Journal of Criminal Law and Criminology

Volume 13 | Issue 1 Article 15

1922

Notes and Abstracts

NOTES AND ABSTRACTS

ANTHROPOLOGY—PSYCHOLOGY—MEDICO-LEGAL

Modification of the Marston Deception Test.—Since I wrote the article that appeared in this JOURNAL XII, 3, 390 ff.,[1] Professor H. S. Langfeld and W. M. Marston have made a test studying deception by the association word and time reaction as well as by the blood pressure method.[2] Langfeld emphasized the importance of the reaction time and mean variation, the time being longer in the case of the guilty. In addition, a rise of twenty-four mm. of mercury was noted in the guilty as contrasted with seven mm. in the control. Marston states that a typical lying curve shows a gradual rise in pressure during lying, with a fall in the post-lying period. Langfeld assumes that the resultant rise in pressure following deception is due to a suppression. He cites the case of a control who had lied about insignificant matters, but since there was no suppression there was no effect on the blood pressure. Langfeld corroborates our observants by refuting the criticism that a nervous witness under tension will show the same physical manifestations of guilt. In many of our cases where the controls were obviously very nervous and excited, the symptoms soon wore off, and even if they had not, they could be easily recognized and controlled.

As far as the association technique is concerned, all that is of value is made use of in our deception text. The reaction time can be obtained on the record by some automatic signaling device, or by a signal magnet, which the experimenter operates and by which a record is made of the interval between the stimulus word or question and the answer. This we have done and have found it to vary according to the amount of the suppression. However, we do not emphasize this reaction time, but merely consider it along with the other factors studied.

One of the advantages of the present method of testing over the association method is that the results are obtained regardless of the response of the subject. Thus the effect of the test word, question, or object can be recorded graphically on the drums.

If, as has been the case in some psychoneurotics, we wish to search for buried complexes, much light may be thrown on them by the visible appearance of emotional disturbances. Thus, Boris Sidis utilizes the pneumograph alone in differentiating the chief elements in the case of dual personality. The cardiac changes as produced by the emotions are even more characteristic and striking.

A word of caution is necessary for Marston's adherents who base the deception syndrome upon a rise in the blood pressure curve during the lying period. It is at once apparent that the psychophysiological response will depend upon the individual temperament of the subject. Thus there may be emotional disturbances, and yet, owing to the idiosyncrasies of the individual, there may be no rise in blood pressure. Thus, the blood pressure of some psychopaths may remain unchanged, save for respiratory fluctuations. In one case tested,

[1] Modification of the Marston Deception Test.

[2] "Psychophysical Symptoms of Deception," *Journal of Abnormal Psychology*, Vol. XV, Nos. 5 and 6, p. 319.

an individual tainted with dementia precox, there was no rise in the blood pressure during a period of lying, although we knew that this person was guilty. Again, we may be dealing with the type of individual in whom there is a maximum rise the moment that he realizes that he is to be submitted to a test, and in one case, that of a boy of eighteen, the initial pressure was one hundred fifty mm. and there was no appreciable deviation from this level. However, marked irregularities were discernable in the heart beats. These ranged from a partial vagal block (momentarily) to a sort of summative effect in the curve. (Tycos measurements were taken every minute.)

On the other hand, there is the possibility of a psychopathic taint which may interfere with the eliciting of any emotional complex. Thus a syphilitic, who had been diagnosed as a case of dementia precox and had received institutional care, evinced nothing but amusement during a cross-examination.

Records are being taken from the inmates of penal institutions and those for the insane. Also many healthy individuals will be studied with reference to the fundamental emotions. Perhaps the perusal of five or ten thousand records will give us some real insight into human behavior.—John A. Larson, Ph. D., Police Department, Berkeley, Cal.

