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Notes and Abstracts

NOTES AND ABSTRACTS

ANTHROPOLOGY—PSYCHOLOGY—LEGAL MEDICINE

The Work of Dr. Amos O. Squire in Sing Sing Prison.—Dr. Amos O. Squire, chief physician to Sing Sing Prison, recently delivered the following comprehensive review of his work in the prison:

"I am glad of this opportunity to state that I am in favor of, and in sympathy with, a study of the criminal from the point of view of Psychiatry, or any other agency which will give promise of lessening crime, or improve the mental and the physical conditions of the criminal. This applies not only *after* he gets to prison, but more particularly *before* he is sentenced by the court.

"Not being a Psychiatrist, it would not be expected of me to discuss that particular branch of medicine, but I wish to say a few words about my experiences with criminals, as physician-in-charge at Sing Sing Prison. No one could be there for any great length of time without being impressed by the fact that a large percentage of our prison population are below par from the average in mental and physical health; and Dr. Glueck states in his report that this would be about 59 per cent—he further states that about 66 per cent were repeaters, having been in some penal institution or reformatory before, and I have no doubt but that these figures will be borne out in the records of other prisons.

"I am impressed more and more every day with the fact that the treatment of the criminal is a medical one, and that the only hope of success lies in a careful, thorough and systematic study of each individual case, and not by a haphazard or slip-shod examination. It has been our custom for some time past to make a careful physical examination of every new admission. Whenever we find an inmate suffering from any physical disability which can be corrected by surgical interference this fact is noted on his card and at the earliest possible moment the condition is corrected. Although I have not as yet seen the inmate that had what might be called a general criminal physique, I do believe that there are physical conditions, peculiarities and ailments that have a very direct bearing on prisoners or delinquents, and they should be corrected if possible, not only to improve the inmate's health, but also not to stand in his way of social success.

"Dr. Healy has stated that physical conditions concerned with the causation of delinquent tendencies could be divided into those which cause weakness, and those which cause irritation. I will review a few that occur to my mind. First: Ocular ailments. During the past year we have made a careful examination of the eyes of the inmates upon their entering prison, and believe that in at least ten or fifteen per cent of the cases it could be regarded as a factor in the cause of delinquency. We all realize that eye strain or defective vision would lead to irritability and headaches and have its influence on their education and other interests. Second: Teeth. The examination of the inmate's teeth is a part of our regular procedure, but until September 1st of this year, the state did not have its own dentist in prison. This year $500 was appropriated for his services, and we now have a visiting dentist who spends one day a week. There is a crying need for a full-time dentist; with our large population at Sing Sing and the number of men with defective teeth, he could be kept busy every day;

75 per cent of the inmates need his services and we all realize that carious teeth is a menace to one's general health and stands in the way of social achievements. They are unable properly to masticate and there is constant absorption into the system of poisons due to the decay. All men should be furnished on admission with a tooth brush and other toilet articles, and I have made mention of this fact in my early report just completed.

Third: Nose and Throat, Adenoids, Tonsils and Nasal Obstructions have received our favorable consideration, as we believe that they are frequently the cause of physical weakness and general malaise. During the year ending July 1st, we removed 40 tonsils and performed 41 sub-mucous resections.

"Fourth: Syphilis. During the past year we admitted 928 inmates and found that 20 per cent of them responded to a positive Wasserman reaction. How far this disease plays a part in causing delinquency is a question to be studied. I will state that every man who enters Sing Sing with a positive Wasserman is, the next day, placed on anti-syphilitic treatment.

"As to the effect of alcohol and drugs on delinquency, we all know, and it appears to me that we are getting more with the drug habit than formerly. Last week, out of about fifteen admitted, three were suffering from the drug habit.

"These are a few of the physical conditions that occur to my mind at this time. When you realize that the staff consists of an assistant and myself, together with an oculist, and a genito-urinary man, spending a portion of a day a week, gratuitously, we are unable to give the men the individual attention their physical needs require. Last year 678 minor and major operations were performed and 15,757 prescriptions were written.

"This is no one man's job, but needs the combined efforts of the best talent in all its branches. We are doing the best work we know how with our present facilities and staff, and are looking forward to our New Prison Hospital with its modern equipment and its various departments, so that our work will be more co-ordinated and better results obtained."

Syphilis and Its Treatment in a Reformatory for Women.[1]—Syphilis and its treatment in the reformatory for women stands out as one of the most complex and difficult problems from a medical point of view. At the present time the prevalence of syphilis in society as a whole is great and should cause more concern among physicians in general than seems heretofore to have obtained. Each case admitted to the Reformatory for Women at Framingham is examined for syphilis and the diagnosis is determined by clinical findings and by the reaction of the blood serum to the Wasserman test. During the past three years 502 cases, or approximately 47 per cent of those admitted to the institution, were found to be luetic.

The cases divide themselves naturally into two classes—the congenital and the acquired infections. The congenital infections are comparatively few, numbering only 13, or 2.6 per cent of the 502 cases. Congenital syphilis in our group has been noted in girls whole ages range from 17 years to 21 years. Invariably these girls are undernourished and show some physical stigmata—such as cicatrices of skin and cornea, partial spastic paralysis from cerebral endarteritis, and marked nervous irritability.

[1]Read before the Physicians' Association (Section of the American Prison Association), New Orleans, November, 1917.

Interstitial keratitis is a common result of congenital infections and most resistant to treatment, often recurring, each recurrence more tenacious than the preceding. These cases have been found to respond more readily to mercury and to potassium iodide than to the arsenical preparations. In fact some of the congenital infections seemed not to be affected at all by salvarsan as far as the immediate condition was concerned. Treatment in these thirteen cases of congenital syphilis was continued over a period of from one and one-half to three years and only the negative Wasserman was obtained, although each experienced relief from symptoms.

The acquired infections are of course subdivided into primary, secondary, and tertiary stages. It is often difficult to obtain an accurate history from many of our patients of the time of the infection and of the site of the initial lesion; however, it is fair to assume that extra-genital lesions among our women are very rare, as only three authentic cases have been recorded by us. Innocense of the fact of infection is often sincere, as the chancre may be high in the vaginal canal. The primary stage is rarely met with at the time of admission. So far only 4.7 per cent of the number have been at this period of the disease.

Infections in the secondary stage are most frequently encountered—forming 56.5 per cent of the cases. Here there are two types of patients to be considered—first, those who present active manifestations, and secondly, those whose disease is apparently latent, and from whom it is difficult to get a distinct history. It is easier to obtain the confidence of those patients whose symptoms are obvious to the patients themselves. There is a marked difference in the desire for treatment and care in these two groups, the patients who recognize their condition being eager for help, those whose condition is latent being unwilling to admit defeat and yield to treatment.

The period of latency has been described as "the stage of equilibrium between the host and the parasite." Latent syphilis is often not recognized at first without the aid of the Wasserman reaction. But careful inquiry will reveal symptoms which are very important—these symptoms are usually vague and often attributed to neurasthenia. During this period of quiescence it is necessary to push treatment in order to protect the patient from later parasyphilitic complications, such as locomotor ataxia and general paresis.

The tertiary stage, comprising 38.3 per cent of our cases, is the period of late manifestations coming at different times in different patients—some having been noted as early as three years and a few appearing as late as twenty years after the primary lesion. During this period the danger of infecting others is probably little.

Treatment of Syphilis. The efficacy of the treatment of syphilis depends on:

1. The stage of the disease.
2. Severity of the infection—which is further dependent on the patient's resistive power.
3. Age of the patient.
4. Intensity of treatment.
5. Length of time under treatment.

The efficacy of the treatment is determined by persistently negative Wasserman reactions after a shorter or longer period and absence of all objective and subjective symptoms.

In this study the patients have been classified under three heads—first, those treated with mercury and iodides alone; secondly, those treated with salvarsan or its substitutes; and third, those treated with series of mercurial and iodide medications and with a series of intra-venous injections of salvarsan.

1. Until one year ago all syphilitic patients in the institution were treated only with mercurial inunctions, injections or pills, and potassium iodides. Forty-seven and nine-tenths (47.9) per cent were so treated over periods from one year to three years.

Mercury as an anti-syphilitic has been found slow and tedious; and because of this, discouraging to patient and physician. Patients poorly nourished, with low metabolism, show poor tolerance to mercury—especially when forced to the extent necessary in cases with manifest symptoms. Mercurialism can hardly be avoided in many cases, even when careful watch is kept of the excretory functions. We have found that primary lesions heal when treated with mercury in from three to five weeks, however, in the congenital and tertiary syphilide mercury was found to give the best results.

With mercury and the iodides, as the only anti-syphilitic, negative Wasserman reactions were obtained in 34.9 per cent of the cases after treatment had been discontinued six months. Of the 34.9 per cent, four cases were in primary stage, twenty-four in secondary stage, eight in tertiary stage, and one was a congenital syphilitic. Thirty (30) per cent were treated from nine months to one year; thirty-five (35) per cent from one year to two years; and eight (8) per cent for over three years.

One case is that of a girl admitted to the institution two and one-half years ago in the secondary stage of the disease—and latent. Intensive mercurial treatment was given for two years with a resulting negative Wasserman reaction. She was released from the institution—a few months later returned and her blood serum responded positively to the test.

2. Salvarsan or its substitutes, usually diarsenal, have been used exclusively in a series of twenty-five cases. The most remarkable results from arsenical preparations have been noted in primary lesions and in those cases with manifest secondary lesions. Its action is much more rapid than mercury, and the dosage may be increased with successive doses with scarcely any symptoms of toxaemia. We have varied the doses of diarsenal according to the age and size of the patient—starting with a minimum dose of 0.4 grammes and reaching a maximum of 0.7 grammes in some cases.

One interesting case is that of a girl of nineteen, who entered the institution one year ago in very poor general condition. She had an ulcer of the lower lip, which showed all characteristics of a chancre. However, her Wasserman reaction, done on three different occasions with three different specimens of blood, gave one negative and two doubtful returns. Calomel ointment was used for one week on the ulcer and a mild mercurial poisoning was produced. She was given a small dose of diarsenol, 0.25 grammes, as a provocative, and her blood then drawn within eighteen hours, and the report was positive. Since then she has been treated rather intensively with diarsenol and on the last two tests gave a negative report.

