited by Psychometry,
almost the whole field of possibilities
in testimonial evidence. . . . The
record of psychometric achievement
with testimony is still meager. . . . The
testimonial mental processes are so
complex and variable that millions of
instances must be studied before gen-
eralizations can be made. . . . No
wonder, then, that the progress of
testimonial Psychometry must be slow."

As of 1941, the above is a correct
statement, and no surprise in that.
To the uninitiated it seems simple
enough: taking the chair and telling
the judge that the man sitting there—
a stranger—is or is not the one who
fired the shot at ten o'clock three
months ago this day—the shot that
killed a man at your side on that oc-
casion. Assuming that the shooter had
fled immediately, and that you were
normally excited by the incident, what
can you be expected to know of his
distinguishing marks? Color of hair
and eyes? Facial features, height?

Oral testimony re identity is only one
of hundreds of processes that confront
the psychologist who is interested in
legal procedure — and complicated
enough! Capacity to testify in such a
case depends upon a variety of circum-
stances: one's usual ability for percep-
tion (visual perception in this in-
stance), his normal liability to remem-
ber and to forget, upon the emotional
state and its effect upon all other states
and processes. Conceivably these may
be isolated in scientific analysis. But
when that has been done and all data
have been tabulated what does the re-
sult mean in terms of the whole per-
sonality there upon the stand?

In the last edition of the Dean's
"Judicial Proof" (1937) is an inex-
haustible mine of ready defined psy-
chological problems. No one who has
this interest in legal procedure should attempt to go on without first becoming thoroughly acquainted with several long chapters in which the Dean deals with the three elements of testimony: perception, recollection and narration, and with the detection of error by psychometric and other means.

At the present time, as far as Psychologists are concerned in their relation to Criminology, the emphasis has swung to problems of character-building in childhood, which appears to us to be a most wholesome thing—one that is closely identified with the development of healthy emotional attitudes and with finding or creating situations in which such attitudes can grow.

This trend is involved with a shift of attention to the affective and emotional characteristics of juveniles and adults who are officially in the delinquent class. Here we are confronted with baffling circumstances. Common sense tells us that feeling and emotion go a long way toward determining behavior generally. But specifically? How shall we know what emotional disturbance is or was coincident with the commission of an act? Dean Wigmore in his "Science of Judicial Proof" has indicated that we become very deeply involved when we attempt to employ only overt signs of emotional excitement when we are attempting to proceed from the hearing of testimony to proof. Now we have very little knowledge of the hidden or covert bodily variations that go on in our emotional states and they are unquestionably more closely identified with the emotional and affective states than are any overt reactions. It is inconceivable that any device affords evidence of the smallest fraction of them. And when they are brought to light what, particularly, do they mean? In the light of recent work it seems that there is "no possibility of judging feeling states on the basis of facial expressions," to say nothing of what covert reactions we know.

The literature is voluminous and from the viewpoint of academic science it is interesting and valuable. But useful in the judicial process? There is relatively little that can stand alone in court on its own feet. Among Psychologists themselves throughout the world there is little general agreement on the subject of emotions. If in respect to psychology related to testimony "millions of instances must be studied" in addition to all that have been analysed since 1910 "before generalizations can be made" what shall we say of the psychology of emotions as applied to the administration of criminal justice?

Yet the labors that have been expended in the effort to apply psychologic laboratory procedures to the problems of justice are not just so much water over the dam. For assuming that honest work in any area and its aims are made widely known, open-mindedness grows and the development of hard conventional shells is retarded. The result is that when new, workable and improved processes are offered they will be the more readily accepted. Furthermore, as psychologic enquiry
proceeds in reference to our dealings with delinquents and criminals the tendency is inevitably and fortunately away from the concept of “class” and “type” toward the concrete individual.

ROBERT H. GAULT.

JOHN H. WIGMORE—PIONEER

The fame of Dean John H. Wigmore has been made secure by his masterly treatise on the law of Evidence. In this strong and beautiful monument to erudition one sees the handiwork of a master with an insatiable appetite for learning, marvelous analytic powers, a systematizing mind of the first order, a roving intellectual curiosity that has enabled him to feed into his legal thinking outstanding contributions from psychology, psychiatry, legal chemistry and physics and other disciplines. Dr. Wigmore is one of the very few of a still too small company of legal scholars finding any relevancy at all in extra-legal disciplines, to have demonstrated that he thoroughly understands those sister sciences which he believes can furnish aid and light to the law.

No scholar in our generation has more firmly insisted upon the need of technical soundness in the law; yet no man has been more penetrating and ruthless in exposing the fallacies of “Crownier’s quest law” and in pointing out, with Mr. Bumble, that the law can sometimes be “a ass, a idiot.”

But a prominent place for Wigmore must also be reserved in any definitive history of American Criminology. He is one of a select few great pioneers who were early convinced that American penal theorists and administrators should study crime and punishment without preconceived prejudices, as they would study any other natural phenomenon. It was primarily his leadership that brought about the establishment of the American Institute of Criminal Law and Criminology, the launching of the Institute’s influential Journal, the translation of some of the European classics in Criminology, “The Modern Criminal Science Series.”

The establishment, at Northwestern University, of one of the world’s best laboratories for the scientific study of the techniques of crime, the crime detection laboratory also owes much to Dean Wigmore’s vision and perseverance.

Indeed, he was among the first to make a shrewd observation on which many lawyers, judges, administrators and law teachers have to this day not taken enough to heart when, back in 1914, in the general introduction to the Modern Criminal Science Series, he wrote (as the Chairman of the Committee on Translations) that

“for the community at large, it is important to recognize that criminal science is a larger thing than criminal law. The legal profession in particular has a duty to familiarize itself with the principles of that science, as the sole means for intelligent and systematic improvement of the criminal law.”

But even these two huge contributions—to Evidence and to Criminology—do not by far sum up the significant labors of this man. The law may be “a jealous mistress,” but our Knight, en-
titled to diversions for bringing such rich bounties to his mistress, has also ranged, gallantly and successfully, in other fields. Who can begin to be Boswell to this Johnson? Torts, Comparative Law, International Law, "Land Tenure in Old Japan," indeed the whole "Panorama of the World’s Legal Systems," are his bailiwick! Those more competent to do so than Your Humble Servant will chronicle Col. Wigmore’s military career, his numerous contributions to a great many other fields of learning, and the other facets of his dynamic mind.

But these casual tributes cannot close without reference to another aspect of John H. Wigmore, which is rather enshrined in the hearts of many men than in his numerous published works. No tribute to his labors can be complete without a tribute to his generosity. His large army of former students and colleagues, both inside and outside of Northwestern University, can give testimony to the uniform kindliness of the man. He has always been eager to know what his students and colleagues are doing; and the way he keeps up with their contributions in widely varying fields is little short of phenomenal! He has ever been eager to help, even in a humble capacity, in any project of a scholarly nature within the wide horizons of his ample interests.

You see, Dean Wigmore has managed to crowd into each working day a great many more than the clock’s number of hours, and to crowd into those hours the rich, ripe fruits of an immense mentality wedded to an untiring industry. These fruits lie all about us, and they are ours for the taking. In an all too selfish and unfriendly world, they are the generous gifts of a friendly scholar. May he long continue to shower new bounties upon us!

SHELDON GLUECK.

AN ENTHUSIAST FOR SCIENTIFIC EFFORT

In this salute to John Henry Wigmore I am proud to be included. My tribute betokens appreciation of the personal characteristics of a high-spirited gentleman as well as of his long career of constructive thinking. I have good reason to know something of each.

As a man of science with interests which have led to frequent contacts with members of the judiciary and the bar I have had many an occasion to realize that Dean Wigmore has made peerless contributions to vastly important aspects of civil and criminal practice. And in other circles in this country and abroad one has found that when the matter of testimony in general, to say nothing of legal evidence as such, comes under discussion, a common query is, “Do you know Wigmore’s works?”

To have given such intelligent consideration to the relationship of logic, science and human experience to a vital phase of the practice of one’s profession, and through the gift of literary expression to have offered forthright, often dramatic, presentation of the results of much relevant research and
careful reasoning in an achievement of the first order.

Reading again and again in the book best known to me, *The Principles of Judicial Proof*, always leaves the conviction that it is no wonder that the products of Wigmore's erudition and deliberately cultivated practical sense should have a profound influence.

Speaking of his sensing the value of realism, was it not Wigmore who was the very first or one of the first to introduce in the class-room the experimental method in discussing evidence, proving to his students the variabilities and fallacies of even the most honest observation and testimony?

And to have known the man—that has always been regarded as honor conferred, and has often proved to be an open-sesame to good talk and good fellowship. But rather I would recall the period of the establishment of the American Institute of Criminal Law and Criminology, and of the publication of the Modern Criminal Science series of translations. Then more than anyone else of high standing in his craft, Dean Wigmore had the vision to make an earnest attempt to further what, hampered by the traditional attitudes of the law, has been a matter of slow advance, namely, the utilization of science in dealing with offenders. He steered the interests of the Institute and of its Journal in this direction. He largely sponsored the translation and publication of the works of foreign writers on Criminology in order that we in this country might be challenged by their facts and theories and test them in the light of our gradually accumulating knowledge.