The Treatment of Drug Addiction at the Correctional Hospitals in New York City.—There has been so much discussion concerning the treatment by correctional institutions of drug addiction, and such false impressions obtained, not only by the public in general, but also by interested social workers who should be better informed, that a comprehensive resume should be made of every phase of drug addiction, and the treatment administered by the Department of Correction of New York City.

It should be understood, in the beginning, there is no such thing as a "cure," as the term is generally interpreted by the laity. After treatment the patient is able to live without the drug, there is no physical need for it, but nothing will blot out the memory of the exhilarating effect of the first few "shots."

The best treatment then is the one which takes the addict off the drug with as little suffering as possible, restores his physical being, rehabilitates him, and assists him to withstand the temptation, which continues for a long time after the treatment is completed.

Drug addiction has progressed with such rapid strides that it has become an international problem. Concerted action is therefore necessary by all municipalities, and a standard, economic method of treatment should be adopted. In formulating such, several important factors should be borne in mind, namely:

Safety
Humanity
Results
Economy.

There is no mystery about drug addiction or its treatment, and it is the purpose of this article to explain to the public in general how drug addiction can be handled by municipal authorities, guided by any intelligent physician, at a minimum expense.

In order to obtain a clear idea of the treatment of drug addiction, it will be necessary, first of all, to give you the effects of opium or its derivatives on the

habitual user, and to bring out the salient features and the reasons for the different methods of treatment as outlined by the several observers who have made extensive and original attempts at a cure.

The principal action of opium is exerted on the entire nervous system. All three divisions are involved—the sympathetic system, the cerebral centers, and also the gray matter of the cord. We have a resulting mental depression; there is a slowing of respiration, a diminishing of secretions, and an impairing of the functions of the liver. All secretions are diminished with the exception of the sweat.

The patient now presents a picture of a poorly developed, poorly nourished individual, with a cold, clammy, wet skin, who is apathetic, does not care to move about, and is particularly loathe to bathe. If he is careful in the amount taken, he is able to attend to his daily task, does not suffer, but is continually losing ground. His power of resistance is lowered, and he becomes an easy prey to current affections—tuberculosis, pneumonia, influenza, or any of the maladies we have to combat in everyday life. The majority of drug addicts do not keep a perfect balance, but use considerably more opium than is necessary, and then become true addicts and not ordinary habitues.

If the opium is now suddenly withdrawn, we find a set of symptoms which are fairly constant and are really diagnostic of this disease, and have been termed "withdrawal signs." This condition is generally ushered in by yawning, sneezing, tremors, vomiting, and sometimes symptoms of collapse.

There are two plans of treatment that have been generally accepted as serious efforts for the establishment of a "cure." The first of these abruptly withdraws the opium and substitutes some other drug. The second plan gradually withdraws the opium and meets the symptoms when they appear. The first plan may be further divided into: The procedure of using belladonna, or some of its derivatives, as a substitute. Second, a very original method developed by Stokes. Lott and Bishop are the exponents of the hyoscine (which is a belladonna derivative) method. Dr. Bishop has advanced the theory that the body, in an effort to combat overdoses of opium, develops or produces an "anti-body," which is really responsible for the "withdrawal signs." Inhibition of functions, which is one of the effects of the use of opium, locks some of the excess opium in the cells of the organs, notably in the liver, and it is stored here and given off in the circulation from time to time, as inhibition declines and the organs resume their normal functions. This stored-up opium enters the circulation sometimes as late as a month or more after the withdrawal of the drug, and develops new "anti-bodies," which, in turn, give rise to withdrawal signs and accounts for the patient having again recourse to the use of opium.

His treatment, based on this hypothesis, is to give a careful preliminary treatment to the patient to bring about as nearly as possible the normal functions; to give him sufficient opium for his body needs and by cathartics which act on the liver to eliminate the excess of stored-up opium, and when such a condition has been obtained, to abruptly withdraw the drug and deaden sensation with hyoscine; to keep them under the influence of this drug for several days, then to stop the hyoscine and start rehabilitation.

