

1919

Notes and Abstracts

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NOTES AND ABSTRACTS

COURTS—LAWS

For the Collection of Criminal Statistics in Illinois.—The following is the final revision of the Illinois bill quoted in our last number:

A BILL For an Act in relation to the collection, use and preservation of data, information and records concerning crimes and criminals, and providing penalties for violations thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* The Department of Public Welfare shall:

1. Collect information, reports and data of and concerning complaints of felonies committed, or suspected to have been committed in this State, such data and information relating to such felonies to comprise the history of the case and all legal steps taken in connection therewith and all proceedings ancillary thereto from the inception of the complaint to the discharge of the defendant, either upon hearing or upon expiration of term of sentence.

2. To keep and preserve in permanent books and records, the data and information so collected and received.

Sec. 2. All clerks of courts, sheriffs, coroners, justices of the peace, police magistrates, police officers and constables, shall furnish, upon the demand of the Department of Public Welfare, the information required by Section 1 of this Act, upon forms to be prepared and furnished by the Department of Public Welfare.

Sec. 3. The Department of Public Welfare shall furnish, upon the request of any public officer having to do with the enforcement or administration of the criminal laws of the State, a transcript of the records of the Department of Public Welfare pertaining to any individual and such transcript, regularly certified over the signature of the Director of the Department of Public Welfare, with the seal of the Department attached, shall be admissible upon any trial as evidence of the facts recited therein, if otherwise competent. Where authenticated transcripts of such records are furnished to other than public officers, the same shall be charged for on the same basis as charges are made by clerks of courts of record in this State for certified copies of papers and pleadings.

Sec. 4. For willful failure or refusal to furnish the information, or any part thereof, herein required to be reported to the Department of Public Welfare, a writ of mandamus may be awarded, directed to any officer required by this Act to furnish such information, which writ of mandamus shall be awarded by any court of competent jurisdiction of the county where said officer resides or has his office, upon the application or in behalf of the Director of Public Welfare, which writ shall direct said officer forthwith to report said information to the Department of Public Welfare.

Sec. 5. Any person charged with the performance of any duty hereunder who shall knowingly and willfully fail to perform such duty, and any person who shall knowingly and willfully fail to make the reports herein required to be made by him, or shall knowingly and willfully report false information to the Department of Public Welfare, or shall knowingly and willfully alter or falsify

any of the records of said Department of Welfare, in any material respect, or shall knowingly and willfully prevent or obstruct, or attempt to prevent or obstruct, the Department of Public Welfare, or the director thereof, in securing and gathering any of the information hereby required to be furnished shall be guilty of a misdemeanor and shall be punished by a fine not exceeding One Thousand Dollars, or confined in the county jail not exceeding one year, or by both such fine and imprisonment.

The above bill passed unanimously in the Senate, but failed in the House.
—R. H. G.

Mothers' Pensions Help Solve Child Labor Problem.—The last lingering argument against child labor laws and their strict enforcement is being answered in a very practical way through the establishment of mothers' pensions says the National Child Labor Committee in a statement showing the growing popularity of this form of relief. In 1913 the first mothers' pension law to go into statewide effect went into operation in Illinois. Today thirty-three states of the union have mother's pensions laws.

The primary object of these laws, says the Committee, is to maintain the home for the sake of society and of the children. Through the death of the husband and father, or his incapacitation by illness, or his desertion, the self-support of the family falls upon the mothers and children. If the children are put in an institution, or if the mother goes out to work and leaves the children at home uncared for, or if she stays at home with the children and starves with them, the home life is weakened or wrecked. School authorities say that when children stay away from school and the truant officer looks them up, it is almost always found that they lack home care, and usually it is because the mother must go out to work.

It is sometimes asserted that a hardship is imposed by child labor laws on families in which the wages of the children are needed for the family support. Many such laws provide exemptions on the ground of poverty. But if the children join the ranks of child labor they are subjected to all its physical and moral dangers and are deprived of the education which in a democracy is supposed to be the right of every boy and girl. Mother's pensions are a practical way of meeting the situation, as they prevent the home from being broken up for reasons of poverty, except where the mother is inefficient or immoral, and they enable the children to go to school. They also make life easier for officials entrusted with the enforcement of child labor and compulsory education laws, as these officials sometimes do not have the heart to refuse working papers to children whose families they know to be in difficult circumstances.

Mother's pensions take the form of straight grants to deserving dependent mothers, but their basis is not charity. Their justification is like that of social insurance, as they represent a conception of the state as having a duty toward its citizens. The word "pension" is not always used in the statutes, the word "compensation" being substituted because it better describes the real purpose and spirit of this kind of legislation. In New Jersey the act is called "An act to promote home life for dependent children."—From the National Child Labor Committee.

Jury Service.—Unfortunately for the proper administration of both the civil and criminal law, the average business man does not appreciate the importance of jury service. During the war he demonstrated that he is capable of the most loyal and self-sacrificing service to his country in many ways. He has contributed not only his money, but his time, to the various drives for the Red Cross, funds for united war work and has been unselfishly active in Liberty loan, thrift stamps and other campaigns. Under the stress of war enthusiasm, he has served in the front line trenches or given his time to the nation for the nominal pay of a dollar a day. If he stops to think about it he will realize that the thing which actuated him to give so liberally of his time and money was the love of fair play. He was imbued with the sense of justice as well as patriotism.

The average business man was willing and did fight for justice abroad. But what of justice at home? Let him but receive a jury summons and what is his answer? Nine out of ten business men ask to be excused for "business reasons."

The business man who was obliged to claim exemption from military service, felt a sense of shame. He felt that he might be considered a "slacker." But what of the man who has sufficient influence to be able to get excused from jury service. He often seems to think that it is something to boast about.

If the jury draft worked like the army draft, what a desirable and democratic institution it would be and how far it would go toward obtaining justice. Those best fitted would be required to serve. In jury service there can be no volunteers, but the men who were too old to fight or who had dependents that kept them from the front, can nevertheless serve the cause of justice if they will not claim exemption from jury service. The "business excuse" deprives the jury of its best material. The failure of the business man to serve the cause of fair play and justice by conscientious jury service whenever called upon, leaves the decision of all the things which so affect not only business but the general welfare, to those who are antagonistic to our institutions and are openly advocates of Bolshevism.

For the good of business and business men, in the interests of good citizenship and orderly administration of government, it is necessary that the juries who pass upon the security of contracts, persons and property, should be composed as largely as possible of business men. Think this over and the next time that you or your employes receive a jury summons, remember that it is a call in the interests of justice. Serve.—Bulletin of the Chicago Crime Commission, July 1, 1919.

Ask for Defender of Poor Litigants in Louisiana.—The next legislature of Louisiana will be urged to enact necessary legislation providing for a "public defender" for the parish of Orleans. A joint committee consisting of members of the Prison Reform Association and the Legal Aid Society of Louisiana, headed by W. O. Hart, who is chairman of the legislative committee of the Prison Reform Association and also chairman of the Law Committee of the Legal Aid Society, has been appointed to impress upon the legislature the necessity for such a functionary to look after the interests of the indigent.

That the past year has been a busy one for the Legal Aid Society was indicated by the records showing that over 900 cases were handled by the society,

embracing collection of wages, payment of damages, usury charges, divorce cases, etc.

There are several prominent firms in the city which have habitually refused to pay their employes and the only recourse left to the workers was an appeal to the society, which was granted, and the wages in most cases were obtained. Other establishments have been making a practice of working employes two or three days and then discharging them without paying off. An appeal to the Legal Aid Society also usually brings results in these cases.

New directors for the ensuing year are: Mrs. O. W. Chamberlain, Mrs. Jessy Benedict Gessner, Julius Goldman, Fred C. Marx, Jose A. Morales, James J. McLoughlin, Charles H. Patterson, Henry L. Hammett and William J. Waguespack. For services rendered as director and treasurer Fred S. Weis was made an honorary director.—The Picayune, June 18, 1919.