Twenty-four per cent of the cases treated with diarsenol alone gave negative findings within a period of one year. This is less than the number obtained with the use of mercury alone, but over a much shorter time. Most striking results have been obtained in the treatment of those cases of general debilitated

condition, giving no history of syphilitic infection, but responding positively to Wasserman test, with a single dose of diarsenol. The patients very soon begin to gain in weight and their general tone improves.

3. The combined use of mercury and diarsenol has given best results in securing a negative Wasserman plus relief from all symptoms. From this mixed treatment 37 per cent negative reports were secured. The most practicable method of giving this treatment is in series of inunctions of blue ointment, an inunction daily for five weeks; then a rest of one or two weeks; then a series of intra-venous injections of diarsenol—one each week for five weeks. The patient is then allowed to rest over a period of two or three weeks and the same treatment is begun again. This method must, of course, be varied in different individuals.

After the most careful and intensive treatment resulting in a negative Wasserman we have had cases show later signs of tertiary syphilis, as shown by the case of a woman of 27, with whom we began treatment in the secondary stage two years ago. After treatment for one year and a half with mercury and diarsenol, she gave a negative Wasserman. Three months later she came to clinic with tertiary syphilitic lesions and a positive Wasserman. An examination of the blood six months or a year after all treatment has been stopped has served as our standard of cure.

From this study the following conclusions may be drawn:

1. Among the cases reported here there were 4.7 per cent in primary stage, 59.5 per cent secondary stage and 38.8 per cent in tertiary stage.

2. In the treatment of the primary stage of syphilis the arsenical preparations are the most effective. In the treatment of the secondary and tertiary stages combined use of mercury and arsenic gives best results, but mercury alone in the tertiary stage gave better results than diarsenol alone.

3. Hope of cure may rarely be offered to the patient under three years, and even then it is likely that a positive Wasserman may return.

4. A negative Wasserman during course of treatment means only that and diarsenol, who gave a negative Wasserman. Three months later she

5. Intensive treatment during the period of latency is important in order to prevent parasyphilitic conditions.

Forty-seven per cent of the total population of the reformatory is syphilitic.—Elizabeth A. Sullivan, M. D., Reformatory for Women, Framingham, Mass.

Report of the Committee (San Francisco) for the Advancement of Medico-Psychological Examinations for Adult and Juvenile Delinquents.

OBJECTS

1. To investigate the feasibility of establishing Medico-Psychological laboratories, in conjunction with adult and juvenile courts.

2. To determine on the staff and equipment of such laboratories, the methods of recording data and disposing of cases.

3. To ascertain the value of such laboratories to municipalities.

4. After determining for itself the social necessity for the Medico-Psychological laboratories, then to seek ways and means to stimulate public interest in the project.

5. To deal with the problems presented by the mentally and nervously

unfit members of the community in order that the most dangerous may be eliminated from among the possibilities of menace, and in order that the least harmful may be adjusted to environment.

6. The scientific diagnosis, registration and research of mental deficiency and nervous diseases, and the detention of the sufferers, are the principal aims of this committee, and in carrying out this purpose the following plan should be developed:

(a) All persons found asocial, actually or potentially, as a result of suspected mental defects or nervous diseases should be referred to a municipal or county psychopathic clinic by the department or officer in whose custody they may be.

(b) In this plan are embraced methods of examining school children suspected of being abnormal mentally or nervously (nervously unstable).

9. Prophylactic criminology in the examination of school children. Real prophylaxis involves recognition of all biological defects in the individual at an early period in his development.

10. The accumulation of data on all of the above and the development of the very best plan or scheme possible, for prophylactic criminology and the subsequent education of all concerned as to the necessity for the proper and legal adoption of this or some similar scheme for development of psychopathic laboratories in conjunction with our adult and juvenile courts, and school system.

Meetings were held and officers elected and special and sub-committees appointed to put into effect the objects of this general committee. It was decided to secure information concerning the economic value and costs of Medico-Psychopathic clinics.

The special committee submitted the following report:

I.—(1) The purpose of the committee being to advance Medico-Psychological examinations, it is therefore recommended that a psychopathic clinic be established which will conduct a thorough psychiatrical, neurological, psychological, sociological, serological, and general medical examination in all felony cases.

(2) That research be instituted into the causes of crime and the prevention thereof.

(3) That the clinic furnish to the courts and to the chief of police a report embodying complete diagnosis, prognosis, and brief summary of the case, based entirely on actual facts, and observation of the individual examined, in order,

(a) That prisoners may be confined in proper institutions for treatment or care when necessary, and not sent to jail, where the mental condition is made worse;

(b) That prisoners suffering from certain types of mental diseases may be committed to hospitals for permanent cure, and not tried in criminal courts for crime;

(c) That certain types of individuals who can never make good on probation or parole may be committed to penal institutions for the longest period of time allowed by law, which will tend to do away with the old system of arresting the same individual a great number of times, and will lessen the labor of probation and parole officers, as well as that of the courts and the police officers. And

(4) That the clinic offer suggestions for vocational guidance of prisoners who have special abilities, or who may be suffering from special disabilities—to the end of conserving human energy and directing it into lines that contribute to the happiness of the community.

II.—We recommend that San Francisco be selected as the city in which we should urge the establishment of a psychopathic clinic.

III.—The laboratory shall be supplied with necessary equipment.

The staff shall consist of the following specialists: Psychiatrist, neurologist, psychologist, physician, opthalmologist, social worker, stenographer.

IV.—We further recommend:

(a) That a committee of three be appointed from the general committee to secure the voluntary services of the above staff.

(b) That a committee of three be appointed from the general committee, to secure the equipment noted in III and to secure the necessary permission from the proper authorities to conduct the examinations.

(c) That a committee of three be appointed from the general committee, which shall have for purpose the dissemination of general information (among those charged with responsibility of law enforcement) concerning the relation of mental peculiarities and abnormalities and nervous and mental diseases to crime.

At the last meeting of the general committee the sub-committees reported:

1. Some of the most prominent persons specializing in general medicine, neurology, psychiatry and psychology have signified their willingness to begin work in the near future.

2. Well lighted and sufficiently equipped rooms have been secured for the staff. The committee has also secured the consent of San Francisco officials to conduct Medico-Psychological examinations. Arrangements have been made for the dissemination of general information (among those charged with responsibility of law enforcement) concerning the relation of mental diseases to crime.

Despite many discouragements and notwithstanding the great amount of work entailed, your committee has found considerable pleasure in developing the work and has had the active co-operation of laymen, officials, and those of scientific attainments.

It is a source of considerable gratification that Medico-Psychological clinics have been established in the following places: Alameda, Berkeley, Oakland, Los Angeles, and San Francisco. We take pleasure in announcing also that our hopes for a San Francisco clinic to examine adult delinquents are soon to be realized.

The individuals who have promised to do the work in San Francisco have not as yet reported any organization to the committee, but have agreed to establish a clinic and act as voluntary workers for a length of time sufficient to demonstrate to the authorities of this state and to those interested in other states, the advantages or disadvantages, or both, of such clinics.

The scope of the work in San Francisco will be very great; it involves for a period of not less than three months Medico-Psychological examinations of all adult felony cases. Inasmuch as this will involve the examinations of approximately one hundred individuals each month, considerable expense will, of necessity, be attached to this work. While the persons agreeing to make the examinations are of the highest scientific attainments and are giving their

services voluntarily it must be understood that experienced clerical help will be necessary. Also certain materials and equipment will have to be paid for, and undoubtedly the money can be raised in San Francisco. The work of the committee has just begun. It is hoped that Medico-Psychological clinics will be established in all the prominent cities of California; furthermore, and most important of all, these Medico-Psychological clinics, with their trained staffs and organizations, will be of assistance to the government, acting as nuclei for larger and more elaborate organizations which will assist in taking care of the nervous and mental cases returned from the "front." These organizations could have attached to their staffs experts in vocational guidance, individuals who, by their knowledge of the need of the various vocations, would be enabled to advise as to the proper vocation for invalided soldiers.

The value of such organization as above, if there be proper co-operation, is beyond our conception.

Respectfully submitted by the committee:

RABBI MARTIN A. MEYER, San Francisco, Cal.
MR. JACOBI, Chief of Police, Alameda, Cal.
MR. AUGUST VOLLMER, Chief of Police, Berkeley, Cal.
JUDGE BEASLY, Superior Court, San Jose, Cal.
MR. J. A. JOHNSTON, Warden of California State Prison, San Quentin, Cal.
MR. H. E. KNOLLIN, 3103 Summit Street, Oakland, Cal.
MR. O. F. SNEDIGAR, Probation Officer, Oakland, Cal.
(Mr. Wood.)
MR. LEWIS M. TERMAN, Stanford University, Palo Alto, Cal.
MR. L. D. COMPTON, Probation Officer, Oakland, Cal.
MR. B. H. PENDLETON, State Board of Charities and Corrections, Oakland, Cal.
MR. W. H. NICHOLS, Hall of Justice, San Francisco, Cal.
DR. JAU DON BALL, Oakland, Cal.
DR. PAUL JEROME ANDERSON, Oakland, Cal.
DR. H. G. THOMAS, Oakland, Cal.
DR. LILLIEN MARTIN, San Francisco, Cal.

COURTS—LAWS

Constitutionality of Act Authorizing Operations for Prevention of Procreation in New York. (Decision handed down in the Supreme Court, March 5, 1918.) Frank Osborn vs. Lemon Thomson, Charles H. Andrews and William J. Wansboro, composing the Board of Examiners of Feeble-Minded, Criminals and Defectives.

Rudd, J.—Chapter 445 of the Laws of 1912 is an act amending the Public Health Law by adding section 19 thereto, in relation to operations for the prevention of procreation. It provides, in substance, as follows:

1. The appointment of a Board of Examiners, consisting of one surgeon, one neurologist and one practitioner of medicine, to be known as the Board of Examiners of Feeble-Minded, Criminals and Other Defectives.