The Stokes method of treatment is based on the hypothesis that the sympathetic nervous system plays the important rôle, and Stokes claims to have found in eserine and philocarpine a physiological antidote, and with these drugs

he stimulates secretion and diapharesis. These plans are very plausible, each in its own way: They have advanced theories which are reasonable and which have many adherents who are excellent observers. The objection to them is in the use of other drugs which are dangerous in inexperienced hands, so that these "cures" can never become universal owing to the scarcity of especially trained physicians and attendants. The condition of the patient under the influence of hyoscine is very closely akin to that of a case under twilight sleep. These patients must necessarily be watched very closely to guard against accident, and the staff of physicians and nurses is therefore very large, and the expense enormous.

The other plan, which is based on the assumption that opium is merely a toxic agent, gradually withdraws the drug, assists the general economy to readjust itself by the judicious use of a few medicaments, and meets the symptoms when they appear. The term "when they appear" has been used for the reason that often there are no symptoms attached to the withdrawal of the drug. A great many drug users, especially of the better type, use no more opium than is sufficient to keep them in perfect balance. These are not true drug addicts, but merely habitues, and the withdrawal of the drug is a very simple matter, entailing no more suffering than obtains with the breaking of any other habit, for instance, tobacco or alcohol.

No theory of any plan has been proven, and there are as many excellent clinicians who use the withdrawal plan of treatment as use the other methods. The particular features that recommend the gradual withdrawal method are its absolute safety and its inexpensiveness, as it may be prescribed by any intelligent physician. The real test of proof of the efficiency of any method is the result obtained. It can be safely said that no one plan shows better results than the other. They all come to a happy termination. The case rapidly regains weight, quickly re-establishes the normal functioning of his organs, and his general improvement is so marked as to be a source of wonder even to the laity.

The method that has been selected for the Correctional Department was developed only after careful study and investigation of all methods used. The danger of the other two methods were considered, as was also the expense. Furthermore, a canvass was made of the drug addicts themselves to determine the method they would prefer. Without exception they selected the gradual withdrawal system. A great majority showed a reluctance to the hyoscine method because they were afraid of any possible complications that might arise from the use of this very potent drug.

The treatment given in the Department of Correction is briefly outlined as follows: When the case is received he is immediately sent to the reception or clearing-house hospital, where he receives a very thorough physical examination, and note is made of any complications or other diseased conditions that may need urgent or coincident treatment. If he is suffering from any infectious or contagious disease, he is retained at the reception hospital on Blackwell's Island, and the drug cure is given there in conjunction with the treatment for his other ailments. If the case is one of a mixture of tuberculosis and drug addiction, it is determined whether or not his condition will permit the withdrawing of the drug. If it is not feasible, on account of exaggerating his tubercular condition, to take him off the drug, he is transferred to the tubercular hospital on

Hart's Island, or if he is a court case, a report is sent to the commissioner, with the suggestion that he be returned to court and the judge notified that it would be inadvisable to take him off the drug at that time.

An uncomplicated case goes immediately to Riker's Island, where he starts on the cure. Here they determine his body needs, that is, he is given sufficient opium to keep him out of pain. This, of course, is a variable amount, but, as a rule, 15 drops of majendie, administered three or four times a day, is sufficient. The dose is prescribed at, or near, meal-time as an inducement for them to take some nourishment. If necessary, a laxative is given. The opium is gradually withdrawn, one drop each day, so that at the end of two weeks the patients are completely off the drug, and are then given strychnine or other supportive measures temporarily. The use of drugs and sedatives is to be curtailed as much as possible, for the gastric secretions are now beginning to develop; the stomach muscles, long disused, are awaking from a state of atomy, and great care must be exercised to keep anything of an irrating nature away from the organ, as it is here that we build our hope on the future rehabilitation. The insomnia is taken care of by exercise, as the best somnifacient is not drugs but fresh air. A body physically tired will sleep.