PENOLOGY

Report of the Secretary to the President and Board of Trustees of the National Committee on Prisons and Prison Labor, April 21, 1919.—The work of the General Office of the National Committee on Prisons and Prison Labor for the period of nearly five months, during which the Chairman of the Executive Council (Dr. E. Stagg Whitin) has been in Europe, can be subdivided into national and state work.

NATIONAL WORK

A series of conferences was arranged, beginning with a conference on prison construction, held January 6th, 1919, and continuing with three conferences, the annual meeting of the Committee and a visit to Sing Sing Prison, February 3rd, 4th, and 5th. All the conferences and the annual meeting were held at the home of the president, to whom the Committee is deeply indebted, as undoubtedly the beautiful setting for the conferences greatly increased the interest and attendance.

The Committee was fortunate in connection with the conferences on prison construction in securing the co-operation of Mr. Lewis Pilcher, New York state architect, who arranged the program, which consisted of addresses by Mr. James Govan, architect of the Provincial Secretary's Office, Toronto, Ontario; Mr. C. E. Richards, architect of the New Ohio Penitentiary; and Mr. A. M. Saxe of the firm of Zimmerman, Saxe & Zimmerman, architects of the Illinois Penitentiary.

Mr. Richards was unfortunately taken ill and his place on the program was taken by Professor Kirchway. The manuscripts of Mr. Richards' and Mr. Saxe's addresses are ready for publication as soon as Mr. Govan receives the release on his manuscript from the Provincial Secretary of Ontario, Mr. Pilcher has agreed to write the introduction to this publication, which will give the different viewpoints at present existing on the matter of prison construction.

This meeting disclosed the fact that there are no established standards for prison construction and that extensive research is necessary in order that from the best thought of experts dealing with the various phases of the prison problem, architects and engineers may develop standards similar to the standards now available in hospital construction.

To provide for such research a motion was introduced and adopted at the annual meeting of the National Committee on Prisons and Prison Labor, on February 4th, 1919, to the effect that the trustees of the Committee be requested to organize a Committee on Structural Code and Type Standardization.

In addition to the annual meeting the February conferences consisted of:

A conference on women prisoners.

A conference on New York prisons.

A conference on misdemeanor prisoners.

The conference on women prisoners disclosed the fact that a clearing house for information on this phase of the prison problem is greatly needed. A motion was adopted requesting the trustees of the National Committee on Prisons and Prison Labor to establish a committee to act as a clearing house on the problems connected with the care and training of women prisoners.

At the conference on New York prisons, Commissioner Hamilton of the Department of Correction, City of New York, was among the speakers. Commissioner Hamilton has since submitted his three-year program for the City Department of Correction to Mr. Lewisohn for criticism.

The conference on misdemeanor prisoners revealed the fact that it is imperative that the Committee begin an active campaign to overcome the evils of the jail situation. The active co-operation of Mr. Edwin Abbott, general secretary of the American Institute of Criminal Law and Criminology, has been secured, and also that of Dr. William A. Wilson, director general, New York Bureau of Venereal Diseases of the Public Health Service.

A dinner was held at the home of Mrs. R. J. Caldwell on Wednesday, April 16th, at which Mr. Adolph Lewisohn, Dr. Hastings H. Hart, Mr. Edwin Abbott, Dr. Wm. A. Wilson, Miss Helen Varick Boswell and Miss Jaffray were present.

A program for the elimination of the county jail was planned to be submitted for endorsement to the Board of Trustees. If approved, Miss Boswell will present the program to the Council of the General Federation of Women's Clubs; Mr. Abbott to the American Institute of Criminal Law and Criminology, and Dr. Wilson to the Surgeon General for endorsement. It will then be necessary for the Committee to guide a nation-wide campaign for the adoption of the program.

A direct result of the conference on misdemeanor prisoners is that Mr. Edwin Abbott has been requested to address the Connecticut Conference on Charities and Correction on April 9th, on the subject of "The State Farm vs. The County Jail."

The conferences in January and February were attended by prison officials and others from fifteen states. The attendance at the conferences varied from 150 to 300, while over 80 persons visited Sing Sing Prison, where the plans for the New York state prisons were exhibited.

The result of the conferences has been a steady increase in the cordiality of the relationships between the prison officials and the Committee, which bring constant requests for information.

The conferences also have done much to standardize thought in connection with the need for the payment of wage to prisoners, the industrial training for prisoners and, above all, to emphasize the fact that the prisoner does return to society and that he must receive such training while in prison as to fit him to conform to the standards of society upon release.

The full proceedings of the annual meeting and conferences are now on the press and will form a valuable and needed addition to the literature upon prison work.

PRISON STATISTICS

The statistics of releases from prisons throughout the United States during the period of 1900-1918 were compiled and forwarded to the office of the Provost Marshal General, forming the basis of the statistics regarding felons in the report on the draft.

FOREIGN-BORN IN THE PRISONS

Questionnaires have been sent out at the request of a representative of the section of work for foreign-born of the Y. W. C. A., to the wardens and superintendents of all the state prisons for men and boys and correctional institutions for women.

To date 32 questionnaires have been returned from 21 states.

The readiness with which the wardens have furnished the statistics called for by these questionnaires and the amount of information they have afforded indicates both the friendliness of the wardens and also the fact that they realize that the foreign-born in the prisons and their families need education and friendship.

Conferences have been held with a representative of the Y. M. C. A., the National Committee for Constructive Immigration Legislation, and the Immigrant Publication Committee. The co-operation of the Y. M. C. A. and the Immigrant Publication Committee has been promised; the National Committee for Constructive Immigration Legislation, which is indirectly a branch of the Federal Council of Churches, believes the work could be more advantageously handled by the Social Service Division, and requested that the Committee present the matter to Dr. Brooks, director of this division.

Further conferences are arranged with the Hebrew Sheltering and Immigrant Aid Society of America and the Division for Study of Methods of Americanization.

After a few more preliminary conferences it is hoped that a small group can be called together and plans evolved for co-operation of the different agencies in providing the education needed by the foreign-born in the prison and by their families.

This work for the foreign-born should develop towards the introduction of the community camp or similar activities into the prisons for the benefit and training of all prisoners.

PATRIOTIC ACTIVITIES OF THE PRISONERS

At the request of the Liberty Loan Committee a survey was made of the patriotic activities of the prisoners. Letters were received from the wardens or superintendents of forty-three institutions in twenty-three states, which reported that \$106,350 worth of Liberty Bonds had been purchased by prisoners; \$34,805.99 worth of War Savings Stamps; together with many other patriotic activities carried on by prisoners.

These reports were turned over to the Liberty Loan Committee, which sent out a special press report and has arranged for addresses on the subject. It

is believed that both the public interest in the prisons can be stimulated through this means and the prisoners encouraged at the recognition of their efforts.

SURVEY OF PRISON REFERENCES IN THE PARTY PLATFORMS OF 1918 AND THE
GOVERNOR'S MESSAGES AND LEGISLATION, 1919

A report is in process of preparation on the prison references in the party platforms, 1918, governor's messages and legislation, 1919. This report should show the trend of the prison movement throughout the country and form the basis for education work before the next session of the legislatures. In addition to the reports in the office of the Committee covering the laws regulating the control over the prisons in the 48 states, the parole, sentence and pardon laws and the laws regulating wage and employment of prisoners have been revised and brought up to date, and the library of prison reports brought up to date.

STATE WORK

New York State. A conference was called on December 2, 1918, at which the following were present: Mr. Adolph Lewisohn, Mr. Frederick A. Goetze, Mr. John J. Manning, Mr. William A. Orr, New York State Superintendent of Prisons, Mr. Kaufman, representing the United Garment Workers of America, Mr. Roache, New York Representative American Federation of Labor, Mr. Sam A. Lewisohn and Miss Jaffray.

Mr. Orr reported on the difficulty encountered by the prison department through the powers vested in the Commission on New Prisons in regard to the construction of new prisons, and urged that the National Committee on Prisons and Prison Labor make a survey of the situation and prepare legislation to correct the situation.