2. Making it the duty of this board to examine into the mental and physical condition and the record and family history of the feeble-minded, epileptic, criminals and other defectives confined as inmates in the several

state hospitals for the insane, state prisons, reformatories, and charitable and penal institutions of the state, and if, in the judgment of the majority of said board, procreation by any such person would produce children with an inherited tendency to crime, insanity, feeble-mindedness, idiocy or imbecility, and that there is no probability that the condition of any such person will improve to such an extent as to render procreation by any such person advisable, or if the physical or mental condition of such person will be substantially improved thereby, that then the board shall appoint one of its members to perform such operation for the prevention of procreation as shall be decided by said board to be most effective.

The criminals who shall come within the operation of this law shall be those who have been convicted of the crime of rape or of such succession of offenses against the criminal law as in the opinion of the board shall be deemed in the criminal examined to be sufficient evidence of confirmed criminal tendencies.

3. It is the duty of this board to apply to any judge of the Supreme Court or county judge of the county in which said person is confined for the appointment of counsel to represent the person to be examined. The counsel shall act for such person at a hearing before the judge or in any subsequent proceedings, and no order made by the board shall become effective until five days after it shall have been filed with the clerk of the court and a copy shall have been served upon the counsel appointed to represent the person examind. Orders made by the board are subject to review by the Supreme Court or any justice thereof.

Under this law, a Board of Examiners was appointed consisting of the petitioners herein. Such board determined to perform the operation known as vasectomy upon Frank Osborn, an inmate of the Rome Custodial Asylum, twenty-two years of age, strong physically, who has been an inmate of that institution for several years, and who is in the class known as feeble-minded.

As indicated by the title above, Frank Osborn, through counsel appointed by Mr. Justice Chester, began an action against the members constituting the Board of Examiners, asking a permanent injunction restraining the carrying out of the determination of the board with reference to an operation upon him; and in the action thus brought are raised questions as to the constitutionality of the act.

We have under consideration the questions which have arisen in review of the determination of the board and those which result from the challenge by the counsel of Frank Osborn against the constitutionality of the act. We will first consider the determination of the board.

Dr. Lemon Thomson, one of the Board of Examiners, testified, in substance, that the board had selected Frank Osborn after learning as to his family and after submitting him to a somewhat superficial examination physically and mentally; and that such selection was made because, in the opinion of the Commission, Osborn could not probably procreate normal offspring. His was what the Board of Examiners thought a bad case.

Dr. Thomson says that he has never performed the operation of vasectomy for sterilization; that in his opinion no benefit would come to the patient from the operation so far as rendering him free from the dangers of the infection of a venereal disease; that the operation would not weaken in Frank Osborn the tendency of the rapist.

Dr. Andrews, a member of the Board of Examiners, testified that he had never performed the operation, and that he had never seen it performed; and while the statute required that the board should determine upon the operation which would be most effective, he stated that vasectomy would not be the most effective operation but, on the other hand, that castration would be. He further testified that he had not given any study to any particular phase of this question.

Dr. Wansboro, of the Board of Examiners, was not called.

Dr. Bernstein, superintendent of the Rome Custodial Asylum, where Frank Osborn has been, as an inmate, since 1907, and in which there are cared for over 1,300 patients, testified that Osborn was of a higher grade of feeble-mindedness; that the actual number of feeble-minded in our state had not proportionately increased in twenty-five years; that because of the demands of society there developed many social failures; that there had been a persistent demand for the removal of such individuals from temptations in the community; and these social failures are forced upon the attention of the state, and it has been accepted as a principle that the state must care for defectives; that such people should not be looked after by any social or political division of the state. The doctor testified that he had observed 5,000 feeble-minded patients; that Osborn could not earn his living outside of the institution if he were turned out into the world; that he had an "eight year" mental capacity; that all patients in the institution are segregated; and upon the question of Osborn being able to procreate normal children, he said, "We are taught that the dominant traits appear in three-quarters of the offspring, and recessive traits appear in one-quarter, when the parentage is mixed as regards traits; that it is only in cases of feeble-mindedness of both parents that you would look generally for an increase of feeble-mindedness among offspring."

In other words, that when one parent is feeble-minded and the other of normal mental capacity that the tendency is recessive, that is, towards the normal.

The doctor testified that vasectomy would not change any of the criminal tendencies of the feeble-minded at all; it would only eliminate the one element of procreation; that in his opinion one of the conditions which would result from a general enforcement of the law, as is here determined, would be to tend to create a class of people by themselves who would feel that they were so different from normal humanity that they would go back to promiscuous sexual relations and that there would be known places where these people were harbored and there they would tend to collect. That among a class of such persons upon whom the operation of sterilization has been performed you would find increased sexual intercourse, and that such increased illicit intercourse is a promoter of disease and general demoralization.

Dr. Bernstein, knowing Frank Osborn as an inmate of the institution of which he was superintendent, testified that he was not in favor of the operation upon Osborn which has been recommended. He further said that he did not know of one case in the 1,300 in the institution that it would be desirable to operate upon, giving as a reason that it would not help the boy, and it would not help society. Osborn will have to be supervised and cared for just as well and just as much after the operation as before; after the operation of vasectomy he will want to go where the girls are just as much as he does now; that society needs protection from the raping of little girls and the frightening

of them just as much as it wants protection from a future generation of dependents and delinquents. That vasectomy upon Osborn is not going to give us the thing society wants to have, protection from his possible ravages. In the doctor's opinion this legislation is in advance of our enlightenment—we don't know today what we are dealing with; that a careful and scientific study of ductless glands and their secretions shows that when such secretions forming in the body are interfered with, physiological teaching indicates that conditions are created which affect the brain and the nervous system; and that such interference with these secretions does not cause or bring about a cure or a remedy such as is sought.

Frank Osborn testified. He did a small sum in addition; knows the days of the week; knows his age; but said that he did not know what this inquiry or proceeding meant.

Dr. Davenport, a biologist, testified that he agreed with the statements made by Dr. Sharp, of Indianapolis, in an article entitled "Vasectomy as a Means of Preventing Procreation in Defectives," in the statement there contained that "defective persons are not necessarily to become a public charge, for included within this class are to be found the most gifted as well as the most vicious, weakest and ordinarily the most unhappy of mankind," and mentioning a few of such instances in the names of Chatterton, Goldsmith, Coleridge and Charles Lamb.

This statute grows out of studies and efforts of those who are interested in the subject of Eugenics, which has to do with the improvement of the population by taking advantage of laws of heredity; with improving through better breeding. It deals with the inheritance of traits; with changes in population through differential fecundity; the greater or less fecundity of the different classes of population; with changes of population from emigration; or better or worse strains, with hereditary basis of the traits of population. That there is to be found much of good in the most degenerate families known in our land, mentioning the Jukes and the Nams.

The doctor testified that he has not advocated the operation of vasectomy, and that in his opinion segregation of the sexes would be better.

Mr. Van Wagenen, who has studied and written upon the problems of Eugenics, testified that it would be well if voluntary acceptance of such an operation could be had; that when such operations have been done against the will of the patient the psychic effects have been bad; that he would never recommend such an operation except upon those who consented.

Dr. Coakley, a specialist in vivisection, testified as to the danger of infection because of the retained secretions in the body; that in the operation the vas deferens is severed, but that it can be reunited even after considerable length of time, and therefore nothing is accomplished.

Dr. Fernald, superintendent of the school for feeble-minded in Massachusetts, testified that he had never seen an authorized medical statement based upon actual facts which would justify claims made for the results in Indiana where such a law is in operation; that the operation of vasectomy does not in the slightest interfere with the physical act of sex intercourse; that illicit intercourse would result, and the effect thereof would be the exchanging of the burden of feeble-mindedness for the burden of sex immorality or sex diseases and of insanity resulting in that condition which would be quite as serious and would affect people who are producers and burden bearers. It would

prejudice many right-thinking persons who are interested in those who are afflicted against institutions, when it is known that under the law such an operation would be possible against the wishes of the person upon whom the operation is to be made.

The testimony shows that the operation of vasectomy upon the male is simple in its character; that it can be done without anaesthesia, quite painless. That upon the female it is serious in its character, requiring an abdominal section and the risks incident thereto.

A well-authenticated case upon the records shows that in the case of a woman having been sterilized because of feeble-mindedness she was freed from any danger incident to childbirth, was therefore freely inclined to improper sexual relations, and her lack of moral character becoming generally known she was the victim of constant sexual relations with the boys and men of the little village where she lived; that she became diseased resulting in an epidemic of venereal disease in the locality.

The court has set forth sufficient of the testimony and of that portion of it which is practically uncontradicted to indicate that the determination of the Board of Examiners to cause the operation of vasectomy upon Frank Osborn is not justified either upon the facts as they to-day exist or in the hope of benefits to come.

The members of the Board of Examiners apparently know very little about the subject. They have given it no particular study. They are not, in the opinion of the court, justified in the determination which they have reached, and, therefore, upon review of the determination which the board has made, this court reverses the same.

The action above entitled was brought by Frank Osborn against the defendants as members of the Board of Examiners for an injunction restraining the board from causing to be performed an operation upon him to prevent procreation.

It is claimed that the law in question violates the Constitution of the United States in many respects; that it is a bill of attainder; that it is depriving citizens of a trial by jury; and also of the privileges or immunities to which citizens of other states are entitled; that it is compelling a citizen to be a witness against himself, and depriving him of life, liberty and property without due process of law; that it permits infliction of a cruel and unusual punishment; that it abridges the privileges and immunities of citizens in depriving persons of life, liberty and property without due process of law, and denying to persons within its jurisdiction the equal protection of the law.

It is conceded that the proper form of raising the questions of unconstitutionality herein involved, is by an action asking a permanent injunction.

A similar law has been declared unconstitutional by the Supreme Court of New Jersey in the case of Smith against the Board of Examiners, 88 Atlantic Reporter, 963, in an opinion written by Judge Garrison.

The New Jersey Statute gave to the Board of Examiners discretion to determine the form of operation most effective, as does the New York law.

It was thus given to the board to do almost anything which in their opinion would effectively destroy the power of procreation in Frank Osborn, or of any male or female feeble-minded inmate of a state hospital.

The statute seems to vest in the board the discretion to do what Judge Garrison said of the New Jersey law:

"The statute is broad enough to authorize an operation for the removal of any one (in the female) of these three organs, that is the ovary, the Fallopian tube and the uterus, which are essential to procreation."