A great deal of the benefits resulting from this form of treatment has been due to the system of graded exercise at Riker's Island. For the first week or so after the complete withdrawal of the drug the patients are allowed to occupy themselves to suit their inclination. Later they are permitted to perform light labor, general police duty or pulling weeds. It is not long until they ask to be placed at hard manual labor.

The nourishing of these drug addicts is really the most vital part of any treatment. Sufficient nourishment of an easily digestive nature must be given, and that in amounts which will not be irritating to the delicate mucus membrane now in a state of metamorphisis.

Psysiologists have agreed that the number of calories needed to sustain a normal individual is in the neighborhood of 2,400. Estimates made of the dietary at the correctional hospitals have shown addicts to be receiving at least 4,000. This is considerably more than sufficient. It is true that too much reliance cannot be placed on these laboratory findings, and we must necessarily corroborate them with practical results. At least 1,000 drug addicts have taken the treatment in this department in the last year, and the average gain in weight is somewhere between 35 and 40 pounds. This speaks very well for the treatment and the nutritive value of the food used.

Research work, particularly along the lines of the food given, is being conducted. The percentage of gastric disorders is high enough to warrant the investigation as to whether we are not feeding too much. The opportunities for observation and study are better in this institution than at any other place. The court rules that they shall remain in custody at least 100 days. Certainly, if complications are to arise, they will make their appearance within that time. We have never found a single case that has taken the cure as prescribed by the physician that has ever felt a craving for the drug.

Another feature that must be taken into account in the institutional treatment of drug addicts is the attitude of the patient himself. This has been considered also in selecting the method of treatment. Most of the cases received by the Department of Correction are those in which there is not only lack of coöperation, but a decided objection to be taken off the drug.

The advocates of the hyoscine method point to its feature of absence of discomfort. It is perfectly proper for those who are conscientiously striving to rid themselves of this pernicious affliction to receive all the help that medical science can afford, and no expense should be spared to assist them in gaining their health with as little suffering as possible. With the criminal type the conditions are different. The patient does not want to be cured, usually rebels, and is only waiting until his time is up to go back on the drug. Those cases, if they find it a simple matter and free from inconvenience, they will be induced to again take the drug, knowing that they can be cured when they get into bad shape, without any effort or hardship, so that in some instances the most humane method is poor philanthropy.

After the case has remained 100 days free from the drug, the doctor is through, and the case becomes a sociologic problem, and prevention of drug addiction is the paramount issue.

Summarizing briefly, we find the gradual withdrawal plan the safest and the most economical, the results not only as good as any other, but bearing scrutiny for a longer period of time. As to it being a humane method, we have the word of the drug addicts who have used all treatments that they prefer the gradual withdrawal plan.—James A. Hamilton, Commissioner of Corrections, New York City.

Criminal Responsibility.—Laignel-Lavastine begins his study of this subject by repudiating the term "criminal responsibility" and using instead "penal capacity," analogous to the expressions earning capacity and civil capacity. He discusses this from various standpoints, reiterating in conclusion that the medico-legal expert does not have to pass judgment on the penal capacity. All he has to certify to is *l'anormalité, la nocivité, l'impulsivité, l'intimidabilité et la perfectibilité* of the accused. It is for the court to decide from these premises whether the penal capacity is normal, attenuated, or nil."—*J. Am. Med. A.*

The Narcotic Control Association of California—There was formed in San Francisco on October 27 a new organization, to be known as the "Narcotic Control Association of California." This organization is made up of representatives of every civic and fraternal organization in the state of California, and also includes among its membership the officials who are charged with law enforcement in this state.

The officers are as follows: President, James A. Johnston, Warden of San Quentin Prison; vice-president, Mrs. Helen P. Sanborn, President of the San Francisco Board of Health; secretary, Louis Zeh, Secretary of the California State Board of Pharmacy; treasurer, Charles Goff, Captain of Police, San Francisco. Cal.

