

Journal of Criminal Law and Criminology

Volume 25

Issue 5 *January-February*

Article 1

Winter 1935

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, 25 Am. Inst. Crim. L. & Criminology 689 (1934-1935)

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

ANDREW ALEXANDER BRUCE

Obit December 6, 1934

When a fine soul passes away, the world seems emptier. We realize that it is not only our own loss, but also that of the world around us. No one that we have known in the past has been held in such deep and affectionate and unqualified esteem by his professional brethren—no one has so nearly measured up to the conventional ideal of a scholar and a gentleman. It must have been because he possessed in such rare combination both heart and intellect; for he could never see the logical side of a legal principle without at the same time feeling its moral effects upon the human relations around him. Add to this a sturdy conscientiousness and an absolute sincerity that shone out in every act and word; an unselfishness that had no limit; a modesty that cloaked his superior intellectual talents and made him approachable to the humblest; and a sympathetic responsiveness and genial wit that ensured him instant companionship in any circle. These are some of the traits that made him both endeared and respected in a degree that can rarely fall to the lot of any member of our profession. It will be long before we shall look upon his like again. Let, therefore, his memory be cherished as something that for our own sake we can never afford to lose.

Bruce's professional career was a remarkable instance of character conquering circumstance. He was the son of General Edward Archibald Bruce (a descendant of Robert the Bruce, king of Scotland and founder of the Stuart dynasty). His father was one of the British officers in the celebrated siege of Lucknow during the Indian Mutiny of 1857; and Andrew was born in India in 1866 (April 15). His parents (like other British parents in India) sent him back to England for his schooling; and there he passed some years at different schools until he was about fifteen years old, in 1881. In that year his father died; the other members of the family were already scattered between Scotland, India, and Australia; and by some misunderstanding of arrangements, the boy found himself alone on a steamer bound for the United States. He landed in New York, an orphan and an immigrant. His experiences in that crisis left an indelible impression; they not only evoked his sturdy endurance and

courage, but implanted in him a tireless sympathy for the plight of the abandoned youth and the friendless stranger.

Somehow he came West. After a few years of farm-hand experience in Minnesota, he entered the University of Wisconsin, where he graduated from the College in 1890 (with Phi Beta Kappa rank) and from the Law School in 1892. His football record at Wisconsin he always alluded to with pride. And an odd thing that amused him to recall was that when on graduation he announced to one of his instructors that he wished to become a lawyer, the candid instructor advised him against it, because he had no voice suitable for public speaking—this advice to one who in his later career was in constant demand for speech-making and had made probably more public addresses than any hundred other professors of law!

After two years in the post of secretary to the Justices of the Supreme Court of Wisconsin (1890-92), he came to Chicago as assistant in the legal department of the Wisconsin Central Railway Company. After another year he became attorney for the State Board of Factory Inspectors. His experience here brought him into contact with Miss Jane Addams, whom he helped to organize Hull House. And his post with the Factory Inspectors gave ample range for his keen social sympathies in enforcing the child labor laws and the sweat-shop laws.

The Illinois period ended in 1898, when he returned to Wisconsin to become a member of the Law Faculty of his Alma Mater, the University of Wisconsin; and here he remained until 1911.

In that year he was called to North Dakota to become professor of law and later Dean of the Law Faculty of the State University. There, in his now developed powers, he entered a broad field of influence for which his unlimited sympathies well qualified him. He took an active part in the agrarian and professional issues which dominated in that State for the next decade. The respect which he gained in the legal profession there is illustrated by a circumstance which is probably unique in any State; for during his eight years there he was accorded the posts (not all at the same time) of Dean of the State Law School, Chairman of the State Board of Bar Examiners, President of the State Bar Association, and Chief Justice of the Supreme Court—a quadruple decoration that can hardly have been bestowed upon any other lawyer in the annals of this country.

By 1919 the acrid political controversies arising out of the Non-Partisan League in North Dakota had become distasteful to one of his rational attitude, and he returned once more to the career of a

professor of law, joining the Faculty of Law of the University of Minnesota. Meantime, during the World War period he had become one of the Four-Minute Men, who took the platform in the States of North Dakota and Minnesota, assuaging the disaffection that was ripe in many localities and campaigning for the Liberty Loan. At this time the Judge Advocate General at Washington tendered him a commission in the law department of the Army; but Bruce finally declined, believing (and rightly) that he could be of more service to the Government and the Nation in the campaign of the Northwest.

In 1922 he accepted an appointment on the Faculty of Law of Northwestern University, thus returning to the scene of his early professional career, where he was welcomed by his many old friends. And here he remained to the end of his life. In 1924 he became President of the American Institute of Criminal Law and Criminology and Associate Editor of this Journal, the official organ of the Institute. Each of these offices he held until his death. As President he directed the organization's surveys of the administration of criminal justice. In these relations and as a member of the editorial staff, his wise counsel and genial nature made him an invaluable colleague and friend.

Meantime his extensive learning and wide circle of interests had placed him in numerous positions of public influence. He had been a delegate to the Universal Congress of Lawyers and Jurists at the Louisiana Purchase Exposition in St. Louis in 1904; a member of the American Bar Association Committee on Court Procedure in 1919; a member of the Expert Advisory Committee on the Chicago Police Department, of the General Council of the American Bar Association, of the National Conference on Uniform State Laws, of the Comparative Law Bureau, of the Juvenile Protective Association, of the Commission on Pardons and Paroles in Illinois; and of other bodies which his modesty makes it difficult to enumerate. When the National Recovery Administration was organized in 1933, he was appointed chairman of the Chicago Compliance Board, and afterwards Chairman of the State Adjustment Board. During his last decade in Chicago, his principal active interest was in the administration of criminal justice; and his monograph in "A Century of Criminal Justice in Illinois" published in "The Progress Number" of this Journal, May, 1933, was a piece of scholarly work into which he put his whole heart and learning.