The subject of the operation in the New Jersey case was an inmate of the State Village for Epileptics, and the New Jersey court said:

"While the case in hand raises the very important and novel question whether it is one of the attributes of government to essay the theoretical improvement of society by destroying the function of procreation in certain of its members who are not malefactors against its laws, it is evident that the decision of that question carries with it certain logical consequences, having far-reaching results. For the feeble-minded and epileptics are not the only persons in the community whose elimination as undesirable citizens would or might in the judgment of the legislature, be a distinct benefit to society. If the enforced sterility of this class be a legitimate exercise of governmental power, a wide field of legislative activity and duty is thrown open to which it would be difficult to assign a legal limit."

Frank Osborn is not a malefactor. He is mentally deficient. He is defective without personal responsibility for such defect. It must be assumed that he is poor in the sense that there are no parents or friends to give him a home and provide for him, and so he becomes a ward of the state to be cared for and treated and strengthened and developed, if possible. He is no different from many others running no doubt into the thousands in our state who are not within the confines of a state institution and who, together taken with those who are in institutions and similarly situated, mentally and physically, make up a large class of mentally deficient people.

Can it be said that the law can direct the physical mutilation of the bodies of those who are in the state's care, and not be concerned with the same class of persons who are in the world at large?

The laws of our state which have been sustained by our courts as a proper exercise of the police power are not found to be a justification of this law.

The statute under consideration concerns certain classes of criminals as well as defectives. In the consideration of the question here, we have properly confined our thoughts to the facts which have developed in the testimony, and those facts only relate to the feeble-minded.

The operation upon the feeble-minded is in no sense in the nature of a penalty and, therefore, whether it is an unusual and cruel punishment is not involved.

The entire purpose of the enactment seems to be to save expense to future generations in the operation of eleemosynary institutions organizd by the people of the state to care for those who are afflicted; the theory being that if the Board of Examiners should conclude that every feeble-minded inmate of a public institution should be operated upon either by the operation known as vasectomy or the more radical operation of castration, that then the state would be justified in turning all the people of this class at large to find their own way, trusting that they, in accordance with the theory of the law, could no longer procreate; the state being thus relieved of their care during their lives and freed from the danger of the burden in the future of their abnormal offspring.

Such does not seem to this court to be the proper exercise of the police power. It seems to be a tendency almost inhuman in its nature. The subject of this inquiry is, according to the testimony of the physicians, physically strong.

The same witnesses testify that if turned out into the world after or without the operation he could not care for himself or make a living; that at present, situated as he is, he works and helps the state in meeting the burden upon it in his care.

The last section of the statute under consideration provides that "Except as authorized by this act, every person who shall perform, encourage, assist in or otherwise permit the performance of the operation for the purpose of destroying the power to procreate the human species, or any person who shall knowingly permit such operation to be performed upon such person, unless the same shall be a medical necessity, shall be guilty of a misdemeanor."

It seems clear that Frank Osborn is not given the equal protection of the laws, having in mind many others situated as he is who are not within the walls of a public institution, to which equal protection he is entitled with them. There is afforded to the young man similarly situated as to his physical and mental make-up, who is cared for by his parents in his own home, whose sexual tendencies and capacity may be the same as Osborn's, the protection of the law which makes it a misdemeanor for any person to assist or take part in the operation of vasectomy upon such a subject, while Frank Osborn, because he is an inmate of a state hospital, is not only not protected, but he is subject to such operation without his consent when determination is reached by the board created under this statute.

It seems, therefore, that the provisions of the Federal Constitution to which this law is offensive is that part of the Fourteenth Amendment which declares

"that no state . . . shall deny to any person within its jurisdiction the equal protection of the laws."

The law certainly denies to some persons of a class and similarly situated the protection which is afforded to others of the same class.

The state has power, many times sustained by the courts, to protect the health, morals and welfare of the people, but such protection cannot be afforded unless it applies to all alike.

The courts have sustained the laws which prohibit the marriage contract between epileptics within certain ages, enacted for the same purpose and to accomplish the same end as the law we are considering, but such laws thus sustained have related to all epileptics, they do not alone relate to the unfortunates within hospitals.

Our attention is called to an interesting and most readable opinion by the Attorney-General of California.

His conclusion is

"as regards the castration of confirmed criminals and rapists, and those guilty of sexual crimes I am of the opinion that these are grave constitutional questions," but "as restricted to the sterilization of the inmates of prisons and hospitals by the method of vasectomy, I am of the opinion that there are no legal inhibitions upon this enlightened piece of legislation which is an awakening note to a new era and a great advance toward that day when man's inhumanity to man will have acquired a meaning beyond mere frothy sentiment."

Why sterilization by vasectomy of patients in a hospital, who are grouped as a class with rapists in a state prison, strikes an awakening note in a new era and will lead to the day to which the attorney-general so poetically refers, is beyond the comprehension of this court and is not enlightening.

Our conclusion is that the statute is unconstitutional and therefore invalid.

Judgment may be entered accordingly.

Need for Public Defender Illustrated in the Stielow Case.—Governor Whitman's action in commuting the sentence of Charles F. Stielow under a conviction for murder in the first degree, and permitting his discharge from custody, presents a striking instance of the need for a public defender to represent indigent accused persons. The entire history of this famous case demonstrates how manufactured testimony, detective testimony, expert testimony, legal technicalities, and the powerful forces of prosecution can be utilized to jeopardize human life. The argument, so often urged, that it is impossible for an innocent man to be convicted of crime because of the "legal safeguards" provided by our system has been completely shattered by the facts developed in this case.

Stielow, the victim of a "third degree" confession, convicted of murder, four times in the shadow of the electric chair and snatched from the jaws of death at the last moment, affords a striking illustration of the possibilities of judicial murder. His final vindication is due solely to the efforts of a group of private individuals and of certain newspapers. Resort to the ordinary legal processes was wholly ineffective.

The governor stated in his recent memorandum that "had the evidence which was developed on this inquiry been presented to the trial court at the time Stielow was tried, such evidence would necessarily have resulted in a direction of a verdict for the defendant or his acquittal by a jury." Why was this evidence not produced at the trial? What is the function of a trial except to bring out the entire truth?

Governor Whitman deserves great credit for finally vindicating Stielow. Nevertheless, the facts disclosed in the case show conclusively the defects of our criminal system, the existence of obsolete "red tape," the danger of expert testimony, and the helplessness of indigent accused persons to adequately fight the prosecuting machinery.

The state should be as interested in protecting innocence as punishing guilt. The defense should have the same power and opportunity to obtain and present evidence as the prosecution. While the result achieved in the Stielow case is a triumph of innocence, it is a sad commentary on our system of jurisprudence that the state was so powerless and inefficient to prevent the wrong committed by it. Stielow is free, but how can he be compensated for the torture and imprisonment which he has suffered? Not only should the state establish the office of public defender, but it should go further and provide compensation to innocent persons convicted of crime. Radical changes in our legal system are required if justice is the desired goal.—Mayer C. Goldman, New York, May 16, 1918.

Annual Report of Public Defender of Los Angeles County, California.—

CRIMINAL DEPARTMENT

The law makes it the duty of the public defender to safeguard the rights of persons accused of crime in the Superior Court who, on account of unfortunate circumstances or lack of adequate means, are unable to defend themselves. The law expressly makes it the duty of the district attorney to prosecute those "reasonably suspected of being guilty of public offenses" and prohibits him from "acting as counsel for any person accused of any crime." We have realized that the public defender's office was created for the purpose of assisting the courts in administering justice. We have not felt that it was our duty

to oppose the district attorney, but rather to co-operate with him in setting all the facts before the courts. We are glad to report that no friction has occurred and that the two offices have worked harmoniously together with the sole object of furthering the cause of justice. Our office has tried to keep uppermost the idea that justice should be done and even in criminal cases attorneys should not try to get the defendants "off" regardless of the merits. We have not asked for unnecessary delays and have not resorted to technicalities. No motion has been presented which was not necessary to protect the substantial rights of the accused. In cases where there is no question of the guilt of the accused, it is the established rule of the office that no trials should be held but that pleas of guilty be entered, thereby saving the county the expense and delay of trials.

The following is a summary of the cases handled. For the purpose of comparison we have set forth the results of cases handled by attorneys in private practice:

REPORT ON CRIMINAL CASES (ALL COURTS)

Filed Between July 1, 1916, and July 1, 1917.

Cases in Which Appearances Were Made in Court.

Felony cases filed in Departments 17 and 18	303	
Omitting to provide cases in Departments 7, 17 and 18	85	
Cases in Juvenile Court	47	
Insanity cases	7	
Contempt cases	1	
Total appearances in court	—	443

Consultations in Office and in County Jail.

Felony cases	59	
Omitting to provide cases	28	
Cases in Juvenile Court	5	
	—	92
Paroled from County Jail		1
Total criminal cases handled in any way		536

Trials in Felony Cases.

Convictions	32	
Verdicts guilty lesser offense (included in above)	7	
Verdicts not guilty	22	
Jury disagreements	4	
Total trials	—	58

Trials in Insanity Cases.

Verdicts "Insane"	3	
Verdicts "Not Insane"	1	
Total insanity trials	—	4
Defendants in criminal cases committed to Patton by Insanity Commission, as insane	7	
Defendants in Criminal cases committed to Patton by Insanity Commission, as inebriates	2	
Total	—	9
Pleas of guilty		232
Defendants granted probation		133
Cases dismissed		47

Cases off calendar	58
Cases pending and undisposed of	1

REPORT ON CRIMINAL CASES—DEPARTMENTS 17 AND 18

Filed Between July 1, 1916, and July 1, 1917.

(Failure to Provide Cases not included.)