Wigmore recognized that delinquents and criminals are human beings with behavior tendencies determined by various factors, physical, mental and social, and that these determinants are generally modified little or not at all by the prescriptions of law-makers or those who on the bench or otherwise carry out the set provisions of the law. He had the wisdom to perceive that whatever science could contribute to the understanding and treatment of offenders should be developed and applied; that science has never had its innings in this field, and that society suffers thereby.

In 1911 Wigmore wrote, "The public in general and the legal profession in particular have remained either ignorant of the entire subject or indifferent to the entire scientific movement. And this ignorance or indifference has blocked the way to progress in administration." But with all of his appreciation of the role of science as a partner in legal and penal practice Dean Wigmore was quick to perceive the dangers of scientific quackery. In trenchant discussion which remains interesting reading he did not hesitate to confront a university big-wig with the fact that pseudo-science was being utilized to bolster up a widely publicized statement pertaining to criminal procedure.

If I inject here what may seem to be a personal note, it is only to show the measure of the man. When, in 1914, after scientific studies of a thousand delinquents in the Juvenile Court of Chicago, I produced a textbook on
young offenders, the first on the subject, the eminent authority to rise at once to acclaim the effort was none other than Dean Wigmore. He gained for the book and its findings an immediate hearing in quarters that otherwise would have been slow to realize the practicability of the penetration of science in this area of dealing with human lives.

A lot of water has gone in the right direction over the dam since that time—scientific Criminology has made advances and many evidences are at hand showing a better perspective on the part of members of the legal profession, but no one has seen the value of close rapport between science and the law more clearly than did Dean Wigmore in those earlier days.

WILLIAM HEALY.

WIGMORE'S CONTRIBUTION TO SCIENTIFIC CRIME DETECTION

No general tribute to Colonel Wigmore would be complete without mention of his aid and encouragement to the development of scientific crime detection. Therefore, on the behalf of police officers and officials, experts in scientific crime detection, and lawyers interested in scientific evidence, the undersigned members of the Editorial Board offer this tribute to Colonel Wigmore for his contributions and aid to this field of scientific endeavor.

At a time when scientific crime detection was in its very infancy in this country—or rather we should say, when it was hardly known to exist—Wigmore began championing its cause. No better testimonial need be offered of his early and genuine interest in this field than the dedication of his "Principles of Judicial Proof" (1st edition, 1913) to the memory of Hans Gross, the father of scientific crime detection, "who did more than any other man in modern times to encourage the application of science to judicial proof."

Without Wigmore's guidance the courts might have been much slower in their acceptance of the results of scientific evidence. The timely judicial approval of these various scientific practices and procedures, which followed close upon their development and recognition by the scientists themselves, had led to the splendid laboratories which are now so successfully employing scientific methods in the solution of criminal offenses.

The establishment and growth of the Scientific Crime Detection Laboratory (formerly of Northwestern University and subsequently of the Chicago Police Department), and of the American Journal of Police Science—both of which have exerted considerable influence toward the progress of scientific crime detection—were due in no small measure to the efforts of Colonel Wigmore.

With all good wishes and sincere appreciation, we salute you, Colonel!

JOHN I. HOWE.
ORDWAY HILTON.
FRED E. INBAU.
WIGMORE—A PSYCHIATRIST

It takes four to eight years for some men to comprehend and absorb the intricacies of medical methods and techniques; these men are medical students. It takes the same men more than a lifetime to comprehend legal methods and techniques; for them, and probably for most men untrained in the law, its practice remains an insoluble mystery.

John Henry Wigmore is able to penetrate professions that are alien to his own. He conceives of legal evidence as practical, tangible, scientific. From the ends of the earth, factual methods and techniques! He could be a professor of Physiology and of Pathology, too. What honor could be higher; for men in such chairs everywhere are the most inquisitive and depersonalized factualists known to the race!

It has been said that most of the progress of the world is due to well ordered thinking. The most classical example of orderly thinking that I know is Roget’s Thesaurus. Wigmore’s *The Science of Judicial Proof* is a modern example. Not only in form and structure is it harmoniously integrated, but its horizon is so broad that it is all embracing. All is grist to Wigmore’s mill: logic, analysis, synthesis, deduction, inference, fallacy, difference, and inconsistency; personality, things; character; emotion (motive); intention; habit; physical capacity, clinical and laboratory tests; psychology; analysis of an event; identity, measurements, probability, traits; testimony; age, sex, mental derangement, lies, temperament, perception, illusion, hallucination, imagination, mistakes, experience scientific processes, x-rays, microscope, other instruments, chemicals; memory and its vagaries and its expression; psychometry, old and modern.

How reliable his judgment is cannot be established by any one man, but if it is as good generally as I know it is on the topics of normal psychology and of psychiatry then he is unquestionably the reliable authority.

Psychiatry, although it deals so largely with intangibles, has made greater advances in fifty years than any other branch of medicine: in its advance, perhaps because of these intangibles, it has met reluctant acceptance if not inertness or hostilities among the ignorant as well as among many churchmen and many lawyers. However it has had its advocates and supporters. Such a one is Dean Wigmore. It is interesting to see how excellently his well read mind separates the wheat from the chaff; I have not found him misled nor following any hypothesis which subsequently failed to withstand the test of time. His interests, in this realm, have been more in the sphere of the psychoneuroses and the psychopathic states than with the frank psychoses. If he has commented intensively, interpretatively, on senile deviations of mind and conduct and their proper presentation for judicial evaluation. I have not read many of his comments; it is perhaps natural that his ever-young mind would concern itself more with the illegal activi-
ties of the young and their deviations from others on their plateaux. His own memory is prodigious; his attitude forward looking; his patience uncertain; he is not a critic nor reformer; rather he is an arranger and an informer—the leader-teacher par excellence.

What manner of man is this? How does he appear to a friend and collaborator who is a psychiatrist? That Wigmore is a genius is obvious, but that is only an evaluation of his scholarship and of his intelligence. What of his personality and his character? He is benign toward all who are of good will. He is appreciative always of an honest attempt. Presumptuousness he scornfully rejects. Demonstrations are to him as jewels of perfect beauty to a lapidary.

But many truths are not measurable. Unprejudiced thinking that brings sound opinions based on special experience parallels the conclusiveness of experimentum crucis in reducing facts, and in some cases pure thinking outvalues observation. Colonel Wigmore is Dean Wigmore. The Dean dealt with immature minds; the Colonel with mature minds bright or dull or tarnished. Thus he learned to evaluate opinions where only opinions and not demonstrable facts were available. Being a scholar, when he wanted an opinion on a controversial subject he sought the opinion of twenty savants qualified on that subject, weighed each one, and by summation achieved his own judgment and evaluation and his recommendations for the guidance of others.

He has an active and a very productive mind. He is not a passive person afraid of activity and the risk of making mistakes. On the contrary he is like a many-faceted diamond: he reflects some stimuli and refracts others.

All these attributes add up to a patrician and a genius. But unlike most persons, to whom either of these apppellations may be applied, he is dynamic but not eccentric. He is loyal to his country, his home, his well-chosen friends, and particularly to Truth as it is given to mortals to ascertain what is true.

HAROLD S. HULBERT.

THE LEGAL CLINIC OF NORTHWESTERN UNIVERSITY SCHOOL OF LAW

The most recent book by John H. Wigmore is entitled "The Kaleidoscope of Justice." It contains stories of the application of justice outside of the courts. These stories are taken from a thousand or more books of history, fiction, and general literature. While justice found different and varied ways of dealing with problems, they were of similar nature at all times and in all places. One cannot read the book without again feeling most humble before the author and in great debt to him because of his wisdom and knowledge, his belief in "law" and its importance in making our world a better place in which to live.

Dean Wigmore’s knowledge and interest covers everything connected with law. There is no piece of color in the
kaleidoscope of law with which he is not familiar. If any of his friends was asked to state the particular subject which was his greatest interest, I think most of them would name the last subject which has been discussed with him. Whatever the subject is, the Dean always shows so much knowledge and interest that the other discussant feels at ease because the thing being considered seems to be of such vital concern.

Having discussed the existing Legal Clinic with him and having had a small part in planning it, I know that it was and is a matter of very deep interest to John H. Wigmore.

That interest is recorded as far back as the records of the Legal Aid Society go. Every annual report includes an expression of thanks to Dean Wigmore for the services of the law students who volunteered.

In an editorial in the Illinois Law Review of May 1917, he wrote in part:

"I am convinced that the Legal Clinic, advocated by Mr. Rowe, of the New York Bar Association (in the April number, 1917, of the Illinois Law Review), as an adjunct of every law school, is the next necessary step in the improvement of legal education. For some years past, I have urged its adoption, and I welcome the support of the influential body of practitioners represented by Mr. Rowe.