After a spirited meeting the resolutions given here below were passed, and, if followed up, will result in curtailing the drug traffic in this state:

WHEREAS, The Harrison Narcotic Act, the federal law providing punishments for unlawful sales and handling of narcotics is not sufficiently strict to cope with the drug evil now existing throughout the United States; now therefore be it

RESOLVED, That it is the sense of this association that the Harrison Narcotic Act be amended in the following particulars:

That narcotic prescription blanks for the use of physicians, dentsts and veterinarians should be printed by the Commissioner of Internal Revenue, and provided free of charge.

That these blanks should be issued in numbered books and each blank numbered with a stub system; stubs to be returned to the commissioner.

That no prescriptions should be issued except on these official blanks.

That no blanks should be issued to any doctor, dentist or veterinarian, and no prescription filled by any druggist, unless duly registered under the laws of the given state.

That the penalties for violation of the Harrison Narcotic Act should be raised as follows:

For first offenders, fine of $500 to $2,000, to $5,000, and imprisonment to five years.

For subsequent offenses, fine of $2,000 to $5,000 and imprisonment from two years to five years.

For aliens convicted of violation, deportation by the United States immigration authorities.

WHEREAS, There are certain manufacturing concerns in the United States engaged in the manufacture of narcotic drugs;

WHEREAS, A great part of the drugs of such manufacturing concerns are shipped without the United States in a lawful manner and pursuant to law, but are returned to the United States in a surreptitious and unlawful manner and used therein for unlawful purposes;

WHEREAS, It is the sense of this association that the manufacture of narcotic drugs should be by the federal government or under the strictest character of inspection and surveillance, so that every grain manufactured by them can be traced to the ultimate user; now therefore be it

RESOLVED, That the president of this association be and he is hereby authorized to appoint a committee to memorialize Congress to enact such federal legislation as will carry out the purposes as above indicated.

WHEREAS, The existing regulations in this country, as well as in foreign countries, are such that the unlawful sale and distribution of narcotic drugs is steadily on the increase; and

WHEREAS, There should be some better understanding between nations that shall result in a co-ordinative effort to prevent such unlawful sale of drugs; now therefore be it

RESOLVED, That it is the sense of this association that the president of this association be, and he is hereby authorized, empowered, and directed to appoint a committee to memorialize the President of the United States, the national Congress, and the Department of State to cause such action to be taken as will result in such better understanding, to the end that there shall be a universal cessation of the unlawful sale and distribution of narcotic drugs.—August Vollmer, Berkeley, Cal.

COURTS—LAWS

Suggestions for Relieving Congestion in the Criminal Courts of New York City.—The following letters embody a suggestion for the relief of the congestion in the criminal court calendars in New York City. The plan is said to be meeting with general public favor:

"Hon. Nathan L. Miller,
Governor of the State of New York,
Albany, New York.

My dear Governor:

You are well aware of the existing crime wave in the City of New York which has caused an intolerable congestion of the calendar of the Court of General Sessions. The resulting delay in bringing cases to trial has been most oppresive and unjust to those who have been subsequently acquitted, while it has operated to the advantage of the hardened criminals who have been released on bail and again free to follow their nefarious business while awaiting trial. There is a clamant need for immediate and effectual action of a remedial character to correct this condition and prevent a recurrence.

The bill now pending in the legislature and sponsored by the district attorney of the County of New York, providing for the addition of two judges in the Court of General Sessions, while laudable in itself, would prove infinitely more efficacious and meet with more popular approval if combined with or supplemented by the following suggestion:

This plan calls for the immediate enactment by the legislature of a law authorizing the governor to appoint a number (say 15 to 25) of lawyers of pre-eminent standing and ability at the bar to constitute a judicial reserve, a strong arm, so to speak, of the Court of General Sessions, which will be a permanent body potentially but will come into active existence only to meet a particular emergency such as the present or any such future recurring condition. These men may be appointed for a definite or indefinite term and may be called judges of the Court of General Sessions or auxiliary judges or commissioners of that court or by any other appropriate name which will properly describe or designate their position. They will serve without compensation, if necessary, or they may be compensated for the time actually spent in presiding at trials, at the same rate as the regular judges of the Court of General Sessions, which is only about $50.00 a day. While presiding at trials they will sit as judicial officers and have all the powers, duties and functions of the regular judges of that court.