The officers of the Committee decided to consult with Dr. Samuel McCune Lindsay and Dr. Parkinson of the Legislative Drafting Bureau in regard to the retention of a lawyer to make the survey, and, if desirable, prepare legislation. On the advice of Dr. Parkinson and Mr. Chamberlain, Director of the Legislative Drafting Bureau, Mr. Frederick Lee was retained. Conferences were held with Mr. Orr, representative of organized labor, Mr. Lewis Pilcher, New York state architect, the wardens of Sing Sing and Great Meadow Prison, and Mr. James P. McGuire, chairman of the Commission on New Prisons.

All were in agreement that the work of the Commission had been completed and that the power over the construction of the new buildings should be vested in the state superintendent of prisons.

January 1, 1919, Mr. Orr resigned, and it was decided to continue the survey, but to wait and secure the co-operation of the new superintendent of prisons before making any finding public.

A brief conference was held with Governor Smith, who stated himself in sympathy with the plan for centralizing the control in the state superintendent of prisons and asked the Committee to co-operate with the new superintendent of prisons.

The survey was continued and presented to the trustees of the National Committee on Prisons and Prison Labor, January 7th. It was decided to limit the proposal to the control over the construction work, but to include

provision for supervision of prison workers by competent foremen instructors, not guards.

It was further decided to endeavor to bring about a survey for the reorganization of the prison industrial system and include recommendations for wages for prisoners.

Following the appointment of Mr. Rattigan as state superintendent of prisons the Commission on New Prisons adopted a resolution to the effect that it considered its work as completed and requested its own dissolution.

Senator Sage introduced a bill into the legislature to abolish the Commission, but retain the work of the Commission in the selection of the sites and approval of plans for the new prisons. The bill did not contain the provision for foremen instructors as it was found that the provisions of the building code for the erection of public buildings would make it possible to secure the foremen instructors, the difficulty formerly encountered being due to lack of co-operation between the prison department and the Commission on New Prisons. The bill has been passed by the legislature and is now before the governor for signature.

The get-together which resulted from the work of the Committee resulted in the appointment of a Commission by Mr. Rattigan to work out a better prison system for the state, and the appointment of Mr. Adolph Lewisohn, as the chairman of this Commission.

Contributions were made to the Social Service Bureau of Sing Sing amounting to \$350 and to the educational work at Sing Sing, \$100.

Maryland. The Committee continued its support of the Maryland Board of Prison Control in its demurrer to the injunction brought against it by the Jones Holloware Co., prison contractors, at the Maryland Penitentiary.

On December 19th, Mr. Lewisohn received a letter from Mr. Manning referring to a request from the attorney general of Maryland for recommendations as to other systems of employment to take the place of the contract system. Mr. Lewisohn after conference with Mr. Goetze, wrote the attorney general offering the services of the Committee in making a full survey of the prison industries of Maryland and proposing recommendations for the reorganization of the system.

The opinion of the Supreme Court of Maryland sustained the Board of Prison Control and the formal request of the Board of Prison Control for the survey offered by the Committee was received.

Mr. Whipple, of the staff of Perley, Morse & Company, was immediately sent to Maryland and is at work on the survey, promising his preliminary report immediately after the return of Dr. Whitin.

The Baltimore News offered its co-operation in the work in Maryland. A history of the Committee for the ten years since its organization was written and published in full in the News.

Connecticut. Mr. E. Kent Hubbard, Connecticut representative of the Committee, wrote for information on which to base proposals for the reorganization of the Connecticut prison system.

The material furnished Mr. Hubbard was found of value and he has stated that he believes by the next session of the legislature Connecticut will be ready for constructive legislation.

At the request of the Board of Managers of the Connecticut Reformatory for Women, the secretary of the Committee visited that institution and went

over the plans for its development. On finding them the most progressive in connection with any institution for women prisoners, the secretary complied with the request of the board and appeared before the Appropriation Committee of the Connecticut legislature urging large appropriations for the institution. Mr. Hubbard also spoke on behalf of the appropriations.

The decision of the Appropriations Committee has not yet been made public, but the secretary of the Connecticut Prison Association has written that sentiment towards the institution seems favorable.

The secretary, at the request of the chairman of the board, filed a report with him on the institution which he has written will be helpful in bringing about the development of the staff.

Illinois. At the request of Mr. Saxe a bulletin was prepared stating the facts in connection with the new prison in Illinois and the delay in its construction and asking an expression of opinion as to what the solution of the situation would be. These bulletins were sent to all members of the Committee in Illinois and also a large number of copies were given to Mr. Saxe.

Mr. Robert Gault replied that there is a great difference of opinion as to the desirability of completing the new prison. The members of the Committee in Illinois form the nucleus for a good group which can readily be developed and can assist in working out the state prison policy (exhibit 1).

Maine. Information in regard to reformatories has been forwarded to Mr. Edwin Wheeler, who reports the sentiment in Maine is crystallizing in favor of the establishment of a reformatory.

Ohio. The State Use System of Ohio has been charted by the Committee and charts sent to Mr. Riddle, a member of the board of administration.

Utah. Information was afforded the warden of the state penitentiary for use of members of the legislature in framing legislation for wage for prisoners.

New Mexico. A request has been received from the warden of the penitentiary for recommendations as to the most competent person to make a survey of the prison buildings. The offer of Mr. Pilcher to go down and make the survey if expenses were covered was secured and Mr. Lewisohn wrote the warden to that effect. The warden has written expressing appreciation, and it is probable Mr. Pilcher will make the survey.

Alabama. The state prison inspector has written requesting a criticism and comparison of different types of jail buildings. A report is being secured for him. He has also been sent the stenographic reports of Mr. Govan's address on the temporary type of prison building used in Ontario.

Virginia. The reports and publications of the Committee, together with copies of several addresses delivered at the February conferences have been sent to Mr. Mastin, secretary, State Board of Charities, for use in formulating reconstructive prison program of the department.

Iowa. Hon. George Cosson has been supplied with material to help him in securing the necessary appropriations for the development of the state farm for misdemeanants.

Washington. Dr. Sydney Strong was forwarded material on which to base recommendations for the improvement of the system of handling misdemeanant prisoners.

Rhode Island. The legislature has been circularized with pamphlets giving the facts against the contract system.

New Jersey. A fund of \$500 was given to commissioner of charities and

corrections to aid in the development of the educational work of the department.

Respectfully submitted,

(Signed) J. K. Jaffray,
Secretary.

Exhibit I.

January 13, 1919.

To the Illinois Members, National Committee on Prisons and Prison Labor.

The National Committee on Prisons and Prison Labor is endeavoring to draw together the best thought which has entered into the construction of prison buildings in order that we may be in a position to advise those states which apply to us for information along this line.

To this end a meeting was held in New York on January 6th, at which Mr. Saxe, of the firm of Zimmerman, Saxe & Zimmerman, discussed the new Illinois prison. The enclosed bulletin contains Mr. Saxe's remarks. Would you kindly read it with care and send your comment to the Committee?

Very truly yours?

NATIONAL COMMITTEE ON PRISONS AND PRISON LABOR.

By,
Secretary.

National Committee on Prisons and Prison Labor

Columbia University, New York

Bulletins on Prison Construction

The New Joliet Prison

The members of the New York State Commission on New Prisons twice visited Illinois to study the new Joliet prison, which is being built under the direction of a committee composed of John Lambert, James J. Patten, and Congressman Ira C. Copley, of Chicago. The New York Commission was much impressed by the plans for this institution and personally requested the governor of Illinois, in the interests of humanity, to advance this project, especially in view of the terrible conditions existing in the non-industrial Joliet.

The subject of prison reform has recently been given prominence through the attitude of President Wilson, who issued an executive order in regard to prison labor on September 14, 1918. The President has also strongly insisted upon the need of vast undertakings along the line of public works, so that labor released from war-time employment may be given work. The progression of all necessary public works will tend to absorb the unreleased energy of skilled, but idle artisans.

The completion of the new Joliet in accordance with the present plans will be a notable step toward prison reform in Illinois. At the present time it is a worthy public work and the pushing of work upon it would be in line with the President's recommendation.