	Other Attorneys	Public Defender
Number cases	472	303
Number defendants	534	333
Pleas guilty	186	202
Pleas guilty lesser offense (included in above)	24	23
Pleas not guilty	280	87
Trials	120	51
Verdicts guilty	67	29
Verdicts guilty lesser offense (included in above)	13	7
Verdicts not guilty	30	19
Jury disagreed	23	3
Defendants granted probation	94	92
Demurrers filed	29	..
Demurrers sustained	10	..
Demurrers overruled	19	..
Motions to set aside information filed	21	..
Motions to set aside information granted	3	..
Motions to set aside information denied	18	..
Motions for new trial filed	18	1
Motions for new trial granted	2	..
Motions for new trial denied	16	1
Motions arrest of judgment filed	5	..
Motions arrest of judgment granted	..	..
Motions arrest of judgment denied	5	..
Appeals taken	7	..
Number of days of court occupied by trials	167	34
Average number of days for each trial	1.391	666
Percentum of cases in which pleas of guilty were entered	.394	.666
Percentum of cases in which probation was granted	.199	.303
Percentum of trials in which verdicts were not guilty	.25	.372
Percentum of trials in which verdicts were not guilty or jury disagreed	.441	.431
Percentum of cases that went to trial	.254	.168

(At the date of compiling this report, Oct. 1, 1917, one case of the public defender was still pending and 32 cases of private attorneys.)

Since our office appeared in nearly all of the cases in the failure to provide and juvenile courts where defendants were represented by counsel, no comparison has been made between our work and the work of other attorneys in those cases.

The foregoing comparison shows our office entered pleas of guilty in 66 per cent of the cases, while attorneys in private practice entered pleas of guilty in only 39 per cent of the cases. Only 16 per cent of the public defender's cases went to trial, while 25 per cent of the cases in which private counsel

appeared went to trial. Verdicts of not guilty were returned in 37 per cent of the cases represented by the public defender, while similar verdicts were returned in only 25 per cent of the cases handled by private attorneys. The average time occupied by the public defender in trying cases was a little less than one-half of the time required by private attorneys. By avoiding the necessity for trials and by trying the cases in half the time required by private attorneys, the public defender has saved a very considerable sum to the taxpayers.

COMPARISON WITH WORK OF APPOINTED ATTORNEYS.

It is interesting to compare the work of the public defender's office with that of the attorneys appointed by the court during the last calendar year before the establishment of the public defender's office:

	Appointed Attorneys 1913	Public Defender 1916-17
Number of cases	115	303
Pleas of guilty	71	202
Percentum of cases in which pleas of guilty were entered	61.7	66.6
Number of cases in which probation was granted	31	92
Percentum of cases in which probation was granted	27.8	30.3
Number of trials	30	51
Percentum of cases that went to trial	26	16.8
Verdicts of not guilty or disagreements	6	22
Percentum of trials in which verdicts of not guilty rendered or jury disagreed	20	43.1

IMPROVEMENT IN METHODS OF HANDLING CRIMINAL CASES.

Our office has attempted to conduct our cases on the highest possible plane. The attorneys in the district attorney's office and those in the public defender's office are presenting their respective sides fairly, without indulging in the methods which have to some extent brought criminal practice into disrepute. Wherever possible the two offices have stipulated to ask the court to appoint expert witnesses who should represent both sides and who should be the only expert witnesses in the case. This not only saves money to the county, but results in fair opinions by disinterested witnesses. In the case of *People* v. *Alvarado,* charged with murder, this method was pursued and the defendant declared to be insane and sent to a state institution for the insane.

PRESENTATION OF MITIGATING CIRCUMSTANCES.

An important feature of the work of the office is the presentation of all the circumstances of the offenses in cases where guilt is admitted. Seldom a case is presented in which there are not mitigating circumstances. If the court is to handle cases intelligently and render proper judgment, it is necessary that complete information be furnished. This necessitates a great deal of work which must be carefully and judiciously performed. The granting or refusal of probation often depends upon the faithfulness with which the circumstances are presented to the court.

The case of A— might be cited as an illustration: A— was a nineteen-year-old boy who entered a butcher shop in San Pedro and purloined a ham. He was a sailor and expected to go to sea at the first opportunity. He was without funds and while awaiting the sailing of a vessel subsisted on the ham

in a dug-out on the outskirts of the town. Upon his arrest on a burglary charge, he told the court he was guilty and did not desire to disclose the names of his parents, but wished the court to sentence him immediately. The court appointed the public defender as his counsel and we urged him to tell the court all the circumstances of his life, in the belief that he had a good record and that probation would probably result. At our earnest entreaty he told us his story, giving the names of his parents in an eastern city. We wrote to the parents and learned that he was the eldest of several children, that he had left home two or three years earlier, in the desire for adventure, and that the parents had advertised for their boy throughout the United States. The father sent a railroad ticket to his old home and the price of the ham to reimburse the butcher. He told us that he would meet his son at the train with a new suit of clothes ready for him and that a warm welcome was waiting if the court should see fit to grant probation. The boy's previous record had been good and the court, upon learning these facts, promptly sent him to his parents.

OBTAINING EMPLOYMENT

In a number of cases the court has made an order that the prisoners be released on probation as soon as the public defender should obtain work for them. Many of the prisoners are penniless and upon their release from jail had no place to go and not even the price of a meal. Our office has taken upon itself the task of securing employment for every prisoner released from jail who did not have means of taking care of himself. In cases where temporary assistance was necessary we have found the means of keeping them on their feet until they obtained a fresh start. It is of great importance that these men, so often helpless without assistance, should be aided in making the new fight which is before them upon their release. This may be called social work, but it is so closely allied with the other work of the office that we have found it not only necessary but productive of good results.

CIVIL DEPARTMENT

A great many persons have found themselves without means to employ attorneys to recover sums justly due, principally for wages. In many cases the claims are so small that even if an attorney were given the total sum involved he would not be properly compensated for his services, although upon the recovery of that amount depends the bread and butter of the claimant's children. Wage earners very frequently find themselves entirely without remedy in the courts for the reason that the remedy costs more than the benefits to be derived. Our office has made it possible for every person, no matter how impecunious, to obtain justice. In civil matters our office is authorized to prosecute actions in behalf of persons financially unable to employ counsel where the demands do not exceed one hundred dollars. We are also authorized to represent such persons in civil litigation in which they are being persecuted or unjustly harassed.

The following statement is a summary of the civil matters handled during the year covered by this report:

Total number of applications for assistance	8,231
Applications in which advice was given on various subjects	3,843
Applications rejected on account of ability to employ attorney	1,991
Applications rejected because claims were over one hundred dollars or because of non-residence of applicants	403

Total number of applications rejected	2,394
Claims accepted for adjustment, divided as follows:	
Labor claims	1,361
Detention of personal property	177
Injury to personal property	70
Exemption from unjust attachment or garnishment	54
Other cases of persecution	4
Miscellaneous	328
Total	1,994
Suits filed and won	103
Suits filed and lost	4
Suits filed and not disposed of	49
	156
Sum paid into office without suit	$ 4,640.49
Amount of judgments won	4,914.58
Money and chattels collected out of office	13.628.02
Total amount recovered for clients through instrumentality of the office	$23,183.09

It will be noted from the above that a very large part of the claims accepted for adjustment are for labor performed by our clients.

CASES ADJUSTED OUT OF COURT

It is the policy of the office to adjust matters without recourse to the courts wherever possible and with this end in view courteous letters are sent to the defendants informing them that the complaints are presented to us and inviting them to present their side. In most cases prompt response is made, resulting in settlement. Sometimes we conclude that our clients are at fault, but, wherever the facts justify, cases are taken to court if the defendants are unwilling to settle. It will be noted from the foregoing summary that we were compelled to file suit in a very small percentage of the cases. The office tries to see that justice is done to both parties in all of these matters.

RELEASING OF UNLAWFUL GARNISHMENT OF WAGES

An important feature of our work is the releasing of wages from unlawful garnishment. The law humanely allows a married man to retain at least one-half of his last month's wages for the purpose of buying necessities of life for his children. We find, however, that some unscrupulous attorneys and collection agencies are accustomed to levy garnishments upon wages which they well know are exempt. The result is that the wage earner, often foreign-born and ignorant, is thrown upon charity until such time as he has earned sufficient to cover the amount of the claim of his creditors. Our office tries to adjust these matters so that the creditor will receive his just due in monthly installments, at the same time enabling the debtor to maintain his family.

TYPICAL CASES

In one case a Mexican woman appeared in our office with a sick baby in her arms which she had carried to the eleventh floor of the Hall of Records, being ignorant and fearful of riding in the elevator. The wages of her husband, who

was working for a railroad company as a laborer, had been seized by a creditor and the family, consisting of several children, were without common necessities of life and the sick child needed medical attention. In attempting to release at least part of his wages we found that a collection agency had not filed suit in the name of the real plaintiff, the claim being assigned to a dummy, and the defendant was sued under the name of John Doe. The constable's office of Los Angeles Township had not served the garnishment. It was only by writing to the sheriff of San Francisco that we learned where the suit had been filed and the levy made, the notice of garnishment being directed to the San Francisco office of the railroad company. We at once released one-half of this man's wages and assured ourselves that the baby received medical attention. This case is mentioned as an example of the extremities to which some of the applicants at our office are driven.

In another case which illustrates the methods used by certain unscrupulous attorneys, a creditor wished to collect two bills having no connection, from separate parties, one for eighteen dollars and the other for thirty-seven dollars. The attorney commenced suit on both bills in one action, asking for judgment against each defendant for the total sum of fifty-five dollars. The defendants were sued under the names of John Doe and Richard Roe, judgment was entered by default and supplementary proceedings commenced. The defendant owing eighteen dollars had not been served with summons and heard of the pendency of the action only when he was served with an order in supplementary proceedings. He thereupon went to the office of the plaintiff's attorney and made arrangements to pay the sum of eighteen dollars and two dollars costs, in installments, and received the attorney's promise that no further action would be taken on the judgment. After the entire sum of twenty dollars had been paid he was again ordered to court on new supplementary proceedings. The attorney was attempting to collect the additional sum of fifty-five dollars and twelve dollars costs from him alone. Our office was obliged to sue in the Superior Court to set aside the judgment in the lower court. It gives us real pleasure to relieve the poor from this kind of persecution.

In another case a baby, which had been put to board by its mother with a private family, was detained from the mother who found herself without sufficient money to pay the small bill. A lien was actually claimed on the body of the child.

