

1921

Editorials

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>



Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Editorials, 12 J. Am. Inst. Crim. L. & Criminology 149 (May 1921 to February 1922)

This Editorial is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

EDITORIALS

OFFER OF THE CARNEGIE CORPORATION TO AID IN SUPPORTING THE RESEARCH PROGRAM OF THE INSTITUTE

On February 2, 1921, the Institute of Criminal Law and Criminology, by its Executive Board, applied to the Carnegie Corporation of New York City for financial support for research program. On March 29, in response to a request from the Corporation, we submitted a more detailed statement of what we proposed to do than had been included in the first communication.

We print below the reply of the Corporation under date of May 31 by James R. Angell, then its president:

(Letterhead of the Carnegie Corporation)

May 31, 1921.

"Dear Dean Wigmore:

"The Trustees of the Carnegie Corporation have authorized me to confer with you regarding a possible gift of not to exceed Ten Thousand Dollars (\$10,000) a year for five years, beginning July 1, 1921, to the American Institute of Criminal Law and Criminology, on the following conditions: (1) That the Institute accept this gift to meet the expenses of research in its own field, to be conducted under the general supervision of the Institute; (2) That in any year in which an appropriation is made by the Carnegie Corporation for this purpose, there shall be secured in cash from other sources an equal amount . . .

"I shall be glad to hear from you at your convenience regarding the attitude of your Board toward this proposal.

"Very truly yours,

"(Signed) JAMES R. ANGELL, President.

"To Dean John H. Wigmore, Chicago,
Chairman, Executive Board,
American Institute of Criminal Law and Criminology."

Having unanimously accepted the condition as set forth in the foregoing letter, the Executive Board of the Institute, at its meeting on June 9, authorized sending a communication to that effect to the Corporation.

In the following section we state the research program of the Institute which has been placed before the Carnegie Corporation, and show the scientific and practical purposes it seeks to serve:

"PROGRAM OF THE INSTITUTE

A. *"To Develop by Experiment a Comprehensive System of Criminal Records and Statistics Such as May Be Applicable (with Slight Modification at Most) to any Municipality and Ultimately to Any State*

a. *"Reasons for Proposing this Problem.*

1. "The records of criminal proceedings, beginning with arrest and ending with prison, are so imperfect, in respect to important elements of the crime problem, that the necessary facts are today nowhere ascertainable. Further, there is no co-ordination between records of police, prosecuting attorney, courts of various jurisdictions, and the several prisons, so that the individual offenders—the basis of all general conclusions—can never be traced and identified.

"Because of this imperfection of records, it is today impossible for any American municipality (much more for any county or state) to answer, with that certainty that is the basis of all harmony of view and efficiency of remedies, any question of fact entering into the crime problem. Such elementary questions as: 'What is the relative prevalence of robbery, rape, etc.?' 'What percentage of offenders are repeaters?' 'What percentage of criminal verdicts are reversed on technicalities?' 'What is the relative cost of criminal justice for repeated offenders?' and a hundred other questions are incapable of a positive answer based on all the known facts.

"What is needed, in the unanimous opinion of statistical experts, is a thoroughly revised and standardized system of crime records for police offices, courts, and prisons, as the fundamental basis for progress in the next generation.

2. "No municipality in America has yet developed a system of criminal statistics that is at all comparable to such a system in European cities, where the administration of justice is much better regulated than here in America.

3. "Consequently there is, as things stand, no possibility of gaining a comprehensive view of the municipal administration of criminal justice, e. g., of checking up from month to month on the activities of the police, the various criminal and quasi-criminal courts; probation and parole offices, etc., and of studying each of these activities in relation to all the others, or of comparing them with other municipalities. No municipality has yet developed a comprehensive system of police and judicial records for identification purposes, and our police inefficiency is a part consequence of this condition. In order to arrive at

harmony of views *re* installing improved measures and remedies, it is indispensable to provide a system of records which will supply the solid basis of facts and will include essential facts now totally lacking.

b. *"Method by Which the Institute Proposes to Attack this Problem."*

1. "Select a city or two in which to work.
2. "Take samplings of judicial, police, identification, and other data relating to criminal cases.
3. "Bring these samplings together into a model central municipal bureau of criminal records and statistics that will be gradually perfected under criticism and experiment.
4. "When the system has been brought to final form for a given city, a further study will be made to find the means by which it may be adapted to the state at large and to other states.
5. "When the Executive Board of the Institute shall have acted favorably upon the plan, an attempt will be made by co-operation with the National Municipal League, etc., to secure the wide adoption of the plan for such a city bureau, and through the National Commission on Uniform State Laws to secure the adoption of the state system in the various states.