The National Committee on Prisons and Prison Labor, after a consultation with members of the New York State Commission on New Prisons, decided to call a conference in New York for consideration of the subject of prison construction. The Committee considered the most noteworthy prisons now under plan or construction, to be those of Illinois, Ohio, and the province of Ontario, Canada, and Sing Sing, Classification and Wingdale Industrial Prisons

in New York state, and invited the architects who had designed these institutions to discuss the principles underlying their construction.

At this meeting Mr. Albert M. Saxe, of the firm of Zimmerman, Saxe & Zimmerman, the architects of the new Illinois state penitentiary, enunciated certain of the basic principles embodied in the plans for the new Joliet. Mr. Saxe was very careful to distinguish between the requirements of reformatory work as compared with penitentiary conditions. He said in part:

"There are certain basic principles involved in the analysis of the requirements of a modern penitentiary upon which nearly all authorities on penal matters now agree, and which in themselves are not subject to much contradiction. They find their origin in the fact that a prison sentence means, fundamentally, that a convict is simply an individual condemned to live apart from society.

"The important conditions necessary of fulfillment to accomplish this end properly can be designated as follows:

"First: The prisoner must be confined safely. He must be confined in a manner which reduces the possibility of escape to an absolute minimum and precludes the opportunity of a repetition of his offense. This is the first duty of the state toward its citizens.

"Second: He is entitled to his health, for the prisoner is not condemned to die, and since he is not sentenced to physical or mental torture, there is no moral or legal authority for depriving him of it.

"Third: The regeneration of the man. This also becomes a duty of the state since, in the average case, the prisoner, upon expiration or commutation of his sentence will mingle with society again and his fellow citizens are once more subject to his influence, be it good or bad.

"A conformation to these three basic principles with an intelligent administration of the circumstances with which they are surrounded should result, so far as present conditions are concerned, in a model institution, but we find a serious conflict likely to ensue between the first fundamental and succeeding two, for when a prisoner is incarcerated beyond the possibility of escape under any of the usual forms of confinement, the other fundamentals suffer greatly.

"It is this conflict in requirements that has been the cause of the years of argument and contention between the theorist and the jailer.

"Let us first decide what the requirements for health (upon which generation is dependent) may be, and then determine whether or not they may be fulfilled consistent with safekeeping, which is in itself we know to be a more simple matter.

"We know that the health of the prisoner would be maintained, and a foundation laid for regeneration if he were to be surrounded with conditions most nearly approaching those of a decent home.

"Disregarding illusion to the obvious sanitary requirements, we know that first of all this means a room and not a cage. We know that his air supply should be directly from the outside, and not contaminated by cell house conditions.

"Here again these simple necessities of life are in themselves easily obtainable, but in order to obtain the first requirement of safety, it has been considered necessary to sacrifice them.

"In the most simple terms, the problem seems to lie in giving the prisoner

a direct connection with outside sunlight and air, without giving him an opportunity to use it as a method of escape.

"Obviously sufficient careful supervision would permit this, but under the customary forms of confinement, the expense of doing so would be exorbitant and it was the necessity of providing comprehensive supervision at a reasonable expense to the taxpayers that suggested the circular cell-house at Illinois. It developed a method of providing a normal living condition without jeopardizing safety; in fact, it increases the factor of safety by placing responsibility where it belongs. It gives the prisoner privileges for the simple reason that he cannot abuse them."

As an explanation of the solution of the problem at Illinois, it may be said that the cell houses are circular with a guard in the center, who has a view into each and every cell at all times.

The comprehensive supervision thus afforded permits each cell to have a large outside window without jeopardizing safety.

The cell houses are eight in number with a capacity of 248 prisoners each, an arrangement which permits the most flexible classification. The cell fronts are provided with glass doors instead of bars and each cell thereby becomes a room, giving a possibility for individuality to the prisoner not obtainable with an open front cell.

The institution includes all the usual administrative features, work shops, etc., and is surrounded by a wall 33 feet 6 inches in height, which encloses an unusually large area of ground for recreation and out-door living. The enclosure is 60 acres.

PAROLE—PROBATION

Standards for Effective Probation Work.—Following are the topics for discussion at the second session of the Eleventh Annual Conference of the National Probation Association at Atlantic City, Friday afternoon, May 30, 1919:

1. The Probation System should be standardized by the employment of as many officers as is required by the number of cases. Proper probation work demands that no probation officer should supervise more than fifty probationers at any one time.
2. Earnest effort should be made to induce judges not to place on probation the definitely feeble-minded, confirmed inebriates or habitual offenders. Unfit subjects on probation destroy the confidence of the public in the system and lowers the efficiency of the probation officers.
3. Before placing on probation, judges should require a careful investigation of the facts by probation officers. Investigation reports should be treated as confidential communications and should not be made public.
4. Care should be exercised on the part of judges and magistrates throughout the country lest the making of preliminary investigations requires so much of the time of probation officers as to prevent them from properly performing their principal duties of looking after and aiding persons who are placed on probation.
5. There is a certain advantage in having the preliminary investigation made by the officer who subsequently supervises the probationer, but in large cities a division of the probation staff into a corps of investigators and super-

visors is often desirable and practicable. Specialization also in Family Court work and in the treatment of youths produces favorable results.

6. Provision should be made in all courts to secure the services of physicians, psychiatrists and psychologists to examine delinquents before sentence. Probation officers should take steps to obtain this co-operation where no provision has been made for it by the court.

7. As soon as possible after the court places an individual on probation, it is important that the probation officer should see the probationer, entirely alone, and explain carefully the general and particular conditions of probation. Visits to the home and to other places to secure additional information and co-operation should be the next step. A plan of probation should then be formulated subject to modification as probation progresses.

8. The period of probation should be long enough to afford opportunity for definite improvement in the character of the probationer. At least one year is required in serious cases. The practice of placing persons on probation for an indefinite period to be determined by the character and conduct of the probationer is advisable.

9. An essential factor of any successful probation work is vigorous enforcement of the conditions of probation. Probationers should be returned to the court promptly when the probation officer is firmly convinced of the unfitness of the probationer for further probationary treatment. Every effort should be made to apprehend absconders.

10. A constant endeavor should be made to vary the probation methods of treatment to meet the special needs of each individual, to better the conditions of the probationers and to develop a more personal and intimate study and contact with them. Points of concentration should be health, education, employment, recreation, and spiritual development.

11. Systematic reporting and home visiting are both necessary in probation work. Probation officers should make these meetings count in information obtained and advice given and in the establishment of a friendly relationship. Interviews with probationers should be in private and should not be hurried or stereotyped. The commingling of probationers should be carefully avoided.

12. True probation work consists of definite constructive effort to help probationers by means of kindly guidance, home visiting and practical service. Perfunctory supervision consisting principally of reports to the probation office is not real probation work.

13. Complete co-operation with the social agencies of the community with the endeavor to surround probationers with every helpful influence is necessary to effective probation work, and to the progressive development of the system. In general, probation officers should not undertake service for probationers which other agencies are better equipped to furnish.

14. Probationers should be helped as much as possible to get suitable work and to succeed in it. The interest of employers should be secured and co-operation with employment bureaus maintained. In large offices, a Bureau of Employment should be established. Vocational guidance should be used, particularly in the problems of boys and girls of working age. Employers should not be generally told that employees are on probation unless known to be willing to employ probationers. Probationers should be sent only to places where decent standards of work are maintained.

15. The proper supervision of the work of the individual probation officers by a chief probation officer or group supervisors and also by the judges of the court is essential in developing a proper probation system. The co-operation and sympathy of the judge is needed by the probation officer. Frequent reports on the progress of probationers should be made to the judges.

16. At the termination of the probation period, the probationer should be brought before the court for judicial review. In large cities where there are a considerable number of judges, a probation part or court should be organized having central judicial control over the system.

17. The system of individual assignment on the basis of personality is desirable and practicable in communities in which the distances to be traveled permit an officer to get around to different parts of the city or county without a great loss of time. In very large cities the district system of assignment is a necessity.

18. (a) Suitable quarters with adequate equipment and provision for necessary expenses should be supplied to probation officers. (b) Adequate clerical help should be granted to probation officers. It is poor economy to burden probation officers with clerical duties, as their important work is in the field.