HELP FROM BAR ASSOCIATION

Our office had not been in operation long before it became apparent that there was opportunity to do a great deal of good for indigent people in matters in which the county charter did not especially authorize us to proceed. An old lady, a widow, was sent to us by the district attorney's office, who had invested her entire savings, the sum of about $200, in the purchase of a lease of a small rooming house. It had been grossly misrepresented and her money was lost. Another woman appealed to us to help her contest in the court for the custody of her child, the husband being provided with an attorney while she was unable to secure one. So many of these people urged us to help them to secure lawyers that we placed the matter before the trustees of the Los Angeles Bar Association, suggesting that they call upon the bar of Los Angeles to volunteer their services for such cases as we were not authorized to handle yet which called for legal assistance. The trustees of the Bar Association approved of the plan and appointed a committee to receive offers from the members of the bar. As a result we have a list of about fifty lawyers passed upon by the Bar Associa-

tion as being in good standing, who have agreed to assist us when called upon. Since some of the applicants at our office are considered to be able to pay an attorney's fee the attorneys on this list are permitted to charge small fees in proper cases, subject always to the approval of this office in case any question should arise. I believe that this branch of our work has resulted in a great deal of benefit to the community. Any persons in the county can now secure assistance in civil cases before the court in any kind of a case even though entirely unable to pay the fees of an attorney. During the period covered by this report our office referred to the attorneys on this list, in alphabetical order, 1,019 cases.

ONLY THOSE WITHOUT MEANS ARE ASSISTED

The foregoing summary shows that twenty-nine per cent of the applicants for assistance were rejected, most of them being refused for the reason that they were financially able to employ attorneys. Very few apply to our office expecting something to which they are are not entitled. They are sent to us from other public offices without sufficient knowledge of the limitations of the office. In most cases there is no complaint made when they are told that the office is only for those who are without means of securing the services of attorneys in private practice. We have been very careful to examine the facts of each case in order to prevent the rendition of services to those who are not entitled to them.

BETTER FEELING CREATED AMONG THE POOR TOWARD THE GOVERNMENT

There has been a feeling among a great many people that the courts were only for the wealthy and that they were beyond the reach of the poor. Such a feeling on the part of a large number of the population was not conducive to the best of citizenship. The public defender's office has allayed this feeling in Los Angeles. The courts are now open to all citizens on an equal basis and the poorest now have an equal chance to obtain justice although the claim be against the most powerful corporation.

Many thousands of poor persons in Los Angeles have found that the government takes an interest in their welfare and wants to see justice done them. It is difficult to overestimate the value of the benefits obtained by creating the proper spirit among the poor and improving their attitude towards the government.

The public defender's office of Los Angeles was the pioneer in its field, having been established in January, 1914. It was the first office to be created whereby a public officer was provided to act as attorney for the poor in both civil and criminal matters. During the four years of its existence the office has attracted a great deal of attention throughout the United States. Favorable comments made by the judges and other officials of Los Angeles have resulted in the creation of similar offices in nineteen other cities.—Walton J. Wood, Public Defender, Los Angeles, Cal., Dec. 14, 1917.

PAROLE—PROBATION

Functions of a Probation Department in a Municipal Court.[1]—A study of the probation systems in other courts of the United States shows that the Municipal Court of Philadelphia is unique in that the work of the probation officers begins when suit is first brought, instead of after the court hearing. Historically, probation as we know it today developed from the system of parole of prisoners which began in the middle of the nineteenth century. Parole

[1]Material prepared by the Department of Research and Statistics, Municipal Court of Philadelphia.

was devised as an alternative for imprisonment for minor offenders, or for individuals who after a term in prison, had shown their capacity for regaining their position in the community. Probation is in most of the courts today, simply an extension of this principle of parole to a larger group. The probation system of the Municipal Court had quite a different start and grew out of the practice of the Department of Public Health and Charities which, acting for the Quarter Sessions Court, maintained a clerk to receive application by deserted wives for free warrants. So many applications were made that the force was enlarged, and gradually the clerks went beyond mechanical questioning and gave attention to individual wants. Thus, a woman obviously in need of immediate relief would be referred to a social agency for help pending the court proceedings.

From the beginning of the Domestic Relations Division of the Municipal Court, the first function of the probation department was to determine not only whether the warrant should be free, but whether the warrant should be issued in any particular case. At first the statement of the woman was taken without verification and the decision made on this basis. This was soon found to be inadequate, and visits were made to verify such factors as the husband's work, wages, the address and the fact of the marriage. This extended knowledge of the individual situation soon made it apparent that in many cases the need was not so much the court hearing and suing for support as it was a chance for both parties to tell their grievance. This led to the plan of hearing the man's side of the case before bringing him into court and the ultimate prevention of all court hearings except where the voluntary system failed. The result of this development so far as the court is concerned is, first, that the judge has a shorter list of cases and can devote a correspondingly longer time to each. Then for the cases that reach him he has in addition to the brief statements made before the bar a more or less complete record of the essential conditions of the situation. This means that the case can be settled with a single court hearing far more frequently than was possible before.

Principles of the Domestic Relations Probation Extended.

As each new division of the court has been organized, the essential principles of probation worked out in the Domestic Relations Division have been applied with the modifications necessitated by the peculiar needs of each tribunal. In the women's department of the Criminal Division, the officers practically act as assistants to the district attorney in preparing paternity cases for prosecution. In these cases the procedure is as nearly like that in the Domestic Relations Court as is compatible with the still persisting requirements of the criminal process. In other kinds of criminal cases, probation officers are frequently requested to investigate the stories given by men who have been convicted, in order that the judge may determine the sentence in accordance with individual needs. The further application to criminal cases of the principle of investigation will be made as the movement for the public defender gains headway.

In the Juvenile and Misdemeanants' Divisions for boys and girls, the probation officers are the first ones with whom the young offenders come in contact and no case ever comes up for a court hearing without special preparation.

It must be remembered that while probation officers are thus granted an unusual amount of discretion, particularly in keeping the case out of court,

they can do this only by persuasion. The individual who refuses the service of the probation officer, and insists immediately upon court action, is, of course, given his constitutional right. It is interesting that among nearly 8,000 cases in which court action was taken in 1916 only 91 cases were opened outside of probation department. Furthermore, any agreement or reconciliation must be formally allowed by the court before the case is considered adjusted. Sometimes the facts are presented in summary form without the original parties being present. In other cases, the individuals concerned may appear before the judge who explains the situation.

Much of the time and effort of the probation officers is devoted to the securing of relief for unfavorable economic and physical conditions which are found to underlie most of the personal and family problems brought into court. The important feature of this work is not that service is rendered in addition to the regular court work, but that securing medical care, changed housing conditions, mental examinations, and so forth, may be the means by which the necessity for court action is obviated. This larger social service thus forms an integral part of probation. The recognition of this fact has resulted in the development of more and more complete provision within the court itself for such services as medical examinations and treatment, psychological tests, and the securing of positions. The distinct effort has also been made to have the various woarkers familiar with the resources of the city for all forms of social service. The Reference Book of Social Agencies, prepared by Miss Ella Harris, is in constant use in every section of the probation department.

Another feature of the wider socialization of the court has been the discovery that it is necessary to teach other city departments and private organizations, as well as the general public the objects and uses of the court. This has been accomplished in large measure by public addresses given by judges and other court officers. A course of lectures on the probation work was given during 1916 by the Pennsylvania Training School for Social Service. There have also been many articles published by court workers. One of the best ways of securing intelligent co-operation with other parts of the community has been through the holding of frequent conferences with other agencies on various aspects of the court work.

To summarize, probation in the Municipal Court means:

1. The investigations of every case to ascertain as far as possible the facts of both sides in order to determine whether or not court action is necessary.
2. The adjustment without court action on the basis of this investigation in as many cases as possible.
3. The preparation of the cases for presentation for the judge.
4. The carrying out of the judge's orders, and the continuous supervision of the case for the first hearing.
5. Very seldom does it mean punishment in itself, or the diminution of a more severe sentence.—Jane Deeter Rippin, Chief Probation Officer, Municipal Court, Philadelphia.

A Municipal Detention House.—A disused school house, located at Twelfth and Wood streets, Philadelphia, has been fitted up as a detention house for women and girls.

Upon the ground floor is a small court room and administrative offices. Each field worker has her own desk, and there is ample provision for privacy in her conferences with the girls and women. On the second story is a dormitory and several private rooms for the care of women brought in from the

street, and offices for the physician, for a psychopathic clinic, for the Bertilion records, and a suite for the superintendent's private use.

On the upper story are accommodations for young girls, and for special cases held as witnesses. Each girl of this group is intended to have a bedroom to herself, and there is a common room with a victrola, a piano, and tables for writing and games. Girls in this group are kept wholly separate from those on the story below. The furnishings of all the rooms are simple and dainty, and a home atmosphere prevails.

A woman physician is always on duty. She is assisted by two nurses. A psychologist takes charge of all mental examinations, but is not continually on duty. All who are detained are given a thorough physical examination. The physician and psychologist work together, and treatment, whether mental or physical for those who are put on probation, is continued as long as needed. Particularly cases which need salvarsan come voluntarily for treatment when they have left the institution.

The case of everyone brought into this House of Detention is promptly investigated, and as far as possible settled out of court. The trial is strictly private, only witnesses being allowed to be present. This is a tremendous advantage over the old crowded police courts where all classes of accused persons hear each others trials.

While the groups of women handled by this court cover the majority of the women offenders in Phihladelphia, there remain a number of women who differ very little from these, but whose cases are still handled by the magistrates, and still others charged with such offenses as larceny, assault and battery, and murder, who are still sent to jails and police stations to await trial.

There seems no reason why the Municipal Detention Houses described above might not act as clearing houses for all women charged with any sort of crime.—Jane Deeter Rippin, Chief Probation Officer, Philadelphia, Pa.

The State's Duty to Delinquent Women and Girls.[1]—It is my understanding that what is desired by the Association is a statement regarding the established reformatories for female juvenile delinquents—for girls between the ages, say, of seven and eighteen years, which is, I believe, the range covered by these institutions. I like better calling them formatories, rather than *re*-formatories, for the girls who are sent to them have not all of their habits definitely formed; they are still in the formative period of life, making it our work and likewise giving us the opportunity to assist in the formation as well as the reformation of their characters.