"And why not a Legal Clinic as well as a Medical and Surgical Clinic?

"What does a clinic do? It combines two things, education and charity; and it combines them effectively, without loss to either. And it doubles the possibilities for both; i.e., it does for education and for charity also an indispensable service that could not otherwise have been performed."

In 1919, the Legal Aid Society became the Legal Aid Bureau of the United Charities of Chicago. One of the valuable documents that I have and always will keep is dated Sept. 2, 1919, and is attached to a memorandum which says:

"Memorandum for Mr. Hunter:
Shall we exchange signed copies of the enclosed memorandum of agreement between Northwestern University and the United Charities of Chicago?"

The memorandum follows:

"It is hereby agreed between Northwestern University by its agent, John H. Wigmore, Dean of the Law School, and the United Charities of Chicago, by its agent, Joel D. Hunter, General Superintendent, as follows:

"1. The United Charities agrees to accept, in its Legal Aid Bureau, for training, beginning October 1, 1919, and continuing until otherwise agreed, a number of law students from the University, not to exceed thirty at any one time; to furnish suitable accommodations and appropriate clinical work in the nature of legal aid to needy persons, in the manner heretofore customary in such work; to furnish proper reports from time to time on the quality of work done by each student; and to afford all students a fair opportunity to gain experience in the several branches of work; and to defray incidental disbursements necessary in the course of the work assigned.

"2. The University agrees to assign to such work as many advanced students as can be accommodated, up to the above limit; to require regular attendance and diligent attention to the work assigned; to withdraw any students designated as unsuitable by the General Superintendent; to assign a member of the Law School Faculty to receive and act on the reports of work done by such students, and to advise as to the professional methods and legal proceedings carried on in the attorney's office of the Legal Aid Bureau.

"3. All matters involving the work of
the Legal Aid Bureau and the students attached thereto are to remain under the authority and direction of the General Superintendent.

"4. The time to be given to such Legal Aid work by each student assigned thereto is to be determined by special agreement between the General Superintendent and the Dean of the Law School; but until otherwise agreed, to be for each student three alternate mornings per week for a term of three months.

"5. The present agreement to remain in force till June 30, 1920, unless dissolved by mutual consent prior thereto."

While the practices have changed somewhat from year to year, the Legal Clinic has continued uninterruptedly from that day to this.

The main principles set forth in the memorandum still hold.

"The United Charities agrees to afford all students a fair opportunity to gain experience in the several branches of this work."

"The University agrees to assign a member of the Law School Faculty to receive and act on the reports of work done by such students, and to advise as to the professional methods and legal proceedings carried on in the attorney's office of the Legal Aid Bureau."

The member of the Law School Faculty now in charge of the Legal Clinic is Miss Nellie McNamara. She writes me as follows:

"As I think back to my law school days, one of my most vivid recollections is the close association existing even then between the Law School and the Legal Aid Society. Both of these institutions were housed in the Old Tremont Building at Dearborn and Lake Streets. The law school with its rambling halls and rangey library, was on the third floor, and filled with eager young people studying law and hoping some day to be great lawyers. Just below the school on the second floor were the offices of the Legal Aid Society. To this Bureau daily came a heterogeneous mass of humanity with the most amazing collection of legal difficulties to be found in any one law office in the country. I can still hear 'The Dean' suggesting, advising, urging the students, particularly third year men, to spend a portion of their time each day down in that office where law was a reality with human beings presenting the facts to be dealt with. Here said the Dean was the law in operation and clients who needed aid—presenting a far better course of study than could be found between the covers of the statute books—because to satisfy the client, the student would have to resort to the Statutes anyway."

"I can still see his tall, straight figure moving in and out of the crowd in The Legal Aid, stopping to talk with this student or that worker, giving generously of his time and knowledge, going arm in arm with a rookie lawyer to the library upstairs—for the Bureau had no law books—to find the answer to the young man's clients' problem. Any Northwestern student who followed this sage advice has never regretted the time he spent between the law school library and the Bureau's office, for here under the guidance of Mr. Wigmore, he learned the need for the gentle art of office cross-examination of his own client, often more necessary than cross-examination of the opponent. Further he learned to his amazement that a bill in equity was not the cure for all legal ills and that many times compromise and adjustment were the best courses to pursue and that they required courage and imagination to work them out."

Dean Wigmore's influence is felt in many ways both in the practice and teaching of law. The Legal Clinic is one of the things he established in Northwestern University and is something which not only improves teaching, but also practice, and on top of all that helps in providing an indispensable service to those who need it.

JOEL D. HUNTER.
On October 24, 1902, Oliver Wendell Holmes, then Chief Justice of the Supreme Judicial Court of Massachusetts, and already nominated for the Supreme Court of the United States, wrote to Lady Pollock about his recent journey to Chicago: "I have just taken three or four days off," he wrote, "with some qualms to go to Chicago—it seemed an enormous undertaking, more than to go to London—for the purpose primarily of pleasing Wigmore, Dean of the Northwestern University Law School. . . ." The occasion was the dedication of the Law School building. Chief Justice Holmes spoke at the dedication, praising Dean Wigmore. "But," he wrote Lady Pollock, "I said no more than I meant. The next pleasantest thing to being intelligently cracked up oneself is to give a boost to a younger man who seems to deserve it, and who has not yet had much public recognition."

Looking back over almost forty years, the exquisite suitability of that occasion and of that "boost" is striking. Holmes, already long celebrated here and in England for his legal essays and his judicial opinions, stood at sixty still on the threshold of his greatest work, on the Supreme Court in Washington. Wigmore, not yet forty, was already Dean of an influential law school and was well along toward completion of the great Treatise on Evidence which established his position in the first rank of legal scholars. A meeting between these two men, an opportunity for the elder to give public expression to his admiration for the younger, would naturally be a source of pleasure to both.

But there was an added reason why it was peculiarly fitting that Holmes, and no other, should give voice to his tribute to the young Dean. Reading the Holmes-Pollock letters brings sharply to mind those qualities of the great judge which illuminated his legal scholarship. Raised as he was in an atmosphere of belles lettres, Holmes had a genius for the effective phrase, the apt and arresting illustration. Though his reputation rests and should rest on his learning and on his uncompromising adherence to standards of judicial behavior based on a sound personal philosophy, certainly the enjoyment with which one can read his essays, his opinions or his letters stems in great part from the literary style of the Autocrat of the Breakfast Table's distinguished son.

This is a quality in which Dean Wigmore shares, and to which some tribute may be appropriate. It was kind in 1902 for an elder scholar to express respect for the Dean's learning and industry. In 1941 it is superfluous for anyone to do so. But may not one whose profession requires him to read many pages of legal literature, express thanks for the purely literary pleasure enjoyed as a fortunate by-product of studying the "Treatise on the Anglo-American System of Evidence" or the "Principles of Judicial Proof?" For it would be hard to point out another

writer producing a monumental, encyclopaedic text on a major segment of
the law, and troubling himself to provide literary embellishment for the
comfort and entertainment of his readers.

Nor is literary skill confined to the
text. With admirable patience and discrimina-
tion the author has selected his illustrative cases and materials to ad-
minister constant stimuli to lagging at-
tention. Not merely in such works as
his "Kaleidoscope of Justice," where
the curious, the dramatic or the odd
constitute the primary appeal, but
throughout his writing Wigmore has
drawn upon an extraordinary knowl-
edge of trials, legal institutions, and
legal writings ancient and modern,
English, American and foreign, to pro-
vide the perfect functional ornament—
the illustration which gives pleasure
for its own interest while it aids in
establishing or clarifying some point to
which the major argument is directed.
True, the literary quality of his work
is no more its major merit in the case
of Wigmore than in the case of Holmes.
But it cannot be accidental. It is a
quality which can result only from
great pains, and it is a quality at once
rare in the legal writing of this century
and insufficiently appreciated. Perhaps
Dean Wigmore, whose work shows so
clearly his own realization of this im-
portance of style, would appreciate be-
ing praised more often as our literate
legal scholar. GEORGE F. JAMES.

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LAW AND SOCIOLOGY

Specialization in modern social life
and in scholarship has led to a sort of
segmentation in which each man de-
votes himself to a definitely, and some-
times narrowly, restricted range of
problems, ignoring all others. Academ-
ic scholars, concentrating their atten-
tion on their own specialty are usually
unaware of developments in other fields
which are often of the greatest impor-
tance to them and of direct or indirect
relevance to their research. Frequently
this frame of mind results in a kind of
morbid introspective attention to
technicalities within one's field, and
leads scholars to work on problems of
trivial import, believing apparently, in
their state of insulation, that all major
problems and controversies have been
settled.