19. More complete, uniform and satisfactory records should be kept by all probation officers. A Central Bureau of Criminal Records should be established in each community.

20. An *esprit de corps* and team-work should be cultivated in every group of probation officers. Weekly conferences by members of the staff at which common problems and difficult probation cases are discussed are desirable.

21. Special case conferences between probation officers and other social workers should be held frequently to consider difficult case problems.

22. Careful study should be made of the relative merits of different methods of applying probation and a continual checking up and improvement of case treatment in the light of such study. Probation officers should recognize that there is a definite methodology and technique in social diagnosis and case work and that in their daily work they are developing these processes.

23. By training, reading, and conference, probation officers should endeavor continually to increase their knowledge and capacity in order to meet the great opportunities of their work.

24. Probation officers should seek legitimate and enlightened publicity for their work through public speaking and newspapers in order to develop a more appreciative and better informed public opinion concerning probation.

25. Annual reports should be published and the material arranged in an interesting and an attractive style.

26. It is highly desirable that the supervision of those released from penal and reformatory institutions on parole should be developed on the same lines of supervision and responsibility as the probation system. There is much to be said for some definite co-relation of the two lines of work in the various localities of the country.

27. Definite qualifications as to character, ability and training should be required of those who seek to become probation officers. Merit and fitness alone should be the basis of appointment.

28. The salaries of probation officers should be made commensurate with the importance of the work and should be high enough to attract and hold well-qualified men and women in the service.

29. Greater support, not only financial but moral, is needed by the probation officers and the probation service.

30. Probation officers should play an increasingly important part in the broader movements of the day, looking towards the improvement of living conditions and the prevention of delinquency and other social ills.

31. We should encourage experimentation to see how probation will work when administered by a local commissioner, and consider the wisdom of building up, in addition to the work of the courts, supplementary thereto and working in close harmony therewith, a plan of administrative control by which the problems of probation may receive the study, supervision and constant revision and improvement, that are secured for reformatory institutions by the boards of managers and executive officials thereof.

Judge Backus on Probation in Milwaukee.—During the past year over one million men, women and children stood before the bars of justice in this country, charged with an offense committed against the federal state, municipal and juvenile laws. What tremendous drain upon the nation; first, the loss of the citizen; second, the influence upon others in the community; third, the expense incident to the trial and his upkeep in the penitentiary. . . .

If those who are charged with the administration of the law would deal justly, for the purpose of doing constructive work with the offender, I believe crime could be reduced to the minimum. . . .

In 1765 Chancellor Blackstone published his commentaries and he was successful in bringing before the public the utter folly of awful and extreme penalties. His advocacy of more humane treatment met with public favor and approval and an improvement began from that time.

Sir Samuel Romilly, a great lawyer and statesman, did much in modifying the criminal code of England at the commencement of the nineteenth century. At that time the criminal code was inhumanly severe, the punishment of death could legally be inflicted for more than two hundred different offenses; for instance, it was a capital offense to pick a man's pocket, to steal five shillings from a shop, to cut down a tree, to harbor an offense against the excise laws, to steal a sheep, or an ox or a horse, or to commit larceny of almost any kind.

In the reign of Henry VIII, 72,000 thieves were hanged, being at the rate of 2,000 a year. . . .

In March, 1816, a bill was passed in Parliament repealing the death penalty for larceny. George Barnett, a boy of the age of ten years, had just been convicted of larceny and was lying in Newgate prison under sentence of death. It was through the untiring work of Romilly, who had aroused the public conscience, that the criminal code of England was finally revised.

An eye for an eye, a tooth for a tooth, and a limb for a limb, degradation, whipping, branding, hanging, maiming, chambers of torture, men's bodies broken on wheels, suspension by arms and legs with great weights attached, the flesh burned and seared by irons white hot, human bodies roasted at slow fires, and buried alive, thrown to wild beasts, molten lead poured into the ears, faces of men placed toward the flaming sun and their eyes blinded, tied by the sea to be drowned by the rising tide; all these have been tried and the victims gave up their lives by millions, and yet so-called criminals did not become extinct. It is a historical fact that crime increased rather than decreased with the imposition of these terrible penalties. . . .

During the eighteenth century the stocks, pillory and whipping posts were to be seen everywhere in the United States. All these historical details shocked men of humane principles and finally led to the agitation of statutory and prison reform in this country. . . .

While district attorney of Milwaukee County, Wis., dealing with many offenders and criminals of all ages and classes, I was deeply impressed with the inadequacy and the utter failure of our system of punishing first offenders. Many citizens of the state who were interested in this work expressed the same view. In 1909 the legislature of Wisconsin passed an adult probation law, giving to the courts of the state power to place on probation first offenders where the maximum penalty did not exceed ten years in the state penitentiary, and placing such offenders in charge of probation officers for guidance instead of confining them to a cell.

This was a humane and merciful act of the legislature, it was a forward step for Wisconsin. Turn back the pages of history for four thousand years, and nowhere in any land or country do you find a statute or law so far-reaching for the well-being and welfare of the unfortunates.

It should not be understood that probation is a species of leniency, as soome seem to believe, nor a license for first offenders to commit crime. It is a scientific method of treating offenders who are relatively socialized and who are in good environment. It is the showing of the proper way, it is to protect him against himself, to aid him and not to crush him. The adult probation system is still in its infancy. In the nine years I have been on the bench I have placed 1,668 first offenders on probation, who have committed a state prison offense, and in that time but seventy-nine have been returned to the court for violation of the rules of their probation. When the probation law was first enacted, one of the members of the senate committee on judiciary, told me that if one young man out of every ten would be saved, the intent of the law would be fully carried out. Instead of saving ten per cent, we, as I believe, have saved ninety-seven per cent of those who have been placed on probation in the past nine years. Taking one hundred persons sentenced in 1907 before the probation law was in effect, I find that thirty-seven were returned to the court after service of their sentence in the state's prison, reformatory, or house of correction, on second offense, and sent back to the penitentiary. How many more of that hundred were returned in other states or other jurisdictions, I am unable to state, but for argument's sake, let us assume that thirty-seven were all that committed another felony after serving their sentences, we find that thirty-seven per cent were returned to prison under the former system as against 3.2 per cent under the probation system. And further, we have taken away under the probation system, the stigma of a felon and convict, which always follows a young man, and have made a good and valuable citizen of him. . . .

The first person discharged after being on probation for two years and six months, received a bank account of \$1,015.00. This man was convicted of embezzlement; he now holds a trust position and receives \$1,500.00 per year. The second person discharged after two years' probation was given a bank account of \$418.00. He was convicted of burglary. Another person discharged after one year and six months probation received a bank account of \$205.00. He was convicted of larceny.

The great majority of the first year probationers have bank accounts of from \$100.00 and over. These young men are full of industry, and all they need is a little direction. Go back to the former system, picture these young men coming from the penitentiary, depressed and disheartened, facing a new world, branded as convicts and criminals; watch them and you will see many travel the circle which leads back to the penitentiary on second offense, and then practically all hope is gone and society has suffered a great loss, first in the loss of its citizen, and second the injury to others because of the crime he committed.

In our probation cases no probationer is turned back upon the community without first giving him employment; the probation officer assumes control of the young man's earnings; a heart to heart talk is had with him, his environment is looked into, he is sent to evening school and the library, his earnings are strictly accounted for, his habits of daily life are carefully noted, and of the 1,668 probationers now working in this city of Milwaukee, every employer will be ready to give any one of them a recommendation, such as he never received before. . . .

During the past few years we have taken charge of the father who abandoned his family, with a view of reconstructing him and returning him to his home. I know of no class of cases which has given the department so much trouble as the abandonment cases. In many instances they have exhausted the patience of the probation officer. I am unable to describe the condition of most of these men as to appearance and state of mind when they are brought before the court. Dissipated, physical and mental wrecks, a class that would ordinarily be consigned to the human scrap-heap. I have no sympathy or mercy for the man who abandons his wife or children. To see innocent little children in a half-starved condition, suffering because of want and lack of care, is enough to induce the average judge to impose the maximum prison sentence.