The statute will provide that a defendant or the district attorney may move for an immediate trial and if both consent an order shall, or if either opposes, an order may, be made by a regular judge of the Court of General Sessions, directing that the trial of this particular defendant be had at once before one of the temporary judges designated in the order from the list of appointments originally made by the governor. The court also may, upon its own motion, direct immediate trials before these auxiliary judges or commissioners. The latter may sit in the present Criminal Court Building in additional parts of that court or if sufficient space is not available in that building the statute will permit the procurement of additional space elsewhere having convenient accessibility.

The juries for these trials can be empanelled in the several parts of the court now existing and be then and there instructed to appear on the day and at the place and before the auxiliary judge or commissioner designated in the order, so that additional judicial machinery or expense will not be required.

As soon as the present congestion of the calendar is relieved the special or auxiliary judges will automatically cease to function, because immediate trials

will then be had by the regular procedure and before the regular judges of the court. Similarly, at the first signs of a recurrence of a crime wave, these auxiliary judges will again come into existence as active judicial officers, so that it will be virtually impossible in the future for the judicial machinery of the court to run behind the indictments found by the grand jury.

If in this method of speedy disposition of the criminal cases now congesting the calendar it should become necessary to have additional trial assistants, it is certain that the same public spirit which will impel acceptance of appointment by eminent members of the bar as auxiliary judges or commissioners will actuate others of like character and standing to act in the capacity of special assistant district attorneys. Such appointments by both federal and county prosecuting attorneys are not infrequent under existing law.

This plan would meet with popular acclaim and will commend itself because of—

(a) Its immediate necessity;
(b) The economy of its operation;
(c) The character and high standing of the appointees;
(d) The certainty of immediate and efficacious results;
(e) Its elasticity, and
(f) Its permanent protection against a recurrence of the present condition.

The legal and constitutional aspects of the proposed enactment have been very carefully considered and after a thorough and exhaustive study the conclusion has been reached that the act will be invulnerable in every respect. A brief on the subject is now in preparation and will be submitted to your Excellency by mail immediately upon completion.

In conclusion it is suggested that immediate prosecution and conviction of criminals have a marked tendency toward reduction of crime and are a most effective deterrent. Conversely a long delay in bringing a case to trial inevitably fosters disrespect for law, tends to increase crime and makes a conviction very much more difficult. The very existence of this judicial machinery will have the greatest deterrent on the commission of crime, and will go far to remove the present insecurity of liberty and property.

Your Excellency will therefore be rendering a genuine public service of the highest character by advocating a measure that will make immediate prosecution certain, with the least cost to the state and without permanently enlarging the judicial machinery of the courts.

Respectfully submitted,
(Signed) MOSES H. GROSSMAN."

"Hon. Nathan L. Miller,
Governor of the State of New York,
Albany, New York.

My dear Governor:

I desire to take this occasion to think you for the interview granted me on Monday last and for the opportunity extended to me of presenting my plan designed to relieve the intolerable congestion of the calendar of the Court of General Sessions.

In accordance with the suggestion made at that time, I beg leave to submit this memorandum dealing in particular with the constitutional aspects of the proposed measure.

After a very exhaustive review and extensive discussion of the constitutional questions involved, I am convinced that the proposed act is invulnerable. In any event, if the bill is passed and approved by your Excellency, a minor case can be taken to the Court of Appeals with dispatch for final and conclusive determination and the constitutional questions settled definitively, before any further activity under the act is permitted.