It seems to the writer as a layman,
that the above strictures apply particu-
larly to the field of law. Percival Jack-
son\(^1\) summarizes the complaints of
the layman regarding the law as fol-
lows in the chapter headings of a re-
cent book: "There is too Much Law,"
"The Law is too Technical," "The Law
is Hypocritical," "The Law is too Slow,
"The Law is too Expensive," "Lawyers
are Dishonest," "Judges are Corrupt,"
and "Witnesses are Liars."

Jackson states: \(^2\)

"But it is only in the field of statu-
tory construction that we encounter
technicalities. The whole structure of
law is rife with them. In the domain
of judge-made, substantive law the

\(^1\) Percival E. Jackson, Look at the Law, New
\(^2\) Ibid., p. 113.
underlying struggle is manifested by the struggle between uncertainty and rigidity, as we have seen in previous chapters. On the administrative side, the law is shot through with technicalities that produce 'uncertainty, delay and expense and above all the injustice of deciding cases upon points of practice which are the mere etiquette of justice,' according to Dean Pound of the Harvard Law School. Or as Elihu Root put it, 'Justice is entangled in a net of form'.

It seems to the writer that the public attitude toward law reflected in the above criticism, can best be countered by the academic student of law, by broadening the scope of research in that field so as to include in legal training a serious, scholarly attention to the social backgrounds in which legal systems operate, and to study legal phenomena, not exclusively from a technical viewpoint, but also from the standpoint of its social implications.

The work of Dean Wigmore represents a trend in this latter direction. His latest book, "Kaleidoscope of Justice," gives a picture of trial procedure in many different cultures and in many different times. It is virtually a work in Comparative Anthropology and contains numerous references and quotations from books not ordinarily on reading lists for students of law. Dean Wigmore's book offers the sociologist, who also suffers from cultural inbreeding, an invaluable source for the comparative study of cultures. More books of this type are needed in all fields in order to break down the barriers between specialities and to permit ideas to flow from one field to another, thus stimulating mutual criticism and encouraging the development of an interest in the total social structure in which all must function.

The sociologist, like the student of law, has developed technical terms and technical interests which often serve to conceal from him the essentially futile or trivial character of his work. Now and then at least, he should submit himself and his vocabulary to the critical examination of outsiders. This will teach him humility and keep his mind focused on the great central problems of social science and social living. When sociologists and lawyers both learn the lessons that can be learned in this way they will be more likely to read each other's books with mutual profit. If they regard themselves as esoteric specialists, or think of their fields only as convenient means of making a living they will not gain from reading each other.

The work of men like Dean Wigmore is known to all sociologists who are interested in this broader view of the social sciences. As sociology becomes less provincial it will pay more and more attention to studies of this kind and will at the same time be enabled to contribute more studies of its own which scholars in other fields will find useful and significant.

Alfred R. Lindesmith.
CONTRIBUTIONS TO LEGAL EDUCATION

It is not given to any one individual to be able to appreciate all the attainments and accomplishments of Dean Wigmore in the wide and widening field of legal knowledge. Therefore, availing myself of the privilege afforded by the Editor of the Journal to express such appreciation for myself, I will refer especially to a portion of that field in which I have long had an interest but to which few lawyers have given attention.

Dean Wigmore's mastery of the subject of Evidence as manifested in his great Treatise and subsidiary works on Evidence is known to every American lawyer and his preeminence as a legal educator is also well known. But beyond the usual activities of a Professor of Law his broad interests, indefatigable industry and original methods have enhanced the legal knowledge not only of law school students but of the entire legal profession and an even wider intelligent reading public.

Two studies, "Notes on Land Tenure and Local Institutions in Old Japan" and "Materials for the Study of Private Law in Old Japan," while he was Professor of Anglo-American Law in Keio University, Tokyo, Japan, as well as an article in the Harvard Law Review in 1897 on "The Pledge Idea: A Study in Comparative Legal Ideas," testify that Dean Wigmore had early developed an interest in Comparative Law and Legal History. This interest bore fruit in the collections, with the cooperation of Elbert H. Gary, Esq., of the Gary Library of Ancient and Primitive Law and of Continental Law, in the Law Library of Northwestern University Law School, collections unrivalled in this country (and probably anywhere else) on these subjects.

There followed the publication of three volumes of "Select Essays in Anglo-American Legal History," initiated and directed by Dean Wigmore with the assistance of a Committee of the Association of American Law Schools. These volumes brought together from many scattered sources the best of the modern writings on the history of English and American law which, in the words of the Preface, "serve to illumine in outline the legal history of the last six centuries" and "help to stimulate a deeper and wider knowledge of the present meaning of our law as seen in the light of its past."

Then under the same auspices and direction came the eleven volumes of the "Continental Legal History Series," translations of selected works of European scholars on the history of the main branches of the law of the principal European countries and the thirteen volumes of the Modern Legal Philosophy Series intended, as stated in the Introduction, "to exhibit faithfully and fairly all the modern viewpoints of any importance" and "to present to English readers the most representative views of the most modern writers in jurisprudence and philosophy of law." And, completing the trilogy of translations of works of European scholars, there came the Modern Criminal Science Series in
nine volumes, under Dean Wigmore's direction and the auspices of the American Institute of Criminal Law and Criminology which was organized on his initiative and whose chief accomplishment perhaps was the establishment of the Journal of Criminal Law and Criminology. This series rendered available in English the main studies up to that time which had been made abroad in this field.

In three volumes entitled "Evolution of Law: Select Readings on the Origin and Development of Legal Institutions," Professor Kocourek and Dean Wigmore compiled an unrivalled collection of materials of which the foregoing title is descriptive. The first volume embraces sources from ancient literatures, modern observations of retarded peoples and ancient laws and legal transactions; the second, writings studying primitive and ancient legal institutions, as Family, Contract, etc., and the third, writings "interpreting the formative influences which have governed the development of the law." The conception and execution of this work was an advance in legal education of the first order.

Another innovation of Dean Wigmore's in legal education has been the application to Comparative Law of the pictorial method by a series of lectures on the sixteen principal legal systems of the world, past and present, illustrated with lantern-pictures of the edifices in which law and justice was dispensed, the principal men of law and the chief types of legal records; thus visualizing the narrative exposition of the legal life of these peoples. These lectures, with the accompanying illustrations, were published under the title: "A Panorama of the World's Legal Systems," a unique work in this field. Dean Wigmore's latest publication, "A Kaleidoscope of Justice," is a collection of "trial scenes from all times and climes." The Preface modestly characterizes it as "a book of informational entertainment" but the final chapter on "Evolution of the Trial" demonstrates the educational value of the materials here brought together.

The value of the contribution to legal education through the works of which the foregoing is but a catalogue, with very inadequate characterization, can hardly be exaggerated. The materials embraced in them constitute, of course, but a fraction of those actually perused and examined. Of Dean Wigmore's own ideas and conclusions drawn from his examination of this vast store of materials we have only the early studies previously mentioned, the lectures on the Barbour-Page Foundation at the University of Virginia published in 1920 under the title of "Problems of Law" and scattered comments in Introductions and Prefaces to some of the works listed. Space permits but brief quotation from the latter which may, however, indicate his general viewpoint. Thus in the Introduction to the Continental Legal History Series he quotes Maitland's epigram: "All history is but a seamless web; and he who endeavors to tell but a piece of it must feel that his first sentence tears the fabric," and applies it to legal history. And, in the Introduction to the "Essays in Anglo-
American Legal History,” he says: “A counter-balance against the hasty pressure for reform, and against an over-absorption in the narrow experience of the present, is to be sought in the solid influence of history. A true conservatism and an intelligent progress, must alike be based on historical knowledge.” In the Preface to the first volume of the Evolution of Law, after stating the aim of the compilation to be “as tending to chart, in broad outline the march of humanity in its effort to govern itself and work out its destiny,” is this passage: “It need hardly be said to any one whose vision has extended to genetic and comparative knowledge of the institutions of society, that the present is not understood without information concerning the past and that the future must remain a greater enigma than it is, without an attempt to penetrate the course of evolution. Historical knowledge must, and will, always remain the one certain test of present expediency, and the scientific tool for measuring the paths of the ages to come.”

What we have of Dean Wigmore’s original thought in this corner of the field of legal knowledge raises the earnest hope and desire that he may give it increasing attention. His contributions relating to it are already pre-eminent and his equipment for its cultivation is undoubtedly the best among all the legal scholars of our time.

Edward Lindsey.

A PROPOSAL RE THE ILLINOIS STATE JUDICIARY

The debt which the legal profession and the Courts owe to Dean John H. Wigmore is not likely to be paid in several generations to come. All that has been recognized, not only in all English speaking countries, but in others not ruled by the Common Law.

I wish, however, to write on some constructive work outside the Law on Evidence which demands recognition for Dean Wigmore, though it has been lost sight of because of its failure of adoption by the people of Illinois.