This underlying idea has become prevalent, for even in the naming of the institutions it has made itself evident. I do not recall any juvenile institution which carries the word reformatory in its name. The word "school" appears in its place.

At least fifteen states have institutions of the type to be described, although not all are state institutions, supported wholly by state funds.

Practically all of these schools have the cottage system, which means that they have a group of buildings, each with a capacity of from twenty to thirty-five, in which the girls live, with as close an approach as possible to an orderly, properly conducted family life. There is in each a kitchen, dining room, recreation or general sitting room, perhaps also a laundry and a play room, and a

[1]Read before the Congress of the American Prison Association, New Orleans, November, 1917.

separate sleeping room for each girl, so that in each cottage all of the functions of housekeeping and of home life are carried on. This system makes it possible to fit all of the daily activities into the general educational scheme which now seems fairly well agreed upon as best for the type of girls sent to these institutions. The buildings themselves become not merely housing places, but factors in a general and well-rounded educational plan.

More specific plans for formal educational work are, however, made, either by having school rooms or school buildings at the institution or by sending the girls out to the regular public schools. The method best adapted to the needs of an institution depends upon its location, upon its proximity to good public schools, and upon the kind of girls who make up the population of an institution. For the girls who come to the New York State Training School for Girls we are sure it is best that for a period of two or three years they be kept apart from all situations which have proved a temptation to them, distracted their attention and drawn their minds from the interests and business which, at their age, should be entirely absorbing them, namely, those connected with getting an education.

The school system should be sufficiently elastic and comprehensive to meet the needs of all of the pupils and it should, of course, always be held close to its real purpose—that of teaching the pupils how to live, how to become useful citizens. Thus, in our school, we eliminate the non-essentials in book school work, endeavor to see that the girls are as well grounded as their individual mentalities will permit in things which they must know for the ordinary, every-day business of life, cultivate a taste for good literature and give them as much general information as they can absorb. We do not have self-government at Hudson, but we have clubs of the "Children of the Republic," through which, as well as in school, we may be able to teach and impress upon the pupils the principles they will need.

In industrial work, we aim to make them good housekeepers and home makers—we have cooking classes, classes in hand and steam laundry work, graded sewing classes, garden classes, many kinds of hand work, such as weaving, basketry, woodwork, book binding, metal work, clay modeling, etc. Also, the girls have singing lessons and physical culture exercises and properly directed and supervised play. Just now, like other girls and women, they are making their share of Red Cross supplies.

Lastly, but not least, they have instruction in religion in accordance with the faith and belief of their parents.

Each girl should have a careful and thorough physical and mental examination when she enters. Some of the institutions as yet are not able to have all of the examinations and tests made which, without question, should be made, but all aim to classify the girls along both of these lines and to treat them as indicated by such examinations and tests as are made. For the sake of the progress and welfare of the girls in the school, as well as for their usefulness in the future, the aim is to put them into the very best physical condition and to teach them hygienic ways of living.

Long experience with delinquent girls has convinced us that they do not begin to go wrong because they are inherently bad, because they are by nature morally depraved. Just what the causes are—physiological, psychological—in a certain number of cases, we are waiting for the specialists to tell us. But we need not wait longer to learn that youth needs protection. Not only have parents been too ignorant, too weak, but they have been too careless, too lazy,

too indifferent. Moreover, the community has been and is culpable for the things which happen to girls. It has created and permits the existence of conditions in which youth has full opportunity to make missteps. Boys and girls have an animal nature as well as a spiritual. Nerves were created and differentiated for the sole purpose of functioning in certain ways when the special stimulus they require reaches them. These activities of the nerves are all natural, physiological, absolutely non-moral. The youth, the hope of the world, ought not to be permitted in ignorance to stumble upon these truths and to learn by sad experience the laws of life. It is not the children who make the conditions under which they must live through the storm and stress period of adolescence. They become responsible for later generations, but the children of this day are our responsibility and so remain until they reach years of discretion and understanding. So we need not only institutions in which to correct form, reform, rehabilitate those who have lost their way and strayed from the path of righteousness, but we who are the units making the communities which in the end make the state, need to acquire understanding and wisdom and a determination that the results of ignorance, weakness and indifference shall not come upon the children, that the burden of mental deficiency, insanity, unstable mentality, social diseases, shall not increase, but shall grow less, need to acquire understanding, wisdom, determination and to take action that our communities be made safe and wholesome and helpful places for the development of the best in youth.—Hortense V. Bruce, M. D., Superintendent, New York State Training School for Girls, Hudson, N. Y.

Care of Wayward Girls in Massachusetts.[1]—I confine myself to the methods used in Massachusetts with girls who are presumably capable of being developed into self-directing members of the community.

A girl under 17 years of age who is found guilty of offenses against the law, or who is in moral danger, may be committed by the court to the Industrial School for Girls at Lancaster, to remain under the control and guidance of the Trustees of Massachusetts Training Schools until she becomes 21 years of age. It is not intended, however, unless she is distinctly feeble-minded, that she shall pass these years in even the best of institutions. Barring ill health and defective mentality, the length of her detention will depend upon her conduct in the school. A course of domestic and academic training is arranged, which a girl of average health and intelligence can cover in from eighteen months to two years, and which wins her the right to be considered for parole.

Every month a committee of the trustees, the secretary of the board, the parole superintendent and the superintendent of the institution confer together at the school, and decide as to the disposition of the various candidates for parole. Every girl of course wants to go home, however wretched that home may be. But it is in this home that she has already failed; and when a girl first leaves the institution, experience teaches that she needs a degree of control which her own family can rarely supply. There is the possibility of danger between the factory and home; there is the danger of her losing her job and not telling, and drifting off with bad companions. There is the danger that her mother will conceal her daughter's faults from her visitor, lest she again be removed from her care. We are dealing with young girls, not with women; with girls who must learn things that should have been taught them in child-

[1]Read at the Congress of the American Prison Association, New Orleans, November, 1917.

hood, and who are a curious jumble of adolescent children with adult experiences.

For the great majority of our girls, her best chance will be in some other home other than her own. But it must be the right home. It is not enough to have someone say, "This is a nice family, they will be kind to the girl." It must be a home where the employer understands the problem and will be able to anticipate difficulty, and to hold the girl's interest so keenly that she will not want to slip away. There are many types of girls to place, and the type of the girl must be considered. We try to fit the temperament of the employer and the girl together. It would be stupid to put a slow deliberate girl into a home where the employer is quick and snappy. The whole scheme of parole will be spoiled if their temperaments do not fit.

It is the visitor's job to get into close touch with the girl in the place, that she can smooth out difficulties as they arise. The visitor must see that her ward is not used as a drudge; that her health is not neglected; that she is escorted, when necessary, to the dentist and the hospital; that she spends her wages wisely, and she must be a sympathetic confidant to her ward's love affairs. When the employer's patience as at an end, the visitor must find the girl another place and yet another. If she fails seriously, the girl must be returned to the school for a further period of discipline and training, and her matron at the institution must have the courage presently to help the girl to go out on a fresh venture in a world full of temptations. Sometimes a girl whose first years on parole were a long series of discouraging episodes, finally grows into a woman and makes good.

If a girl proves trustworthy, if she gains self-reliance and self-control, we are only too glad to put her into any sort of work she can turn to with intelligence. Not infrequently a girl goes to high school and wins a good industrial record. Others sometimes go back to their family to become the comfort and mainstay of parents, and of young brothers and sisters.

Girls who lead an unblemished life during their parole, and who take their place as self-reliant and self-respecting members of the community, are granted an honorable discharge by the Board of Trustees before they pass out of its guardianship at the age of 21. An honorable discharge is reported to the court from which the girl was committed, and is made a matter of court record. Such a certificate of achievement is rightly prized.

A parole visitor, to do justice to her work, should not be expected to look after more than thirty-five girls. If, on the basis of dollars and cents, this seems an extravagantly small number, let the expense of even the best painstaking after-care be contrasted with the maintenance of one of our wards in an institution. The last published report of the Massachusetts Training Schools shows an expense of $81,749.70 for the maintenance of some 260 inmates in the Industrial School for Girls, against an outlay of $19,599.56 for the care of an average of 281 girls on parole. This gives a per capita cost of $5.90 for those inside the institution against a per capita cost of $1.34 for those outside.

The work of a parole visitor makes immense demands upon tact and patience and sympathy. It demands special training. It demands native talent for that special line of work. But for those who are qualified, it offers a rare opportunity for service and for study.—Edith N. Burleigh, Superintendent Parole Department, Massachusetts Training Schools.

Success of Probation in New York.—That the war has increased delinquency, especially among young girls, but that this increase has been offset

to a large degree by greater vigilance on the part of the probation officers of the state, is shown in the Eleventh Annual Report of the New York State Probation Commission for 1917, just submitted to the legislature.

The commission finds that the number of young girls placed on probation from the courts of the state began to increase markedly at about the time that the United States entered the war one year ago, and that the number has remained abnormally large ever since. This increase is due to greatly increased temptations to young girls about soldiers' camps and to the attractiveness of the uniform. Probation officers have been kept busy in certain localities dealing with "girl and soldier" cases. The commission points out the need for increased supervision of amusements, the prevention of the promiscuous meeting of young girls and stranger soldiers, and the immediate need for more probation officers, especially women to deal with these cases.

The probation system as a method for disciplining and reforming offenders was used in the higher courts of all but nine of the counties of the state last year and in all but six of the fifty-eight cities. It is also being used increasingly by the village judges and justices of the peace of the towns. Thirty-four counties now employ regular salaried county probation officers who are authorized by law to serve in any court in their counties. There are now 202 salaried probation officers serving throughout the state in addition to many unsalaried volunteers.

During the statistical year ending June 30, 1917, a total of 21,847 persons were placed on probation by courts of the state, an increase of 13% over the number placed the year before. The greatest increases were shown among young girls and men.

Probation was used with success for all sorts of offenses from truancy and malicious mischief to grand larceny and burglary. The system has proven its usefulness both for juvenile delinquents and adult criminals although the methods used by the officers are different in different cases. While a total of 6,820 children under sixteen were dealt with on probation during the year, more than twice as many adults were so dealt with. Seventy-six per cent of all cases placed in probation completed their probation with improvement; 13% were returned to court for sentence and only 5% were lost from oversight.