B. *"To Make an Intensive Study of the Operation of the Parole and Probation Systems Covering at Least Five Years"*

a. *"Reasons for Proposing this Problem."*

1. "We know only that approximately 80 or 85 per cent of men and women on parole and on probation, respectively, 'make good' during the period of parole or of probation. This period extends over usually not more than one year immediately ensuing upon release from incarceration (in the case of parole) or upon conviction (in the case of probation).

"We know next to nothing as to what becomes of these people after the expiration of the period of parole or of probation, as the case may be. Hence the widespread opposition of views with respect to the usefulness of parole and probation, and the growth of an active movement to repeal the entire legislation of the last twenty years as being a misguided and futile reform.

2. "This investigation can bring together all sorts of data that bear upon the case and set at rest our persistent debates pro and con parole and probation.

3. "A comparative study extended to several states will show (if parole and probation are justified at all in the light of the investi-

gation) what is the best form of legislation *re* these systems and what is the best method of administration.

b. *"Method by Which the Research Will Be Conducted."*

1. "Each man and woman that has been paroled within a given recent period from the penal institutions of a given state, and each person placed on probation within a given period by the courts of that state, will be followed up through a period of five years following their release from custody by means of correspondence and personal contact with individuals and institutions that are in a position to know the whereabouts and condition of the parolee and probationer, respectively.

2. "To find a basis for comparison, the investigation will be carried to other cities and states.

3. "When the data so secured have been analyzed the conclusions drawn therefrom will determine whether moves for legislation in the various states will be made through the Commission for Uniform State Laws.

C. *"A Comparative Study of State Criminal Codes with a View to Finding a Basis for Uniform Legislation in Certain Particulars"*

"This will include, e. g., the laws *re* (a) Municipal, Police and Justices' Courts, (b) Pardon, (c) Commitment of Insane accused of crime, (d) Legislation *re* Administration of Prisons and Jails.

a. *"Reasons for proposing this Study."*

1. "The great variety of legislation in respect to the above subjects and others makes interstate relations difficult in relation to the administration of criminal law.

2. "Municipal, Police and Justices' Courts have received practically no attention from students of public affairs, notwithstanding that they furnish the first contacts that the judicial system has with the accused. Because of this first contact what is done or not done in these courts assumes immense importance.

3. "In the light of an immense accumulation of facts *re* mental disturbances it has become extremely important that means should be found for the custodial treatment of many who are accused of crime, without at the same time violating the constitutional rights of the accused.

"Many criminals are undoubtedly in such mental condition, e. g., that they should be in permanent custody, for their own good and the safety of the community. Nevertheless they are capable of making such

a showing that in the ordinary circumstances that prevail in nearly all jurisdictions no lay jury, to which the accused is constitutionally entitled, would commit them.

"This problem is vital to every municipality and state.

b. *"Method of Conducting this Research.*

1. "Analysis of the records of at least a year's cases in the police and justices' (or municipal) courts in each of several typical cities.

2. "Analysis and classification of the statutes.

3. "Observation, covering a long period, of the operation of statutes relating to these several subjects in different jurisdictions."

Together with this statement of program we showed the organization of the Institute and the personnel of the Executive Board under whose auspices it is proposed to conduct all our work.

We submitted also an estimated budget of expenses on account of each research problem separately, making a grand total of \$29,300 a year for five years.

We are now making an effort to secure what will be necessary, in addition to the proposed gift from the Carnegie Corporation, to enable us to do all the work outlined. We have asked a friend of the Institute in Washington, Philadelphia, Boston, Cleveland, Cincinnati, Milwaukee, Minneapolis, San Francisco, Chicago, St. Louis and Detroit, each in his own city, to get together a group of people who will, altogether, pledge at least \$2,000 a year for five years to support our work. Besides, we are directly canvassing individuals and corporations.

The readers of this JOURNAL and members of the Institute have entered into this alliance, presumably because of their interest in our general aims. Now is their opportunity to take a hand in enabling the Institute to realize the purpose of our organization.

ROBERT H. GAULT.

THIRTEENTH ANNUAL MEETING OF THE INSTITUTE

The thirteenth annual meeting of the American Institute of Criminal Law and Criminology will be held in Cincinnati, Ohio, on November 18-19. Headquarters will be at the Gibson Hotel.

It is planned to hold meetings open to the public on the evenings of the 18th and 19th. Other meetings will be attended by members of the Institute and other persons by invitation. These will be of the nature of round table conferences.