In 1922 the Illinois Constitutional Convention, sitting at Springfield, completed and submitted to the People of Illinois a draft of a new Constitution. The Convention had been sitting for many months at Springfield and was nearing the completion of its work. It had labored over the draft of an article on the Judiciary. It wished to increase the membership of the Supreme Court from seven to nine, but the opposition of one of the sitting Justices, who feared the loss of his office if there were an increase, was largely instrumental in defeating the increase.

The article relating to the Courts in Cook County was quite unsatisfactory to the members of its Bar who paid any attention to the proceedings of the Convention.

Into this situation Dean Wigmore stepped with a demand that the Chicago Bar appoint a committee to draft a judiciary article which would meet the demands of a great city and sub-
urban population for a modern up-to-date administration of justice. At his request, I called a meeting of lawyers at the Cook County Court House. Some four hundred lawyers responded and formed themselves into a committee for that purpose.

The Dean outlined the plan he had in mind, which had been partly drafted by him and the faculty of the Northwestern University Law School. Time was short to act, but the lawyers responded with enthusiasm. Meetings were held and the draft submitted was ably discussed, amendments suggested and finally adopted. In substance, it provided for one Court with a Chief Justice with ample authority as an executive to control its administration, and with subdivisions for each branch of the administration of justice in Cook County. It was an admirable piece of constructive work.

It seemed doubtful whether the members of the Constitutional Convention would sit long enough to consider the plan, but the Honorable Charles E. Woodward, (now a United States District Judge for the Northern District of Illinois) then Chairman of the Committee on Judiciary, gave a hearing at Springfield to Dean Wigmore and several prominent lawyers of the Chicago Bar, with myself, who had been appointed a sub-committee for that purpose. The members of the Convention from Cook County and Mr. Woodward's Committee as a whole were in attendance and gave the closest attention to the discussion of our plan as a whole and in detail. It is but just to say that Dean Wigmore was our leader in the debate and showed his deep knowledge of what was needed in the administration of justice under the complex conditions of modern life.

To the delight of our committee, the draft was in all essentials adopted by the Convention, and shortly after the draft of the Constitution was submitted to the people for adoption or rejection as a whole. It did not provide for voting on separate articles, as I recall, for I am writing from memory.

The article on revenue embodied an income tax and retained the tax on personal property. The income tax requirement allowed an exemption to single and married persons much less than that then allowed taxpayers under the Federal income tax law.

The Justice of the Supreme Court who objected to having nine members of that Court and succeeded in keeping it to seven members, nevertheless threw the weight of his great influence against the adoption. The police, the firemen and the school teachers erroneously decided that the new constitution would imperil their pension systems. Those who had taxable incomes were hostile to the lower exemptions and so objected to its adoption. The labor leaders in Chicago feared the legal restraints which the new Court set-up would have upon their racketeering and other unlawful actions, and so were against adoption.

Many members of the Bar devoted their time and talents to delivering addresses in favor of the adoption. I did so for three months at many evening meetings in schools, churches and halls, but we realized that the opposition of
all those elements I have mentioned would doom the new Constitution, as it did in some voting districts ten to one.

And so was defeated one of the most far reaching plans for a splendid Court set-up to administer justice in a congested population living under constantly changing business, economic and social conditions, but to Dean Wigmore remains the glory of having made a constructive effort to that end.

Frank J. Loesch.

THE SPIRITUAL FACTORS IN CRIME TREATMENT

When, on June 8th, 1909, Dr. John H. Wigmore inspired the organization of the American Institute of Criminal Law and Criminology, under the auspices of Northwestern University, he sponsored a movement of far-reaching significance. Since the turn of the Century and the founding of the first Juvenile Court in Chicago, it had become increasingly obvious to the thinking public that the treatment of human behavior should rest, not merely with abstract definitions of offenses against the law, but should deal with the character of the offender.

To that end it was apparent to this wise philosopher of law that it should be humanely interpreted, and that the Courts needed to be implemented with a deeper purpose than that of punishment alone. He foresaw the need of wide spread research to make the law not a dead letter, but a living symbol in dealing effectively with the crime problem. In the Introduction to his: "Rational Basis of Legal Institutions," Dr. Wigmore said: "Our juristic methods are still primitive" and that: "Even experimental legislation cannot successfully ignore the necessity of having social ends."

In other words, if society is to discover the restorative possibilities of its offenders, it is essential that we look beneath the superficial factors of environment and other material elements, and seek the inherent spiritual but dormant qualities of character.

Any explanation of crime as resulting primarily from social, physical or other external causes alone is altogether inadequate, as it leaves out of the account the spiritual equation as the most important motivating factor in human behavior. Any attempted remedy or reform that depends upon penalties, external restraint or physical force will necessarily fail, because it discounts the mainsprings of human conduct. To the materialist, these forces may seem to be an abstraction, incapable of demonstration. But there are, I believe, an increasing number of scientific men, as well as laymen, who recognize the real man as made in the image of God, with spiritual qualities that will control the conduct just in proportion as they are awakened and become dominant.

I am well aware that there are many who do not recognize the spiritual realm as a proper field for scientific research. They will tell you that nothing
is capable of proof that does not appear as a fact to the physical senses. Nevertheless, we are constantly reminded of unseen and intangible forces made known only by their outward manifestations. Is not the presence of electricity, for example, a matter of mental calculation, rather than of sight? May we not expect an increasing body of knowledge of phenomena that has reached the point of certainty, though incapable of physical demonstration? Just as the conclusion that emotional defect is often a cause of crime, is determined by mental processes rather than any physical stigmata, so the presence of spirit is known by undefined qualities of character. At present there seems to be a growing cleavage between those scientific men, including Psychiatrists, whose field of research is self-limited to purely materialistic concepts, and those who do recognize the infinite potentialities of spiritual factors.

When I speak of the spiritual as a prime factor in determining good conduct, and its absence as a fruitful cause of crime, I do not mean merely a formal profession of religion. Such profession may, of course, be hypocritical or entirely materialistic and an outward form. I refer rather to a genuine spiritual consciousness in the individual, giving control of the emotions and will, and added power to the personality. That too few are thus motivated is apparent to the social worker who deals with the offender. On the contrary, there are strong indications in these days, that neither the head nor the heart are governed by a higher purpose. For far too many, the thought of right and wrong, observance of law, consideration of others, not to mention "growth in grace," is completely drowned by the purr of the motor car, or blotted out by the panorama of the movies, or the whirl-a-gig of the cabaret. One has but to interview the average youth who has gone wrong to note the absence of a knowledge of ethics, or that spiritual truth is meant to be applied to life and conduct. This important lack often extends to the parents of delinquents. Careful questioning of clients frequently discloses that they never heard of the Golden Rule. An equally familiar passage of the New Testament is unknown to either the parents or wayward son. Not that such external knowledge would necessarily prevent crime, but conscious thought of fundamental principles would go far toward controlling the conduct of even the inadequate personality.

It must be obvious that these elementary principles of right and wrong cannot be imposed from without. They must be inculcated from within the mind and heart of the individual. The effort to reform offenders by sending them to institutions has been largely ineffective on this account. To be sure, there are those whose deficiencies are such as clearly to indicate custodial care. But the number is few, as compared to those who are being committed, and for these, hospitals rather than penal treatment is called for. As for the rest, no boy or man who is fairly normal can remain even in the best correctional institution for a period of
years without seriously impairing his self-respect and self-reliance.

Every intelligent observer knows that prison reform during the past fifty years has made some progress. Better sanitation, except in the jails; more wholesome, though insufficient industries; better educational programs, in spots. Illinois has long had its State Criminologist and Diagnostic Depot, and other States have followed. Here and there are Behavior Clinics and Psychiatric centers for the personal study and better understanding of offenders. But with all these elements of progress there are conditions still in most of our prisons that are no credit to our Christian civilization. To quote the London Penal Reformer; “The more carefully we consider our whole penal system in its practical working; the more is it borne in upon us that it is high time we reviewed the whole situation from a sane, dispassionate, and civilized, to say nothing of an enlightened point of view.” If this opinion is pertinent in England, with its uniform population, and where crime is said to be at a minimum, then it must be doubly true in this country, with our diversified races, and prevalence of crime. If, then, penitentiaries do not necessarily make men penitent, and reformatories fail to reform, is it not high time, not only to rechristen our prisons as correctional clinics, but to find a still more Christian method of dealing with human beings who have disregarded the sanctions of society?

It is becoming increasingly apparent that, while we may punish men en masse, they cannot be reformed that way. Scientific laboratories, where the bodies, minds and background of men are studied, are all to the good, so far as they go. But they do not pretend to probe or develop the spiritual resources of their subjects. Heretofore, correctional institutions have been engaged too largely in the removal of liberties, rather than in training men in the right use of liberty. If liberty is abused, the logical thing would be to teach the right use of liberty. If men are lacking in forethought and foresight, the sensible way is to instruct them to avoid disaster and bitter experience as a consequence.