Patience is a virtue; the judge should be tolerant. If the father can be returned home; if he can be made to understand that the fireside with his wife and children is the brightest and best place in the world; if he with the guidance of the probation officer will rebuild himself and the home, then we have not only reconstructed but we have added a unit which makes for the building of the community and state.

We have now over nine hundred men who have abandoned their families. At the present moment only seven are out of employment; the rest are working, and at home. The probation officer controls both his employment and earnings. In the past year the lowest wage was \$76.00 per month, and the highest \$300.00; a total earning capacity of \$960,000 per month, or \$1,800,000.00 per year.

I have often been asked the question, "Is it worth while"?—Yes it is. The result speaks for itself.—Hon. A. C. Backus, of Milwaukee, in the *Marquette Law Review*.

PENOLOGY

Recommendations on Disciplinary Regulations, Adopted by Washington Conference, Approved by Mr. Baker.—Following is a statement from Secretary of War Baker together with recommendations relating to military

discipline recently adopted by the Conference on Disciplinary Conditions in Washington (from *The Official U. S. Bulletin*, Feb. 14, 1919):

TEXT OF MEMORANDUM

February 11, 1919.

Memorandum for the Adjutant General:

I have examined the recommendations submitted to me on the 7th instant by the Conference on Disciplinary Regulations and approve each such recommendation in principle. It is evident that the effective carrying out of certain of the recommendations will depend upon provision being made for the necessary personnel and funds. Such cases I desire you to bring in proper form to the attention of the Chief of Staff for study and recommendation by the appropriate committee of the General Staff as to changes in the tables of organization, and, if necessary, the recommendation of suitable legislation.

Recommendations I to VIII, both inclusive, XV, and XVI may be put into effect as fully as present facilities will permit, as soon as the recommendations are embodied in suitable military orders and such orders are approved by the Chief of Staff. The formulation of recommendations IX and X should be preceded by a study of the principle involved, to be made under the direction of the Chief of Staff by an appropriate branch of the General Staff.

Recommendation No. XIII needs no action on your part, but should be made part of the records of the conference.

In the formulation of recommendations I, III and IV, kindly consult the Surgeon General of the Army, of IV, VI, XI and XVI, similarly consult the Judge Advocate General; in V and VI, the committee on education and special training of the General Staff; and IV and XV, the morale branch of the General Staff.

THE RESOLUTIONS

The resolutions as adopted by the conference and approved in principle by me read as follows:

I. It is recommended that the Adjutant General, under authority now vested in him by law, should proceed at once to establish the co-ordination required between the United States disciplinary barracks and its Atlantic and Pacific branches.

II. It is recommended that, in order to reduce disciplinary cases by preventing the enlistment of men adjudged to be probably incapable of conforming to Army discipline, and by providing special attention after enlistment for doubtful or border-line cases, psychiatrists be placed on duty at recruit depots, depot posts or other places where recruits congregate in any considerable number; psychiatrists so placed to have had all necessary training for their work, to be allowed adequate numbers to work under the official control of a chief psychiatrist, to have a sufficiently uniform and accepted method of procedure, and necessary clerical help, these and other things necessary to be provided for in Army reorganization understood to be pending.

The duty of these officers to be the exclusion from the service of those applicants determined to be definitely unfitted morally or mentally and to mark for future special attention by commanding officers, morale officers, and others concerned all doubtful or borderline cases for enlistment.

The chief psychiatrist mentioned above to be a medical officer suitably qualified, detailed to have professional control of psychiatric and sociological work at United States disciplinary barracks and at branches and recruit depots, depot posts, or other places where recruits congregate in considerable numbers, this officer to function under a plan of administration to be approved by the Adjutant General.

At places other than recruit depots and depot posts where so small a number of recruits congregate as to make unnecessary the detail of a psychiatrist, the psychiatric work to be taken care of by the regular medical force, under such special instruction as they may need.

III. It is recommended that the necessary psychiatric and sociological work be continued at the United States Disciplinary Barracks and its branches under professional control and co-ordination of the chief psychiatrist mentioned and provided for in Recommendation II, Sub-paragraph I above.

IV. It is recommended that reviewing authorities in taking action on court-martial trial should have the benefit of a psychiatric study of the individual as is now done at the United States Disciplinary Barracks, as soon as it is practicable to bring this about.

V. It is recommended that vocational training be features under general supervision of the chief psychiatrist mentioned and provided for in Recommendation II, Subparagraph I above, at the United States Disciplinary Barracks and its branches to the end that the "hard labor" given to each prisoner shall be in reality wherever possible a course of work eventuating in his leaving the place of his confinement with some useful knowledge acquired during confinement.

VI. It is recommended that the opportunities for schooling in the Disciplinary Barracks and its branches shall be largely increased and large additions made to their libraries, especially in technical books; that the school system be inaugurated and extended to include the necessary personal equipment, and that courses be so arranged that prisoners may take what amounts to correspondence work within the walls; that on recommendation of the commandant moderate remission of sentences to make possible a slightly earlier parole should be granted to prisoners who successfully complete courses of real value; that special attention to day schooling be given for those that are clearly deficient or totally lacking in common-school branches, they being excused from some part of the day's labor when necessary; that the school system adopted shall conform in general outline to any course of instruction which may be adopted for the enlisted men of the Army.

VII. It is recommended that a definitely planned and properly manned employment department, under supervision of the parole officer, should be made a part of each disciplinary barrack organization. That this department should be organized to secure proper employment for all discharged prisoners who desire it; that it should be instructed not to attempt to influence discharged prisoners to accept any certain line of employment, and to act only on request of the prisoner.

VIII. It is recommended that the Adjutant General and the commandants of the disciplinary barracks and its branches place before the Secretary of War the necessary steps, if any, to be taken to promote the efficiency of the disciplinary battalions.

IX. It is recommended that special detachments with company or batal-

lion organization under selected officers and non-commissioned officers be formed; that to these organizations there be assigned, on restoration to duty, those border-line cases which could not now be safely restored because it is felt that they are not fit risks for regular units. It is believed that in special units of this kind these men would succeed, and that these special units will pay if the United States is to have an Army of 300,000 or more men. In such organizations it is believed that the specially selected officers and noncommissioned officers in charge of these units would be an exceedingly important feature.

X. It is recommended that if special units are formed, as recommended in the preceding paragraph, an order be issued directing the restoration to duty of certain types of men on recommendation of the commandants, even though these men may themselves not ask for restoration.

XI. It is recommended that soldiers dropped from the rolls as deserters who voluntarily surrender three months within time of desertion will be sent if practicable to the disciplinary barracks for trial. If convicted and sentenced, and the report of the psychiatrist is favorable, the reviewing authority should, if he deems wise in any instance, commute the sentence to three months' confinement with a view to the immediate assignment of such soldier to the disciplinary battalion.

XII. It is recommended that, with a view to throwing further light upon the problems of disciplinary control, commandants be authorized in their discretion, on the advice of the senior psychiatrist on duty at their barracks, to work out and try experimental methods of treatment of recalcitrant prisoners other than those at present in use, and to report the results to the Adjutant General, provided specifically that such new methods shall not be inconsistent with the spirit of paragraphs 344 and 345, Manual for Courts Martial, 1917, and other paragraphs in law or regulations, and other publications of the War Department of the same purport or intent.

XIII. It is recommended that the steps already taken by the Judge Advocate General and now proceeding with all possible speed be regarded as the best basis upon which to go forward in the direction of equalization of the sentences of military prisoners and the exercise of clemency in suitable cases. This is believed to be an important factor in the betterment of disciplinary conditions at the present time.

XIV. It is recommended that the morale section, General Staff, or other suitable agency of the War Department shall receive from the disciplinary barracks, guardhouses, or other places having forces, a report on a properly prepared form in the case of each soldier who is separated from the military service other than by death or by honorable discharge, and shall be instructed to file them and study them critically, communicating the results of the study to the service from time to time.

XV. It is recommended that provision be made for extending "morale work" to all units of the Regular Army in time of peace by one or all of the following named methods:

- (a) Special morale work where necessary.
- (b) Instruction of officers and noncommissioned officers in morale work.
- (c) Consideration as a part of morale work of what changes are required, if any, in rules, regulations, or other matters affecting the daily life

of enlisted men in order to remove such as are tending toward deterioration in morale.