There will be a conference on "Modernization of Criminal Pro-

cedure" led by Professor Robert W. Millar of Northwestern University. Sub-topics for discussion will be as follows:

1. "The Function of Criminal Pleading."
2. "The Function of the Trial Judge in Criminal Causes."
3. "Statutory Cure of Error in Criminal Causes."
4. "The Functions of a Court of Criminal Appeal."

Dr. Horatio M. Pollock, Statistician for the New York State Hospital Commission, will lead a conference on "State and City Bureaus of Criminal Records and Statistics." It is expected that the following sub-topics will be discussed:

1. "The California Bureau."
2. "The Proposed Illinois Bureau."
3. "The Massachusetts Bureau."
4. "The New York City Bureau."
5. "Co-operation Between State and City Bureaus of Criminal Records and Statistics and the Federal Census Bureau."
6. "How Uniformity in the Work of State and City Bureaus May Be Secured."

A third conference will be on the general subject: "Social Reconstruction and the Criminal Courts" and will be lead by Mr. James Bronson Reynolds, Chairman of the Executive Committee of the Voluntary Defender's Committee of New York City. Sub-topics will be as follows:

1. "Justice to the Public in Criminal Courts, Using as the Concrete Illustration the Ohio Amendment Allowing the District Attorney to Comment on the Silence of the Accused."
2. "Justice to the Defendant Using the Public Defender as the Concrete Illustration."

Professor Edwin R. Keedy of the University of Pennsylvania Law School will lead in a conference on "Insanity and Criminal Responsibility." "The Criminal Responsibility of the Feeble-minded" is expected to have a place as a sub-topic in this conference.

The Hon. Edward Lindsey, Judge of the Court of Common Pleas, Warren, Pa., will preside at a conference on the "Indeterminate Sentence, Release on Parole and Pardon." Sub-topics will be as follows:

1. "What Should Be the Form of the Indeterminate Sentence and What Provision as to Maximum and Minimum Terms, If Any?"
2. "What Authority Should Grant Paroles, and if a Board How Should It Be Composed?"
3. "What Prisoners Should Be Eligible to Parole and What Considerations Should Govern the Granting of It?"

4. "What Should Be the Conditions of the Parole and What Should Constitute Its Violation?"

A complete list of sub-topics and names of participants in the general evening meetings and in the conferences will be ready by September first.

ROBERT H. GAULT.

TENTATIVE PROGRAM OF THE JACKSONVILLE PRISON CONGRESS¹

OCTOBER 28TH—NOVEMBER 3RD

The Congress will be open on Friday evening, October 28th, with the presidential address of Colonel C. B. Adams, superintendent of the Illinois State School for Boys, on "The Community and Delinquency" striking at one of the key notes of the coming Congress. This general session on Friday evening will be followed by a reception, tendered by the local committee of Jacksonville.

Marcus Fagg, who has recently been through a severe siege of typhoid fever, is the secretary of the local committee and is again at his office, with the strongest good wishes of his friends all over the country. With his efficient service, and that of B. M. Kessler, the secretary of the local Chamber of Commerce, the administrative details in Jacksonville will be most successfully taken care of.

Each morning of the Congress, except on Sunday and Wednesday, there will be approximately ten section meetings. In different places, but all immediately adjacent to the New Windsor, the Headquarters Hotel, will meet the section conferences of the Wardens' Association, the Prison Physicians, the Association of Clinical Criminologists, the Juvenile Reformatory Section, the Committee on Juvenile Delinquency, the Committee on Prison Discipline, the Chaplains' Association, the National Prisoners' Aid Association, and the Committee on Persons awaiting Court Action and Misdemeanant Prisoners. There will also be section meetings of those interested in boards of control, of pardons and parole, and on probation.

Each section will discuss the special problems of its field, but the sections will be so scheduled as to produce the minimum of conflict of hours for those desiring specialization. All section meetings, as well as the general sessions, will be open to the public, which is most cordially invited to be present.

¹From *The News Letter*, Vol. I, No. 3, June, 1921.

Already a number of important topics and speakers have been scheduled, though many programs are not yet in. On Saturday morning, October 29th, Judge C. W. Hoffman of the Domestic Relations Court of Cincinnati will discuss juvenile courts, present and future. The section meetings will in general offer ample field for general discussion, for they will be ninety minutes long, and the one speaker in the section meetings will not occupy more than thirty minutes in the initial presentation of the subject.

Roswell Skeel, Jr., of New York, will discuss the problems of relieving the families of prisoners. Colonel E. J. Parker of the Salvation Army will speak on Saturday morning on problems of parole. Sanford Bates, prison commissioner of Massachusetts, will speak on the abolition of jails as penal institutions. Amos Butler, secretary of the Board of State Charities of Indiana, is expected to discuss the place of penal farms in modern penology.