At present, no better method for carrying on this character-building process appears than by individual probationary and parole supervision. Thus far, however, these techniques have been adopted in only a few jurisdictions, and but grudgingly accepted by the public mind, even there. The increasing trend, however, is in that direction, and these measures are in growing favor among all thoughtful people, particularly when their adoption provides qualified personnel in their administration. Much further advancement is needed in this direction, I am convinced, if the spiritual element is to be recognized and brought into fruition in the form of good citizenship. Intensive attention, then, to the individual delinquent by men of high character is the sine-qua-non of effective regeneration.

The whole process of restoring self-reliance and awakening initiative, ambition, thrift, self-regard, unselfishness and other virtues, is a long and tedious
one. We are often impressed with the thought that at least half the expense, energy and planning devoted to institutionalizing delinquents might have been far better utilized in systematic personal, probationary and big-brother service. Much counteracting work would be unnecessary, in my judgment, if this method were followed. A far larger number would be directed into paths of upright living.

F. EMORY LYON.

JOHN H. WIGMORE—A PERSONAL APPRECIATION

To write a brief appreciation of Mr. Wigmore for this number of the *Journal of Criminal Law and Criminology*, which is dedicated to him, is a difficult thing to do. Others are writing about him, and I do not know what they are going to say—then too, as a student and associate of Mr. Wigmore for forty years, I cannot quite bring myself to say for the public all that I really feel about him and yet cannot on the other hand take such a detached point of view as to write wholly objectively. Then too, his accomplishments are so varied and brilliant that it is impossible to attempt to appraise them in so brief an article.

The career of Mr. Wigmore as a student at Harvard; professor and author in Japan; Professor and Dean of the Northwestern University Law School; author of the greatest legal treatise of this generation in the English language; Colonel in the United States Army during the last war; author of numerous new legal theories and ideas; student and author of *World’s Legal Systems*; student and author of rules and regulations for the air commerce of the United States; editor of a volume on “Science and Learning in France”—he is Chevalier of the Legion of Honor; Chairman of the Editorial Committee of the Association of American Law Schools, under whose auspices the Continental Legal Series was planned and published; Chairman of the Committee on Translations which arranged for the translation and publication of *The Modern Criminal Science Series*; editor of the “Select Essays in Anglo-American Legal History” and the “Evolution of Law Series”; founder of the American Institute of Criminal Law and Criminology and of the *Journal of Criminal Law and Criminology*; Commissioner to the National Conference of Commissioners on Uniform State Laws; one of the organizers of the International and Comparative Law Section of the American Bar Association, and recipient of the American Bar Association gold medal; beloved teacher and friend—I do not know where to begin.

When I was a student under him forty years ago, he aroused the intellectual interest of all his students and endeared himself to them in a way that has lasted through the years. His was not routine teaching—he tried out new ideas, and while oftentimes he left us hopelessly behind, he stimulated us all to increased effort and interest.

His Deanship of Northwestern University Law School made that school internationally known and respected.
It is one of the great law schools of the world today. With the help of Judge Elbert H. Gary he built up the Gary Library of Law until it is one of the first in the field of comparative law and fifth among the law libraries of the country in the number of volumes.

He was one of the founders of the Illinois Law Review, now in its 36th year.

As a Trustee of Northwestern now for nearly thirty years, I had occasion to know of his plans, and saw his accomplishments, and can only say that the University is grateful for what he has done. It conferred an Hon. LL.D. on him in 1937.

When he planned the celebration of the 50th anniversary of the Northwestern University Law School, he did it in the typical Wigmore fashion. He felt the need of stimulating scientific study of crime in this country and of a journal to make its results known. The result was the foundation of the American Institute of Criminal Law and Criminology in 1909, of which he was the first president, and the publication of its Journal now in its 32nd volume. At that time there were some thirty odd publications in this field—but none in the English language. Comment on the value of his plan is today unnecessary.

During all these years he has been an Illinois Commissioner on Uniform State Laws. His work in the National Conference has been continuous, constructive, and in a number of fields, pioneering. For instance, he was one of the first and ablest advocates of the general use of inter-state compacts.

His work as a Colonel in the Judge Advocate General's Department of the U.S. Army in connection with the first selective service system, in collaboration with Major General Crowder, was a major contribution to our effort in the last war. (See Lt. Col. Brand in this number.) It was recognized by conferring on him the D. S. M.

Perhaps one of the most remarkable examples of his versatility and the breadth of his interests is his recent work at Washington in connection with the rules and regulations for air commerce. To have taken up a new field at his age, mastered it, and made the contribution he did, is an achievement in itself.

But why tarry on lesser things when writing on the author of the Law of Evidence? That alone would be sufficient for most men, and it made his fame secure.

He is one of the few American scholars and lawyers to receive the award of the gold medal of the American Bar Association. He richly deserved the recognition.

John H. Wigmore is a good companion, a loyal friend, a courtly gentleman, a useful citizen, an inspiring teacher, a constructive administrator, and a great scholar.

Nearly forty years of practice at the Bar in a great metropolitan center is a disillusioning experience and leaves a limited number of enthusiasms. Wigmore is still one of mine.

NATHAN WILLIAM MACCHESNEY.
RECALLING THE FIRST CONFERENCE

Sometime in 1908 a number of those who could be considered to be interested in Criminal Law and Criminology received an invitation to send in some questions and propositions, such as would be likely to lend themselves to discussion in a unique conference which should be split into small committees each charged to review the topics that interested it and to present a digest of the results of their discussion to the whole group.

The questions were anonymous, but, as became more or less evident, they were matters of definite concern to the members of the small groups. It so happened that in one group there were representatives of frequently antagonistic viewpoints who would not have met otherwise without personal prejudice, but who unexpectedly found themselves warmly interested in what happened to be each other's propositions, quasi anonymously offered, with happy results and with the discovery of much fruitful common ground.

The genius of Dean Wigmore had unwittingly, or intentionally, brought together many groups on factual ground with the result that a foundation was laid, not only for the Journal, but also for lasting contacts among the participants—the best possible collateral achievement. It did honor to the originator of the conference. While few of the individual members of the groups may have had opportunities to meet very often with their fellow interessants, a basis was laid which others may have come to value as much as I did. This was a great gain for the years that have since elapsed. Practical workers in the field, and perhaps more theoretically involved students, functioned in the subsequent permanent special committees with a spirit of close pertinence owing to the personal contacts in the larger conference.

It may be difficult to say how much has been attained in the several centers of special pre-occupation such as that of the collaboration of criminal procedures and jurisprudence; what improvements from comparing our multitudinous types of organization in the courts and from comparing the correctional and penal provisions in the different States and committees, while side by side very progressive and rigidly tradition-bound principles are in vogue. As far as I can judge it would be a proud showing that would present itself, were it possible to bring the participants of the first conference together again with the new blood that has filled the gaps in the ranks and added new outlooks, to honor together the instigator of the united movement of collaboration. What a contribution to a fair deal to individual and community and to sound enquiry and thinking and sharing!

Adolf Meyer.
A TRIBUTE TO PROFESSOR WIGMORE

Thirty-seven years ago when Professor Wigmore's first edition of his great work on Evidence was published, the rules of procedure in the majority of the states of this country made it impossible to prove the facts in many cases depending upon the scientific examination and proof of handwriting and other questions relating to documents. This has now been all changed and it should be better known that the reform in the procedure and the revolution in the practice involving the examination and proof of documents has been brought about by the influence and scientific discussion of the subject by Professor Wigmore more than by any other influence.

Present day practitioners can hardly believe that in Professor Wigmore's own state, for example—Illinois—standards of comparison were not admitted specifically as standards until eleven years after the publication of his treatise on Evidence and in no Federal Court in the United States could a writing be admitted specifically for purposes of comparison no matter if absolutely proved to be genuine.

This procedure is now ancient history, due more to the influence of Professor Wigmore than to any other influence, and standards of comparison are admitted in the Federal Courts and in all the courts of all the states, and the interests of justice are thus distinctly promoted. The overwhelming handwriting evidence in the famous Hauptmann case would not have been admitted in these states under this restrictive procedure.

There were numerous other distinctions surrounding the subject that have now been changed which made it difficult, if not impossible, to prove the facts in these cases. Illustrative photographs were not admitted in these states and were excluded even in the great state of New York and in many other leading commonwealths. Instruments of precision, microscopes and magnifying glasses, and test instruments of various kinds, were all excluded under this restrictive procedure. It was reversible error for a juror to be permitted to look at a disputed writing with a magnifying glass. Some of the scientific minded judges, who with Professor Wigmore were opposed to this restrictive procedure, suggested that, to be consistent, courts should insist that judges and jurors should remove their spectacles before examining handwriting.

This procedure, it is true, in large measure grew out of English practice and this ancient practice was greatly influenced by the illiteracy of jurors in the early days, and testimony on the subject was by necessity a mere opinion without any reasons or illustrations, as they could not be understood and comprehended by the illiterate juror. Later in England the subject became, through certain trials, mixed to some extent with British politics which had a restraining influence for several generations.