His book on "The American Judge" was one of those rare volumes written from a seasoned experience in that very capacity. His

book on "Property and Society" embodied a philosophy of his own, based on a systematic reflection and depth of thought seldom found at the Bar. His numerous legal articles and miscellaneous addresses, which would fill volumes, ranged over an almost incredible variety of topics.

And as we look back over the scope of his written and spoken words, we still cannot determine whether it is more for his mind and his judgment, or more for his heart and his sympathies, that we revere and cherish the affectionate memory of his talents and his influence.

JOHN H. WIGMORE.

THE ATTORNEY GENERAL'S CONFERENCE ON CRIME

The Attorney General's Conference on Crime, held in Washington from December 10 to December 13, 1934, and attended by more than six hundred delegates, invites a comparison with the First National Conference on Criminal Law and Criminology, with one hundred and fifty delegates, held in Chicago on June 7, 1909, which resulted in the formation of the American Institute of Criminal Law and Criminology and the publication of this Journal. When the present Dean of Harvard Law School, Roscoe Pound, then a professor at Northwestern University Law School, opened the general sessions, he said that it had seemed to Dean Wigmore, who conceived the idea of the Conference as a means for celebrating the fiftieth anniversary of Northwestern University Law School, that "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 a service than the administration of punitive justice in this country."

Since that time many national Conferences on Crime have been held. Several sessions of the American Institute of Criminal Law and Criminology were called before the American Bar Association organized its section under the same name and of much the same personnel. Other organizations, such as the American Prison Association, the National Probation Association, the National Conference on Social Work, for many years have sponsored annual meetings of inestimable social value and Dean Pound's words that there is no field affording a better opportunity for service are as true today as when they were spoken.

The Attorney General's Conference was unique both in its comprehensive selection of delegates and in that it offered something which has been found in no other Conference up to this time, namely, the *official backing of the Federal Government*. That potent influence was felt in every session held during those momentous days last December. The six hundred delegates received their invitations from the Attorney General and while in Washington they were entertained with the courtesy bestowed upon his personal guests. The Department of Justice was opened for their inspection and the social functions afforded a fine contact with governmental officialdom. The program, discussed elsewhere in this issue, was rich in talent and developed around pressing practical problems. But, throughout, there was constant reiteration of the statement that it was not "the purpose of the Federal Government to usurp the functions of the State and local police units." Evidently the Attorney General with rare tact and insight was attempting to supply a need which has long existed in other Conferences—to employ the resources of his office "to assist, complement, and serve the law enforcing agencies of America."

Now, what will be the result? The delegates were told time and again that they were asked to serve as delegates *to* the Conference and also as delegates *from* the Conference. It is believed that all returned to their homes enthusiastic and ready to serve. Will that enthusiasm die because a concrete platform of service is lacking? Too often similar Conferences have allowed the fever-heat, developed by the association of fellow workers, to express itself in lofty resolutions and then subside because no program of immediate action was presented. Herein lies the opportunity and the responsibility of the Attorney General.

For his work in welding together the diverse interests in the field and in creating a fine spirit of cooperation we congratulate Attorney General Cummings. Much good has already been accomplished. What is the next step? We await with interest and considerable eagerness the plan of continuing activity which we have reason to expect will be forthcoming.

Many of the resolutions adopted at the Conference dealt with subjects beyond the scope of the powers of the Federal Government—delinquency, abuse of parole and pardon, improvement of criminal procedure, yellow journalism, the lawyer criminal, unsanitary jails, etc. In the field beyond the jurisdiction of the Federal Government we can expect Federal sympathy and cooperation, and both are needed. In another but smaller field the Federal government through grants-

in-aid and the State Compact Plan, may directly stimulate the efficiency of state and local law enforcement. But the one resolution of overshadowing importance is the one that urges a comprehensive research program and a national scientific and educational center for training personnel in the field of criminal law administration. This project is entirely dependent upon Federal initiative and may be accomplished in short order without waiting for local machinery to get under way. And in this project the Federal government can render a service of incalculable but immediate value. Situations growing out of local politics and local poverty cannot be solved without drastic changes in governmental structure. But the establishment of a National training center for law enforcement officers can be accomplished in a short time if the idea has the backing of the Attorney General. If this one resolution is translated into fact the Attorney General will have achieved a major objective of all the crime conferences which have been held in this country, and will have established the basic ground work necessary for any successful attack upon the crime problem.

NEWMAN F. BAKER.

PROFESSOR SUTHERLAND—EDITOR

We are happy to announce that Edwin H. Sutherland, Professor of Criminology in the University of Chicago, has joined the editorial staff of this JOURNAL. Professor Sutherland has long been actively engaged in criminologic research. He has to his credit a long array of penetrating studies in this field, from a sociologic angle. His "Criminology" has held the field since 1924 and has but recently, as "Principles of Criminology," gone into its second edition under most favorable auguries. (See p. 818, this number.)

The readers of this JOURNAL will welcome this addition to the staff no less warmly than do the members of the staff themselves.