The following recommendation, although it had received unanimous indorsement of the subcommittee failed of consideration by the conference as a whole because of lack of time. If, however, it meets with the approval of the Judge Advocate General, I should be glad to have it follow the same course as the foregoing received.

XVI. It is recommended that, subject to the opinion of the Judge Advocate General as to the absence of any legal obstacle, section 339, Manual of Courts-Martial and appendix 10, Forms for Action of Reviewing Authority, Manual of Courts-Martial, be so amended that the reviewing authority does not make a final designation of the place of confinement, but designates the Disciplinary Barracks as the provisional place of confinement, subject to final action to be taken within 90 days by the commandant of the disciplinary barracks, making the final designation as the place for confinement either the Disciplinary Barracks or a Federal penitentiary.

I hand you herewith the papers of the conference which have come to my desk for your assistance in formulating the necessary regulations and thereafter for filing.

NEWTON D. BAKER,
Secretary of War.

MISCELLANEOUS

A Study of the Boys in the Municipal Court of Chicago.—(Bulletin of the Department of Public Welfare, City of Chicago, Vol. 2, No. 4, 1919. Department Serial No. 9.)

We have just received from Mrs. Louise Osborne Rowe, Commissioner of the Department of Public Welfare in Chicago, a pamphlet of 39 pages under the above title. The Department of Public Welfare includes a Bureau of Surveys, and the present study was made by Dr. Frank Orman Beck, Acting Director of the Bureau. Miss Mabel Gregg, Investigator in the Bureau, co-operated with him in this study. The emphasis is upon recidivism.

The Boys' Court of Chicago is a branch of the Municipal Court. It was organized on March 18, 1914, and has a history, therefore, covering five years. During the first year more than 10,000 boys came before this branch. During the second year, nearly 8,000; during the third year, over 6,000; during the fourth year, almost 8,000; during the fifth year the total number of cases mounted to over 8,000. The investigators attribute this large increase to the unusual social conditions growing out of war, and preparation for war. The investigation covered the first four years of the life of the Boys' Court. During that period 5,096 first offenders appeared before the court. These were first offenders as far as court records show.

The most significant portion of this admirable report is that which relates to the repeater. During the first two years of the history of the Boys' Court there were 10,416 cases heard, and of these there were 1,027 repeat cases representing 694 individual repeaters. In other words, the 694 individuals were arraigned 1,027 times; an average of 1.5 times each. There follows a table showing the distribution of recidivists compared with first offenders. In Precinct No. 27, with a population of 20,899, there were 881 complaints against adults, yet there were but 71 boy offenders, a small number owing to the fact

that the population of the precinct is largely adult. Of these 71 boy offenders, however, there were 59 recidivists, an unusual proportion. The cause of this, Dr. Beck assigns to the presence in the precinct of 248 saloons, 10 poolrooms, and 8 dancehalls. The death rate in the precinct is high and indicates bad housing. There is one police officer to each 12 per cent of the population—the third highest rate in the city. Perhaps all that can be inferred from these facts is that anti-social conditions obstruct the reform of boys.

Another interesting case is presented in Precinct 6 with a population of 56,067 people in an area of 11.5 square miles, one of the most densely populated district in the city. Here the number of boy arrests is large compared with adults. This is a precinct of large families. The population was at least 50 per cent negro during the first two years' history of the Boys' Court. In this precinct alone there were 202 recidivists.

Precinct 21 is a foreign-born district. Ward 19 contains 27 per cent of the Italians of the city and 22 per cent of the Greeks. The precinct as a whole is 46 per cent Italian, 23 per cent Russian, 3 per cent Greek; a total of 72 per cent belonging to three different foreign nationalities. Within the period covered there were 471 first offenders among the boys of this precinct and only 519 recidivists. Dr. Beck undertakes an analysis of the question why so small a portion of recidivists appears in this quarter. The total population of the precinct is 143,769. It is not due to a favorable social environment, but rather to the character of the first offenses, many of which are due merely to ignorance. Once the lad has been brought to book, he learns something about the customs and laws of our country, of which he was previously in ignorance. There is more recidivism among English-speaking boys in the city than among foreign-speaking lads. It may appear, therefore, that the court is not an unmixed evil to the foreign-born boy. It is an educational agent. The pity of it is that we have not been able to teach these boys our new world ideals before they have come into contact with peace officers.

In Table 14 the author displays a case of 100 individual recidivists, in which is a summary of the history of young fellows who have been guilty of second, third, fourth, fifth, or more offenses. This table illustrates the type of information that has been collected in the study of 1,000 recidivists, who came before the court during the period in question and upon whom the author reports in the remainder of the pamphlet. Of the 1,000, 424 committed a third offense; 208 a fourth offense; 106 a fifth offense and the remainder six or more. What are the causes of recidivism? Twenty-three per cent of the whole are poorly equipped mentally; the remainder in this respect are either good or fair. But the condition of the family is alleged to be the principal factor in recidivism. It fails to furnish the necessary corrective influence and frequently becomes a positive contributory cause. "The day is surely at hand for the creation of a court to which not only the boy offender may be brought, but which has power to pass judgment also upon the parents."

In the section entitled "Treatment of Crime and Criminals and the Cause of Recidivism," the author urges the creation of an official State Public Defender who will furnish the first offender an experienced, sympathetic counsel and who will thus do much to prevent the repetition of crime. An illuminating paragraph in this section relates to the Grand Jury and the Criminal Court as causes of recidivism. After having been heard by the Grand Jury and bound over to the Criminal Court, boys who were friendless or poor and con-

sequently unable to supply bail, were detained in the county jail for from 10 to 230 days. Thus they came into contact with hardened criminals who teach them the ways of crime and stir them to the point of ambition to plunge more deeply than before into the ways of the professional criminal.

In the section on probation and recidivism the author has incorporated his Table 15 in which he details in parallel columns the cases of 20 boys on probation, aged 16, 17, 18, and 19 years. This table illustrates the character of information secured in each of 200 probationary cases. The average age of the 200 is 17 years, 6 months. Sixty-three per cent of the whole had a previous court record, mostly in the Juvenile Court.

Probation, says the author, is not intended to be sentimental leniency. It is not intended to weaken the power of the Court, but to humanize it. It is as much a part of judicial procedure as to sentence a boy to a penal institution. It is not the alternative of a sentence; it is in itself a sentence. The boy on probation is still a ward of the court. Probation does not tend to increase recidivism, but to decrease it. The evidence brought forward in this study indicates that there is a larger proportion of recidivism among institution cases than among probationers. This portion of the investigation has brought to light the fact that the largest number of boys placed upon probation in any year of the court's history has been but 12 per cent of the total number of cases heard, and the average for four years $7\frac{1}{2}$ per cent. On the other hand, the average of discharged cases for the four years has been 56 per cent, and during one year it ran as high as 67 per cent. This leads Dr. Beck to the proposition that far from too many cases being placed upon probation, the truth is that not enough are so treated.

The pamphlet concludes with recommendations that the probation department should have improved and larger machinery. That probation officers should be more carefully selected; that they should receive larger pay in order that the right type of men and women may be encouraged to go into the service; that the mentally defective group should be discovered in the schools before delinquent career is begun, and that those so discovered should be isolated; that the psychopathic laboratory of the court should be enlarged in its equipment and opportunity, and that it should popularize its work through the elimination of technical and professional reports and in other ways. Education for citizenship and occupation, the provision of farm colonies for defectives and for first offenders all will contribute their share toward the prevention and correction of crime.

This is one of the most thorough-going studies of its sort that has appeared within recent years and the Department of Public Welfare, together with its investigators, are to be congratulated upon their successful contribution. It would be of greater educational value to the public if much of its data were presented in charts as well as in statistical tables and if the tables were introduced by more generous descriptive titles.—R. H. G.