One of the famous adverse pronouncements on the subject was by Mr. Justice Coleridge, Chief Justice of the British Courts. Professor Wigmore
wisely discusses this point in the following words: "The argument of Mr. Justice Coleridge that 'the English law has no provision for regulating the manner of conducting the inquiry' illustrates the perverse disposition of the Anglo-American judge—the despair of the jurist—to tie his own hands in the administration of justice—to deny himself, by a submission to self-created bonds that power of helping the good and preventing the bad which an untechnical sense would never hesitate to exercise."

Chief Justice Coleridge's words were quoted thousands of times in American courts and long after the rule excluding standards had been changed in English courts. The exclusion in certain American courts continued until 1924.

Another unscientific restriction which Professor Wigmore has successfully attacked is the objection to the giving of reasons, or a scientific discussion of the principles, which apply to proof of this character. There was a long and bitter fight over this question in American Courts and it still flares up in a feeble manner in a few places, but in a great majority of courts and states at the present time, the pronouncement of the New York Courts: "The conclusion of a handwriting expert as to the genuineness of a signature standing alone, would be of little or no value, but supported by sufficiently cogent reasons his testimony might amount almost to a demonstration."

Professor Wigmore discusses this phase of the subject in a most effective way in a review of the case, Lyon v. Oliver 316 Ill. 292, in the Illinois Law Review of November 1926. This is what he said: "The opinion of the Supreme Court emphasizes the feature that modern expert testimony no longer can be disparaged by that doubt which hesitates to accept 'mere opinion' because what scientific methods and apparatus has been able to do is to reveal facts, and these facts can be made, by microscopy and photographs, as plain to the tribunal as to the expert; so that the observer may form his own opinion adequately from these facts."

The change in the procedure and the law on this subject of interpreting scientific testimony regarding handwriting and numerous questions connected with documents is that it should be considered without prejudice for just what it is worth, no more and no less. This is what Professor Wigmore has contended for from the beginning.

The reversal of the old procedure is forcibly shown in the case of Fekete v. Fekete 323 Ill., 468, a modern Illinois opinion, which says:

"While opinion evidence based upon hypothesis has been held to be of little value, the opinion of the expert may be of great value where it calls the attention of the court to facts which are capable of verification by the court, which the court otherwise would have overlooked, and the opinion of the expert is based upon such facts and is in harmony therewith." It will be readily seen that these opinions carry the subject a long way forward from the ancient restrictions.

There were certain other strange practices in connection with this subject, some of which still continue. One of these is that of allowing a witness to give an opinion regarding a hand-
writing, a witness who had seen the person write only once, and that long before. In an old New York case, *Wilson v. Betts*, for Denio 201, N. Y., 1847, the recollection testimony of a witness regarding handwriting was admitted who had neither seen the man nor his writing in more than 60 years, and the grantor had been dead nearly 50 years. Much of this unscientific procedure was based on the old precedents and the necessity of proving the facts, if possible, under the severe restrictions.

Professor Wigmore furthered the progress and reform in this subject in numerous other ways. One of these was in connection with magazine articles and book reviews, and especially by his introduction to the first exhaustive work on this subject: "Questioned Documents," first published in 1910 and a second edition published in 1929.

In view of the current restrictions and court decisions in 1910, it is quite significant that Professor Wigmore would say: "The book abounds in the fascination of solved mysteries and celebrated cases. And it introduces us to the world-wide abundance of learning in this field. French and German investigations are amply drawn upon. Psychology, mathematics, and literature, as well as chemistry, photography, and microscopy, are made to serve. The reader arises with a profound respect for the dignity of the science and the multifarious dexterity of the art." He further says: "Throughout this book may be seen the spirit of candid reasoning and firm insistence on the use of it. I believe that this is the spirit of the future for the judicial attitude towards experts on documents."

That Professor Wigmore’s prophetic words were true is shown by the present practice and procedure and the attitude of the courts on this important subject. A new profession has in fact been developed devoted to the scientific examination and proof of the facts in cases involving handwriting and many other questions that arise regarding documents.

ALBERT S. OSBORN.

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**A TRIBUTE TO JOHN H. WIGMORE**

In these days of ever-narrowing specialization it is a joy to pay tribute to an outstanding legal scholar who, while achieving the summit in his chosen field, has nevertheless maintained touch with various other fields and has thereby found and given new stimuli. Such an one is Dean Wigmore. If his monumental "Treatise on Evidence," first published 37 years ago and now in its third edition, were his only work, his place in legal history would be secure. It is not, however, the mere fact that the Treatise deals exhaustively with the laws, traditions, and decisions that makes it great. It is no dry exponent of the doctrine of *stare decisis*, but rather of the law as vital, constantly in flux as needs and conditions change; we find therein much consideration (too often absent in the law) of the fact that the law of evi-
dence deals with the observations and accounts of human beings, and is therefore subject to the psychological peculiarities of those beings.

A perusal of the Treatise reveals a scholarship of boundless range and thoroughness. The psychiatrist stands in amazement before references to literature, American and foreign, in periodicals and books, dealing with such topics as blood grouping, association tests, pathological lying, narcosis, malingering, drug addiction and the psychopathology of women complainants, not to mention various characters and situations in the Bible and in fiction by such writers as Balzac, Dickens, and Reade—an array which is likewise found in the same author’s volume on “The Science of Judicial Proof.”

It was this range of scholarship and the breadth of vision which it denotes which caused Professor Wigmore to be the leading American legal exponent of the need for a broad scientific attack on the problem of the criminal—a need which found expression in the organization of the American Institute of Criminal Law and Criminology in 1909 and the establishment of the Journal. His words (pened in 1925 in commenting on the National Crime Commission) indicate the wideness of his view:

“In the repression of crime, at least a dozen branches of special experience are involved; and the American Institute of Criminal Law and Criminology has recognized this from the very start. These branches are: prison officials, prosecuting attorneys, defending counsel, judges, police, psychiatrists, sociologists, probation officers, social workers, professors of criminal law, anthropologists, statisticians.”

It was this view, likewise, which brought about the appearance of the Modern Criminal Science Series under Dean Wigmore’s editorship.

It would be difficult to exaggerate the debt which forensic psychiatry owes to Dean Wigmore. His championship of a scientific study of the criminal, coming as it did from a leader in a field which traditionally had claimed to be the fons et origo of all knowledge of how to deal with the criminal, did much to encourage the leaders in the psychiatric field, such as William A. White, Adolf Meyer, and Bernard Glueck, to prosecute further their studies of criminal psychopathology.

As one who is professionally interested in the mental functions, this contributor cannot refrain from mentioning two additional activities of Dean Wigmore. One is his valuable revision of the Manual of Courts Martial, performed while he was on the staff of the Judge Advocate General of the Army during the World War. The other has to do with another line of activity—international cultural relations, something of which we hear much today. In 1917, as a tribute to the scholars of France, Dean Wigmore headed a group of American scholars in preparing the beautiful and informative volume entitled “Science and Learning in France”—an activity in recognition of which he was made a Chevalier de la Légion d’Honneur.

When we read of Pico della Mirandola and Leonardo da Vinci we are prone to mourn the “good old days”
and to feel that although there were giants in those days, there are such no more. To those who have been inspired by his teaching to become lawyers, teachers and research students; to those lawyers who have studied his legal treatises; to those in other fields who have read his protean works and gained knowledge and inspiration, it is needless to say that giants still live, and that one of the most gigantic is John H. Wigmore. And particularly do the workers in the field of psychiatry and psychology delight to add their contribution to this collection of tributes to a respected and admired friend, a great humanist, and a true and profound scholar.

Winfred Overholser, M.D.

CONVERSATION WITH THE DEAN

Five hours in Chicago between trains on a hot day in September, 1939! How pass the time?

Northwestern University Law School seemed my natural objective. There I should find a number of friends and acquaintances and the time would fly. But I had overlooked the fact that on Saturdays academic halls are likely to be deserted. I wandered through corridors where familiar names were on the doors—but the doors were all closed and locked; all but one. For a moment I hesitated before invading the privacy of “Mr. Wigmore.” Then I remembered a gracious letter he wrote me following my publication of something in one of his own many fields, a letter I prize highly because I had feared that my over-simplification of technical material might make me appear ridiculous to the professional eye. So I took up my courage and entered. The tall, erect, ever-youthful Colonel greeted me with characteristic vigor. There followed three hours that stand out as a memorable experience.