On Saturday evening, October 29th, Dr. H. H. Hart, of the Russell Sage Foundation, will give a paper on the treatment of persons awaiting trial and misdemeanor prisoners. E. J. Cooley, chief probation officer of the magistrates' courts in New York City, is scheduled to discuss the present and future of probation. B. Ogden Chisholm, a man of independent means, who has visited perhaps more prisons than any private citizen in the United States as a student of modern prison methods, will speak on the "third degree," as used by the police.

Probation and preventive work in juvenile delinquency will be discussed on Monday morning, October 31st, by a member of speakers of national reputation, including Mrs. Martha Falconer of New York, Dr. Herman Adler of Chicago, Mrs. George T. Rice, of Massachusetts, Dr. Mary Harris of New Jersey, and Miss Emma Lundberg of the Childrens' Bureau of Washington. The wardens and administrators of prisons and reformatories will discuss corporal punishment in correctional institutions. There will also be presented on Monday a study of the jails of Florida, and also a study of the women prisoners of Florida.

Monday is also to be especially a "Women's Day," and invitations are going out to leading women in club and civic work in Florida and other southern states to be present and to take part in the day's program. At the general session on the evening of Monday, Calvin Derrick, noted for his work through many years with the George Junior Republic, and later with the State School for Boys at Preston, California, will give an address on the "No Man's Land of Childhood." George L. Sehon, superintendent of the Kentucky Children's home

Society, will speak on "Causes of Juvenile Delinquency in 1921." Mrs. Martha Falconer, long identified with institutional work for delinquent girls, will speak on the relation of social hygiene to delinquency.

Tuesday morning will be given up to section meetings. Community resources and methods in the treatment of juvenile delinquency will be the topic of the juvenile sections. E. C. Lindeman, professor at the North Carolina College for Women, will speak on special problems of rural delinquency. E. R. Cass, the assistant general secretary of the Prison Association of New York, will give the results of a comprehensive study of the parole laws of the States of the Union. The chain-gang system in some southern states will be discussed, and also a scoring system for administration and inspection of jails. Boys and young men, and their relation to delinquency and crime, will be discussed by H. H. Todd, superintendent of the State Agricultural and Industrial School for Boys at Industry, New York.

The section on prison administration will hold a symposium on vocational schools, recreation in prisons, and the honor system. On Tuesday evening, the Reverend John Steele of Pittsburg, chairman of the committee of the Presbyterian Church on Temperance and Moral Reform, will give an address on the relation of idleness to crime. Warden W. H. Moyer, formerly of Sing Sing Prison, will give the chairman's report of the committee on prison discipline. There will be a report on architecture by Dr. Oscar Dowling of New Orleans. On Tuesday noon, the combined lunch of the Rotary and Kiwanis Clubs will afford an opportunity for discussing the relation of the public to movements for the reduction of juvenile delinquency.

The whole day of Wednesday, November 2nd, will be given over to an excursion to the State Prison Farm of Florida at Raiford. Host at this institution will be Warden J. S. Blich, who will give an introductory talk upon the Farm. A barbecue will be one of the features of the day. A special train will take the members to this fifteen-thousand acre plantation, and will return them to Jacksonville about six o'clock.

On Thursday morning, section meetings will be held in many of the divisions of the Congress. Parole problems will be discussed, also training schools for prison and reformatory officials. On Thursday evening, it is expected that Mrs. Abraham Van Winkle, the head of the women's bureau of the police department of Washington, D. C., will speak on special problems of women and girl delinquents as well as on police-women and houses of detention.

There will be convened on the days immediately prior to the

American Prison Congress, the National Association on the Education of Truant, Backward, Dependent and Delinquent Children; in the next issue of the *Newsletter* it is hoped to embody also the program of this Association. It is also hoped that the American Association of Public Officials of Charities and Corrections will convene at Jacksonville just prior to the meeting of the Prison Congress.

“THE ADMINISTRATION OF CRIMINAL JUSTICE”

A Symposium on the general subject “The Administration of Criminal Justice,” under three sub-topics, will be held at the coming meeting of the American Bar Association in Cincinnati on September 2 at 10 a. m. The program follows:

- 10:05 a. m. “Unenforceable Law,” by Raymond B. Fosdick, of New York.
- 10:30 a. m. “The Illegal Enforcement of Criminal Law,” by Luther Z. Rosser, of Georgia.
- 10:55 a. m. “The Adjustment of Penalties,” by Marcus A. Kavanaugh, of Illinois.
- 11:25 a. m. General Discussion by Association.
- 12:45 p. m. Nomination and Election of Officers.
- Adjournment at 1:00 o'clock.