Recommendations of the Juvenile Protective Association of Chicago Re Junk Dealing—"Municipalization."—A year's study of the situation has served to deepen the conviction that the only effective means of eliminating this source of juvenile demoralization is to "municipalize" the junk business. If the purchase of junk were confined to stationary establishments which like saloons, pool rooms, or motion picture theaters, possess elements of stability,

some satisfactory system of surveillance and inspection might perhaps be worked out. But with 1,700 peddlers daily scattering their wagons throughout the whole city, any effectual scheme of supervision is impossible. This wide geographical distribution of the business, coupled with the ignorance and unscrupulousness of many dealers, foreshadow the futility of any licensing plan that might be proposed. The essential element in this child corrupting enterprise is economic. The boy collects and sells his stuff for a few pennies, which will afford him some desired pleasure. The dealer illegally buys the junk, impelled by the motive of personal gain. To substitute the idea of *municipal service* for the notion of *individual* profit appears to be the only means of making the junk business morally innocuous to juveniles.

This plan is not as radical a departure as one might think at first. For several years Chicago has collected and handled junk belonging to the city. A report from Mr. Joseph Siman, Superintendent of the House of Correction, says: "Scrap and junk from the various departments is brought to this institution, where it is sorted and put in commercial shape to be disposed of to the best advantage. All old material, unused machinery, wagons, automobiles, furniture, etc., is collected and brought here, much of which is repaired and placed at the disposal of the city again for use. We also collect waste paper from city buildings, rags and old tin cans from the garbage reduction plant, which is also being disposed of to good advantage. This system of handling the junk for the city is a successful one and has been found to be very advantageous to the city." Apart from legal objections, there seems to be no good reason why Chicago should not perfect a plan for the collection and disposition of other junk much as it collects and disposes of garbage, which was formerly sold to a private concern, but which is now reduced at the municipal plant. In addition to decreasing juvenile crime, this plan would greatly swell the revenues of the city, which have been impaired by the closing of saloons.

Precedents for such a practice are found in other cities. The reports of the United States Department of Commerce make mention of various places where the collection of waste material has been undertaken with good results by municipalities. Report No. 275 cites the experience of Glasgow, Scotland, where a cleansing department for the collection and utilization of waste-products has been in successful operation for 17 years. From waste paper alone, the city derived nearly \$44,000 profit in 10 years, the revenue rising from \$3,010.00 in 1907-08 to \$13,590.00 in 1916-17. "It is reliably estimated that the total value of the paper collected during the present financial year will reach \$50,000." Volunteer organizations of women aid in the collection of this paper, receiving 20 per cent of the revenue derived from the paper so collected. All waste paper is sold to paper stock merchants in the condition in which it is collected.

A somewhat similar system is in operation in Edinburgh, according to Report No. 192. Here the collection which was formerly in the hands of a local agency was taken over by the city in May, 1914. In the year ending May 15th, 1917, the municipal revenue from waste paper collected and sold was \$10,775.00 with receipts constantly increasing. During the two months to July 15th, 1917, the city derived a net profit of \$5,870.00 from this source.

Report No. 86 details the English experience in collecting organic waste of both animal and vegetable origin. The most spectacular example was that of the Quartermasters' Department in utilizing camp waste from which

glycerin was made. "While the English-made glycerin was \$282.00 per ton, the United States fixed their figure at \$1,168.00 per ton. . . . In January of this year, the weekly amount (returned to the army for camp refuse) increased to \$46,232.00, representing approximately \$2,433,250.00 annually returned to the army for waste rations. The production of glycerin from these waste camp products enabled the Ministry of Munitions to dispense with over 1,000 tons of foreign glycerin at a saving in cost of \$875,970.00."

The municipality of Hornsey, England, devised a practical and profitable method of utilizing empty cans. Report No. 141 states that "an important advantage of the process seems to be that it can be carried on with very little additional expense by municipalities that maintain an incinerator for the destruction of waste material. . . . As adopted by the Hornsey Town Council, the process involved only a comparatively nominal capital outlay under \$1,000.00."

Even the backward Orient seems more progressive in this respect than American cities. Report No. 197 outlines the Formosan practice of utilizing empty oil cans. While a large quantity of these tins were discarded at Seattle, Wash., as of no value, they were selling in Taiwan at about 20c each. In 1916, the Taiwan Government Monopoly Bureau purchased 4,000 of these 5 gallon tins, which are converted into scores of useful articles.

A quasi-municipal system is in successful operation in Pittsburgh, where both junk and garbage are collected by a private concern under contract to the city. Not only does the municipality reap substantial revenues from this plan, but according to officers of the State Humane Society, the purchase of junk from children for commercial profit is almost entirely absent and juvenile delinquency from that angle is negligible.

That the war has brought about a centralizing tendency in the collection of junk seems clear. The attempts of the American Red Cross and other agencies in various municipalities in this field constitute additional evidence on this point. The largest general movement in this direction appears to be that initiated by the War Prison Labor and National Waste Reclamation Section of the War Industries Board. Under date of November 6th, 1918, a letter from the Executive Secretary states, "Will say that we are organizing a waste reclamation council in every city and town in the United States. The Councils are composed of representatives from the following organizations, selected by the Mayor:

- "Council of National Defense.
- "American Federation of Labor.
- "American Red Cross.
- "National Y. M. C. A.
- "National Catholic War Council.
- "Jewish Welfare Board, U. S. Army and Navy.
- "Federal Board of Farm Organizations.
- "Farmers' National Headquarters.
- "National Committee of Women.
- "National Committee on Prisons and Prison Labor.

"It will be the aim of the Council to devise ways and means for the collection of all waste material in its community, . . . the intent being that the work of the local council formed in the different cities will be such as to point out the necessity *for each city* to reclaim their own waste material, the

same as they now collect garbage. We believe that the work of these councils will show the profit that will accrue to the city; by doing so they will make it—the salvage of waste materials, a business proposition for each city engaged in such work.”

Whether the cessation of the war has caused the abandonment of the above plan is not known.

Now is the logical time for Chicago to consider the advisability of instituting a municipal system for the collection and disposition of junk, both as a means of preventing crime and as an effective plan for raising large revenues. Under its present statutory limitations, such a municipal system is probably unauthorized by law. The approaching constitutional convention should, however, afford the opportunity of granting Chicago sufficient authority to undertake this work.—From the report. See editorial by Mr. Hunter in this number.

Dr. McCord, Instructor in Cornell.—Dr. Clinton P. McCord, Health Director, Board of Education, Albany, New York, Instructor in Educational Hygiene in the Albany Medical College, and Consulting Psychiatrist at the Berkshire Industrial Farm at Canaan, N. Y., has been appointed professor of Hygiene and Physical Diagnosis in the Cornell University Summer School of Physical Education, in session July 7 to August 16. Dr. McCord has from time to time made valuable contributions to this JOURNAL.—R. H. G.

Death of Mr. Theodore Kytka, Identification Expert.—Mr. Theodore Kytka of San Francisco, Identification Expert, died recently in his laboratory in San Francisco. He had been active for more than twenty-five years in the field of questioned documents and the scientific investigation of problems in criminal investigation and identification requiring the resources of the laboratory. He achieved his earliest successes in Chicago in connection with the trials of the perpetrators of the famous Haymarket riots. He has been a constant protagonist of a high standard of treatment of hand-writing problems and expert testimony and he has done much to eliminate the feeling of distrust which has been sometimes brought to bear on testimony of this character by poorly qualified investigators. In the later years of his life he devoted a great deal of time and attention to the methods of operation and detection of the black hand and similar organizations. He was frequently threatened in his life and property. Among other interesting discoveries which he made was a method of transferring finger prints from one object to another; a discovery which, while it did not affect the value of finger prints as a means of identification, was nevertheless of such importance as to render of somewhat doubtful value the latent prints discovered at the scene of crime as a basis of identification.

Mr. Kytka gave his services freely to the government during the war in all manner of investigations connected with the use of the mails as a means of furthering spy activities. He prepared for the use of the secret service a monograph on sympathetic inks and their methods of discovery which was greatly appreciated and widely used among secret service officers.

In the course of his life Mr. Kytka accumulated a magnificent laboratory in San Francisco.—E. O. Heinrich, Boulder, Colorado.