If you will take the trouble to look up John Henry Wigmore in your Who's Who you will get some idea of the breadth of his interests and the range of his activities. We ordinary folk, who think we are productive if we write an occasional book review, stand abashed before the record of a scholar like Wigmore. But the printed page barely hints at the many facets of his mind. His conversation that day ranged over the whole history of the law; and, for Wigmore, that means the history of civilized man. Babylon and Greece were as familiar to him as the streets of his own city; the pyramids of Egypt were not just ancient monuments but the repositories of a civilization whose customs and laws he knew intimately. His easy, desultory talk touched upon the development of the Criminal Law in England and on the Continent, the subtle differences between expressed precepts and actual practice, the effects of climate and rainfall upon agricultural methods and in turn upon forms of political government, the exclusionary rules of evidence, bankruptcy instead of imprisonment for debt, anthropological research, The President and the Supreme Court. I might extend the list indefinitely. Each subject into which our talk drifted led this extraordinary
man into a new field; and in each area he spoke with the authority born of deep study and thorough knowledge.

Only once were we interrupted. A visitor was announced who had come by appointment. He turned out to be a book-binder. The purpose of this visit was to have the Dean decide upon the form in which he wanted a volume of his own musical compositions to be bound. By that time I was past surprise!

While this important business was being settled I reflected upon the quality of our interrupted conversation. I realized that what made it so fascinating to me was the fact that it was really conversation. I have met other men of wide culture, others who could talk with authority and who did so. But they just talked—unless, worse still, they lectured. Not so Colonel Wigmore. He wanted to know just why I was in Chicago and he gave me time to tell him. So with each topic of our far-flung conversation. Though the Dean knew much more than I about everything we discussed, he was genuinely interested in what I had to say; at any rate, he made me feel that he was so.

All too soon I had to leave to catch my train. Chicago will always mean to me the city illuminated by the mind of John Henry Wigmore, colored by his charm, made hospitable by his delightful spirit.

JOSEPH N. ULMAN.

JOHN H. WIGMORE AND THE MODERN POLICE

When in 1909 Dean John H. Wigmore suggested the formation of an Institute of Criminal Law and Criminology in the United States, and when he in the same year was the mainspring in launching this Journal, all for the purpose of improving our law enforcement machinery, he laid the foundation for a movement that has had far reaching consequences here and elsewhere, but more particularly in this country where there was, and still is, necessity for dealing more intelligently with the crime problem.

Dean Wigmore recognized more than thirty years ago that a scientific approach toward delinquency and criminality was essential. This, of course, included an intensive and extensive study of the individual offender so that officials might learn how to treat him, and at the same time how to stop crime at its source. He urged that records be kept of the physical and moral status of law breakers, and of the hereditary and environmental conditions believed to be productive of delinquency and criminality so that these data might be used for subsequent analysis and interpretation.

Along with these obvious and elementary pre-requisites for lessening the extent of crime was his further recommendation for better organization and administration of those various departments which were charged with the responsibility for administering justice, treating offenders, and preventing crime. This not only comprehended humane treatment of accused and convicted persons, and scientific methods for dealing with them, but it
included also careful selection and training of all law enforcement officials.

In retrospect it is difficult to believe that at the time the Institute was founded there was almost a total absence of criminal, and judicial statistics. There was not a scientific crime investigation laboratory in the country, nor were there training schools for policemen, probation and parole officers, or for employees of penal institutions. Even translation of authoritative works by European criminologists had been entirely neglected. Equally reprehensible was the fact that in every State the officials were handicapped by an unfair, technical, cumbersome and obsolete legal procedure.

Without question one of the chief defects in the entire enforcement machinery was the deplorable condition of the police departments of that period. With few exceptions they were controlled by corrupt and unscrupulous politicians who, through political chicanery, secured the appointment of executives and subordinates who either aided their political party, or obligated themselves to obey the dictates of political bosses regardless of whether their dictates were for or against the public interest. As would be expected under this system of recruitment, these appointees were the persons who were generally unsuited for employment in industry and constituted part of the army of unemployables of the era.

Because of their short tenure and intellectual deficiencies, no effort was made by the executives to use to advantage scientific techniques and devices then available, with the exception of the Bertillon system of identification and, in a very few instances, the finger-print system.

Regular beat patrol, the policeman's club, the third degree, use of stool pigeons, and some specialization in certain crimes constituted practically all of the art that was used in the apprehension of criminals and the prevention of crime. Nevertheless, in spite of the objectionable appointment procedure, some good men did get into the service; and to these few superior individuals, especially those who took their oath of office seriously, the public was obligated for such order as was then maintained.

Formal recruit training was entirely lacking in all departments. It was the custom during that dark age in police work to pair off a recruit with one of the older men on the force, for a period of one to two weeks, in order that the new patrolman might become acquainted with his duties. As a rule he was told by the older officer to hear all, see all, say nothing, do as little as possible, and never to forget that there is more law at the end of the police club than in all the law books in the nation. After this short apprenticeship, the recruit was assigned to a beat to discharge his duties to the best of his ability. The majority of these men never had handled a pistol in their lives and didn't know how to use one when called upon to do so in emergencies.

Through personal contacts with police officials and the power of his pen and voice, Dean Wigmore has aided directly and indirectly, not only in stimulating interest in better trained officials in the several branches of the administration of justice, but also in
creating professional schools for the training of young men who desire to enter police service. Just how much time and thought he has given to this subject is probably known only to himself, but no one, not even the Dean, can estimate the dynamic and vast influence that he has exerted during his lifetime in placing recruit and pre-employment training schools on a solid foundation.

Long before Northwestern University and the Universities of Chicago and California added police courses to their curricula, Dean Wigmore discussed the subject with the writer and other police executives. He stressed the benefits that would accrue if colleges prepared men for police service in the same manner that students are trained in Universities for other professions. He pointed out and emphasized the fact that most of the facilities required for police training were then available in every institution of higher learning, and subsequent developments have proved that his conclusions were correct.

Progress toward professionalized police service has admittedly been both slow and constant, but today there is a vast difference between the informal and demoralizing training of policemen in 1909, and the recruit and in-service training now to be found in Municipal, County, State and Federal police schools, to say nothing of the preservice training offered to students of police science in colleges and universities. In the interval there has, of necessity, been much experimentation with various types of instructional projects, but the general trend toward

the ultimate goal—a professionalized and socialized police organization—has been going forward with ever increasing momentum.

Amazing as it may seem to the presently living founders of the Institute, there are at least two police departments which require, among other qualifications, that applicants for positions on the force must be the possessors of a B.S. in police science from an accredited institution of higher learning. Moreover, in many departments which do not now insist upon college degrees as an entrance qualification, there has been a gradual infiltration of college trained graduates. New York City, for illustration, reports that 51% of the 225 highest men on the last Civil Service list were college graduates. Honolulu reports that one-third of the police personnel of the city are college men. Michigan State Police selects its recruits from the men whom that department assists in training at the Michigan State College, and the Indiana State Police obtain their recruits from the police training school of the University of Indiana. Finally, due to the wisdom and executive sagacity of Director J. Edgar Hoover, the Federal Bureau of Investigation selects for appointment to that branch of the Federal police service those persons who have graduated either from a Law School or who are certified accountants.

From the foregoing it is obvious that in widely spread sections of the United States and in the several types of police departments, educated men and, incidentally, educated women are overcoming the previous prejudices against
police work and are finding in this branch of public administration an opportunity to give expression to their sentiments of patriotism, and their ideals of service.

Five colleges and universities have added to their regular offerings a four-year major in police science for students who desire to avail themselves of this opportunity to prepare for their chosen profession. Several others catalogue a two years technical police training program, and twenty or more other institutions conduct short technical courses for policemen. Recently, as further evidence of this tendency to ameliorate police conditions in this country, the Peace Officers Associations of Florida and the State of Utah have petitioned their State Universities to institute a four year curriculum in police science.

No great foresight is required to envision, in the not too distant future, the realization of Dean Wigmore's conception of a professionalized police service in America. The public, as well as the police, is indebted to that far-sighted, modest and patriotic citizen, our friend, and the first President of the Institute of Criminal Law and Criminology, Dean John H. Wigmore, for his many and varied contributions in making possible an intelligent, humane, and professionally trained police who are now beginning to place emphasis on crime prevention rather than on their punitive functions.

AUGUST VOLLMER.

A PIONEER

It is fitting that we pay homage to Dean John H. Wigmore. He is the pioneer in the scientific approach to the crime problem in the United States. That honor can not be taken from him. Others had recognized that something should be done with one or another branch of law enforcement, but he was the first to take the entire picture into consideration.

He recognized that treatment was more important than punishment, and that it was necessary to approach this problem from a scientific angle. He realized that a human being is a complicated mechanism which we must understand if we are to correct behavior.

The scientific approach necessitated an improved quality of personnel and better administration and organization. Dean Wigmore advocated the development and use of basic records in order that statistics could be gathered on which to base conclusions. From this beginning has come a broadened appreciation of the need for adequate penal records as tools for coping with the crime problem from contributing causes through treatment to final discharge.

Dean Wigmore advocated and helped to establish police training programs to aid in the development of an adequate personnel. It should be gratifying to the Dean because this and many other programs which he has been advocating for thirty years are being used effectively today. The State and the Nation are now reaping the benefits of his foresightenedness.

O. W. WILSON.