The commission believes there is a direct connection between the recent marked decrease in the population of the correctional institutions of the state, especially the reformatories and state prisons, and the steady increase in the use of probation. The population of the state prisons was almost 1,000 less in 1917 than it was in 1916.

An even greater decrease in the population was shown in the state reformatories. Better industrial conditions have contributed to this remarkable decrease, but the constantly increasing use of the probation system all over the state has probably been an even more important factor.

The commission points out the economy as well as the greater effectiveness of giving offenders, especially the younger and first offenders, an opportunity to make good under helpful supervision and without the stigma of a prison sentence. It finds that the annual per capita cost for actual maintenance of a criminal in the correctional institutions of the state is $282.60. The actual annual cost for giving offenders probation, including all salaries and expenses of probation officers and the cost of supervision by the State Probation Commission, is $19.14 for each probationer.

Probation among adults is used most extensively in non-support and domestic relations cases. Twenty-seven per cent of all adults placed on probation last year were for non-support. A total of $169,501 was collected by probation officers last year and paid over to the wives and children of non-supporting husbands, $75,000 was collected in instalment fines and restitution to injured parties.

The commission recommends:

1. The employment of efficient, salaried probation officers appointed under the civil service in every city and county of the state. Wherever possible both men and women probation officers should be employed, the women to deal with girls and women, and the male officers with men and older boys.

2. The salaries of probation officers should be increased considerably over the amounts now paid so as to attract experienced and efficient persons to this service. Probation officers should give their entire time to their work, not as now in some cases be obliged to carry on other work in order to support themselves.

3. County probation officers should be given necessary traveling expenses and clerical assistance so that they may cover all parts of their districts. Wherever possible special officers should be employed to carry on probation work in the towns and villages.

4. Clinics for the mental and physical examination of delinquents should be made available to all courts. These examinations together with the social investigations of the probation officers should lead to greater discrimination in dealing with delinquents and the segregation of those unable to take care of themselves in society.—Charles L. Chute, Sec'y, N. Y. Probation Commission, Albany, N. Y.

Proceedings of the Delinquency Section of the Commonwealth Club of California.—At a meeting of the Delinquency Section of the Commonwealth Club of California, held Thursday, February 14, 1918, at 7 o'clock p. m., the work of the section was discussed and the lines of endeavor blocked out. It is hoped that the members who have not yet engaged in specific work of the section will find in the proposed activities some line of work in which they can participate. This letter is sent also to persons interested in the subject and it is hoped many of them will be able to join in the work of the section, whether members of the club or not. It is also requested that the members get others who are interested to take part in the work of the section to the end that the plans agreed on shall not fail of execution for want of co-operation. In the scheme of the Commonwealth Club the Delinquency Section has entire jurisdiction of the subject of delinquency and everything connected with criminal law and criminology, except criminal procedure. The section was greatly indebted to Mr. Justice Wilbur of the Supreme Court of the State of California for valuable suggestions. In the discussion, which was participated in by Messrs. Oliver, Bank, Keane, Vollmer, Schneider and Kidd, the need of a comprehensive plan was strongly urged—a plan to work up to like that adopted by the city, a plan into which each separate activity would find a proper place. The following suggestions have been made:

A.—GENERAL MEASURES

1. A radical revision of the penal code, eliminating the arbitrary historical distinction between felonies and misdemeanors with the attendant consequences,

and classifying crimes more nearly in accordance with the dangerous tendency of the criminal.

2. An extension of the plan of which a beginning has already been made in California in establishing a clearing house for criminals where, after a thorough and comprehensive physical, mental and social examination of the delinquent, he would be passed on to the state institution—prison, factory, farm, home for inebriates, insane asylum, etc.—best suited to his needs and kept until it may become safe to permit a return to society. This plan was tried in Ohio, but abandoned because the enforcement of it was put into the hands of politicians. An effort, however, is being made to re-establish it there and much along the same line is being done in New York.

3. A municipal court as in Chicago and Cincinnati, with full power to handle before the same judge every question involved in a domestic relations case.

4. A more effective organization of charity work, so that duplication and waste may be prevented and the criminal and hopeless delinquent segregated and effectively controlled.

B.—PARTICULAR MEASURES

1. Public defender. This has been approved by the section in previous years, but there is some question as to the constitutionality of the bill as presented at the last legislature. Amendment thereof may be necessary.

2. The restoration of the Napa Farm for the purpose for which it was intended—a farm for first offenders. This plan has had the unanimous endorsement not only of the section but of the Club in public meeting.

3. Woman referee in connection with the juvenile courts. This plan has been highly successful in Los Angeles.

4. The jail problem. For the solution of this problem attention should be directed toward state farms, road work and other occupation, preferably under state control.

5. The treatment of the insane.

(a) A psychopathic hospital in San Francisco and possibly the taking over by the state of the Los Angeles psychopathic work. The need is most urgent for hospitals for the examination and temporary treatment of the insane and those liable to become insane. The experience of Los Angeles has shown that by preventive treatment taken in time the number of commitments to the state institutions is enormously reduced and the state thereby saved a large sum of money. The existing state hospitals could be used for this purpose in many parts of the state.

(b) Probation offices for the insane; also for the feeble-minded. These have been very successful where tried.

6. Feeble-minded. Provision for morons, particularly those who come before the juvenile courts.

7. Police.

(a) Standards of training.

(b) Classification of crimes and keeping of proper statistics.

8. Extension of the plan in the treatment of juvenile criminals of the combination of a long sentence with probation to the Preston School until twenty-one, the future then being dependent on the conduct of the criminal.

The foregoing is not intended as exclusive of other lines of activity in which anyone may be interested. In the prosecution of the work five things are necessary:

1. Collection of the facts.
2. Determination of the advisability of the proposal.
3. Drafting of the law where that is necessary.
4. Getting the law through by publicity, etc.
5. Following up the administration of the law.

It is hoped that each one will find some line of work to his liking and will immediately notify the chairman of the section what he is able and willing to do so that the organization may be completed promptly and the work started.

This notification may be made by putting a cross on the duplicate copy enclosed herewith, opposite the number of the specific work in which the member desires to participate, and signing his name.

In deciding on a program for legislative activity before the next legislature, it would be well to keep in mind the present financial burdens and to concentrate on the most necessary work that can be accomplished at the least expense.—A. M. Kidd, Chairman of Section on Delinquency, Commonwealth Club, San Francisco, Cal., May 11, 1918.

Child Delinquency and the War.—At the end of the first year of the war, it is becoming possible to see that in more than one part of the country juvenile delinquency is increasing. The figures showing increases in England and Germany during the first year or two of hostilities have already become familiar. [See "Delinquency in War Time" in the *Survey* for August 25, 1917. See also the article by Edith Abbott in the last number of this JOURNAL (May, 1918).] Apparently, the United States is having the same experience. The information at hand is scattered and meager, but suggestive.

The latest facts are supplied by the eleventh annual report of the New York State Probation Commission, recently published. The commission finds that the number of young girls placed on probation from the courts of the state began to increase markedly at about the time that the United States entered the war, and that the number has remained abnormally large ever since. This increase is due, it is said, "to greatly increased temptations to young girls about soldiers' camps and to the attractiveness of the uniform. Probation officers have kept busy in certain localities dealing with 'girl-and-soldier' cases." During the statistical year ending June 30, 1917, a total of 21,847 persons were placed on probation, an increase of 13 per cent over the number placed the year before. The greatest increases were shown among young girls and men. The commission points out the need for increased supervision of amusements, the prevention of the promiscuous meeting of young girls and strange soldiers, and the immediate need for more probation officers, especially women, to deal with these cases.

The statement has been made by A. C. Crouse, chief officer of the Court of Domestic Relations of Hamilton County, Ohio, which contains Cincinnati, that juvenile delinquency had increased 21 per cent in that county since the United States entered the war. It is interesting to note that during the first three months of 1917 there was an actual falling off of cases before the juvenile division of the court, compared with the same three months of the year before. From April 1 to November 1, however, there were 384 cases as compared with 316 during the same period in 1916. The Juvenile Protective Association reports a decided increase also.

From Chicago comes record of a similar showing. In one month the number of petitions filed for delinquent children in the Juvenile Court of Cook County was 54 per cent greater than those during the same month in 1916. The figures for four months are as follows:

DELINQUENT PETITIONS FILED

	1916	1917
April	195	232
May	196	303
June	281	326
July	234	292

The filing of a petition means in practically every case that the child appears in court. Hence, the table may be taken as substantially the same as that for cases appearing in court.

The annual report of the Children's Court of New York City shows that 14,519 children came before the court last year, an increase of 2,094 over the previous year. It was stated that toward the end of 1917 there was a perceptible increase due to the scarcity of food and fuel and the difficulty of making proper provision for some children.

None of these figures, of course, have been correlated with the growth of the communities in child population, nor do the facts show the nature of the offense committed. Some of the increase may doubtless be attributable to dependency.

This increase in New York has been offset to a large degree by greater vigilance on the part of probation officers, thinks the New York State Probation Commission. Probation was used with success for all sorts of offenses from truancy and malicious mischief to grand larceny and burglary. The system has proved its usefulness, the commission thinks, both for juvenile delinquents and adult criminals, although the methods used by the officers are different in different cases. While a total of 6,820 children under sixteen were dealt with on probation during the year, more than twice as many adults were so dealt with. Seventy-six per cent of all cases placed on probation completed their probation with improvement, 13 per cent were returned to court, and 5 per cent were lost from oversight.

The probation system was used in the higher courts of all but nine of the counties of the state last year and in all but six of the fifty-eight cities. It is also being used increasingly by the village judges and justices of the peace of the towns. Thirty-four counties now employ regular salaried county probation officers who are authorized by law to serve in any court in their counties. There are 202 salaried probation officers serving throughout the state in addition to many unsalaried volunteers.

The commission believes there is a direct connection between the recent marked decrease in the population of the correctional institutions of the state, especially the reformatories and state prisons, and the steady increase in the use of probation. The population of the state prisons was almost 1,000 less in 1917 than it was in 1916. An even greater decrease in the population was shown in the reformatories. Better industrial conditions have partly contributed to this.—From *The Survey*, May 4, 1918.