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Editorials

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EDITORIALS

THE 1926 INTERNATIONAL CONGRESS OF PENAL LAW

At Brussels, July 22-26, 1926, will take place an International Congress of Penal Law. This Congress has been called by the newly formed International Association of Penal Law. The organization and official personnel of that Association were fully described in the February, 1925, number of the JOURNAL; and this is the first Congress to be called by the Association.

There are now nearly one hundred American members of the American branch; and it is hoped that a representative number from this country will attend the Congress.

The American Institute of Criminal Law and Criminology is the affiliated organization for this country in the International Association; and all arrangements for attendance and papers should be made through the Secretary of the Institute, Harry LeRoy Jones, Esq., 105 South La Salle Street, Chicago. The Secretary-General of the International Association is Prof. J. A. Roux, 7a Rue Stoeber, Strasbourg, France.

The program for the Congress contains four topics:

I. "The legislative trend in penal law, with a brief summary of measures enacted or proposed since 1900 A. D., noting particularly how far the principle of social defense has been accepted, and has replaced the classic ideas of criminal responsibility."

II. "Should the principle of social safety (as advocated by the Positivist School of Criminology) be applied so as to replace all penalties founded on the traditional idea of criminal responsibility, or should it be applied only to supplement the traditional method for certain kinds of criminals in certain cases?"

III. "Should recognition be given to out-door work for convicts, and if yes, how can it be regulated?"

IV. "Is there any ground for establishing an international jurisdiction over crimes, and if yes, how should it be organized?"

DISCUSSING PRISONS AT HOME AND ABROAD

There are two kinds of discussion of the never-ending problem of crime. One is the discussion indulged in by the average citizen and the newspapers—with little information or knowledge of the issues

involved. The other is the more formal and constructive interchange of ideas on set occasions by those experts and administrators who know whereof they speak.

The chief forum in America for the latter kind of advised discussion is found in the Annual Congress of the American Prison Association. The last session of that organization, held at Jackson, Mississippi, in November, while similar to previous meetings, displayed some high-lights that will be of interest to readers of the JOURNAL.

In the first place, there was brought into this gathering much of the spirit and fruit of the International Prison Congress, held at London in August. A half dozen American delegates, who had attended that notable assembly, carried their inspiration to us at Jackson. Two striking things were emphasized by each of these speakers. One was that all other nations sent as delegates some of their most prominent men in the field of government, law and university life. Especially notable was the fact that in England many high officials, including cabinet members, were active in the conduct and discussion of the congress. Nevertheless, the American delegates, with conviction of the rightness of their cause, were able to carry through certain declarations of principle which the European countries have been reluctant to accept. Reference is made especially to the Indeterminate Sentence and the desirability of comprehensive systems of Parole and Probation. On the other hand, in observing the more business-like management of correctional institutions, devoid of political interference, our American visitors learned much from the older countries. The famous resolutions passed by the International Congress represent the careful labors and mutual agreement of delegates from fifty-four countries, and are worthy of careful study.**

Reverting to the Fifty-fifth American Congress at Jackson, we find the program crowded with thoughtful papers, chiefly by those who knew their subject as well as the subject matter of previous discussions, thereby enabling them to make real contributions of value. Under the strong and fair-minded direction of Dr. Frank Moore, President of the Association, the 300 delegates from all parts of the country were treated to widely divergent views as to ways of dealing with offenders, methods of preventing crime, and with experiences and difficulties in the administration of justice. In his opening address Dr. Moore struck the dominant note of later meetings by stressing the need of better classification of prisoners, with the view of greater

**May be procured through Mr. E. R. Cass, Sec., 135 East 19th St., New York City, New York.

individualization of treatment. In other words, in his view, the correctional institution must become an educational institution in the broadest and best sense.

The need for this program was fully demonstrated in the vigorous reports by Dr. Hastings H. Hart, as Chairman of the "Committee on Jails, Lock-ups and Workhouses." Taking as his special subject of inquiry the condition of Federal prisoners as housed in various county and state institutions, Dr. Hart disclosed a startling situation, crying aloud for an expansion of the Government's facilities to provide adequately for its own prisoners, especially while serving sentence.

The sections of Juvenile Agencies and on Psychiatric problems perhaps attracted less attention than in some previous sessions, not because their discussions were less vital, but rather that efforts looking toward the prevention of crime have become a matter of course in the considerations of the congress.

A striking feature of the program was a sensational report of prison conditions as now existing in Texas. In the absence of Gov. Fuqua of Louisiana, Hon. T. K. Irwin, of Dallas, was asked to speak. As a member of the Legislature, and Chairman of its investigating committee, Mr. Irwin was able to give first-hand information as to the badly-managed prison system of his state. To quote his words:

"We are having waste, extravagance, graft, brutalities and murders committed by the people in charge of the institutions of our state, and I say to you, and no man can contradict such a statement, that these facts being true, the people that are perpetrating these crimes should be in the penitentiary because they are no better than the convicts themselves."

Mr. Irwin declared that the people of his state had been unable to get the courts to function properly and that they were unable to get the right kind of penal institutions there. Brutal men, he asserted, had been in charge of them, although not all these officials were of that type. A prison official, he said, had pulled a gun on Mrs. Alexander King, Chairman of the Prison Commission of the state. The speaker further asserted that officials of Texas had prostituted the wives, daughters and mothers of the unfortunate of his state.

While the Prison Congress could not act officially to remedy this terrible situation, its impartial platform was most appropriate for its strategic publicity. It should serve as a warning in all quarters against the natural human tendency to tyranny, and the dangers of political domination and corruption. One big reason why such a condition could become possible in Texas is because its Prison Commissioners

are constitutional officers, independent of public sentiment, and removable only by impeachment.

In view of the prevailing idleness in many prisons, it is not surprising that strong resolutions were passed by the Congress urging that no legislation be passed to further restrict the sale of prison-made products. The readers of this JOURNAL will also be especially interested in the following paragraphs embodied in the recommendations of the Congress:

a. All of the penal institutions of the country should at once adopt the forms of record suggested in the report published by the American Institute of Criminal Law and Criminology, and to this end the state legislature be approached and urged to adopt uniform legislation requiring the keeping of the statistics of penal institutions in accordance with these forms and that Congress be memorialized to provide a sufficient appropriation to allow the census bureau to collect and publish the statistics from all of our penal institutions.

b. That each state enact laws necessary to the establishment of a State Bureau of Criminal Identification to co-operate with the various police departments and with the National Bureau of Criminal Identification with headquarters in Washington, D. C.

d. That the federal government should at this time give careful consideration to the establishment of a jail system of its own, each one to cover districts where the number of federal prisoners is large or where the local jail accommodations are inadequate, beginning with the borders of Canada and Mexico.

e. That in connection with our federal penal systems there be established a training school for prison officers similar to that maintained by the British government in which both preliminary and advanced training be provided.

Thus this national forum for the discussion of prison problems continues to agitate for higher ideals and to educate the public mind in the adoption of more rational and uniform standards in the various states.

The meeting at Jackson received the usual "southern welcome," which is saying much. This included the active participation in the sessions by Governor Henry L. Whitfield, and resulted from the untiring efforts of Rev. W. H. Sutton, Secretary of the Local Committee.

By the unanimous choice of Hon. Sanford Bates, of Massachusetts, as President for the current year, the Association was given assurance of high leadership and another strong program at Pittsburgh next November.

F. EMORY LYON.