It will not be amiss, before taking up the various constitutional points that will probably require consideration, to state preliminarily several fundamental principles with respect to which there cannot be any question.

I. The power of the legislature to make laws is subject to no bounds, except such as are plainly imposed by the constitution (*Koch* v. *Mayor,* 5 App., 276).

II. In view of the fact that the officers to be appointed by the proposed act are to be, in the strict legal sense, judicial officers, any constitutional inhibition with respect to their creation or the mode of their selection must be found only in the judiciary article of the state constitution.

As the plan contemplates the creation of certain judicial officers, their investiture with certain powers and jurisdiction and the manner of their selection, it must be conceded that the only constitutional questions with respect to the foregoing that can arise are with reference to—

(a) Their creation;
(b) Their mode of selection;
(c) Their tenure of office;
(d) Their jurisdiction;
(e) Their debarment from the practice of law while acting as such judicial officers.

As the officers are to act as auxiliary judges or commissioners of the General Sessions Court, we are next brought to a consideration as to how the foregoing questions can be answered in the light of the judiciary article of the constitution. What does that article provide with respect to the creation and selection of judges of that court? And this question, in turn, should be answered by considering the following specific interrogatories:

(1) Is the General Sessions Court a constitutional court?
(2) Is the office of General Sessions Judge a constitutional office?
(3) May the *auxiliary* judges or commissioners be appointed by the governor while the *regular* judges of the Court of General Sessions are elected?
(4) Are such auxiliary judges or commissioners prohibited from practicing law by Section 20, Art. VI, of the constitution?

1. *Is the General Sessions Court a Constitutional Court?*

The *only* reference to this court in the judiciary article of the state constitution is found in section 14. So far as material in this connection, that provision is as follows:

'Courts of Sessions, except in the County of New York, are abolished from and after the last day of December, 1895. All the jurisdiction of the Court of Sessions in each county, except the County New York, shall there-

upon be vested in the County Court thereof, and all acts and proceedings then pending in such Courts of Sessions shall be transferred to the said County Courts for hearing and determination.'

It is the opinion of some lawyers that the above provision in the constitution is sufficient to indicate a deliberate intention to preserve the General Sessions Court in New York County as a constitutional court. On the other hand, it is contended that no such inference can be implied from a mere negation or exception. The minutes of the proceedings of the Constitutional Convention show that the exception of the Sessions Court in New York County from the general abolition of such courts was deliberate and was necessary because New York County, unlike the other counties of the state, did not have a county court as such, and since the jurisdiction of the former Sessions Courts was transferred to the existing County Courts, it was necessary to except the abolition of the Sessions Court in New York County, for if it were otherwise, the Sessions Court in New York County would have been abolished and its jurisdiction lost entirely.

The history of the Court of General Sessions from early Colonial times has been very thoroughly reviewed by Deputy Attorney General Ainsworth, whose opinion is reported in full in Reports of the Attorney General, 1906, page 480. This opinion was rendered to the Civil Service Commission of the State of New York for the purpose of determining, at that time, whether the judges of this court were city or county officers. It concludes with the statement that 'The Court of General Sessions in and for the City and County of New York is a county court and that all of the judges constituting such court, whether created by acts referring especially to the city of New York or otherwise, become, by virtue of the legislative mandate directing them to act as judges of said Court of General Sessions, county officers.'

Conceding that the Court of General Sessions in and for the City and County of New York is a County Court (and the attorney general in his opinion, referred to above, confirms this conclusion), it does not necessarily follow that it is a *constitutional* County Court. County Courts, as such, are constitutional courts, under article 6 of our state constitution. There is some doubt, however, as to whether the General Sessions Court in New York County, which has only criminal jurisdiction and is therefore unlike the County Courts in all the other counties of the state, was intended to be included in the same category.

The proposed enactment, however, does not affect the constitution of the present Court of General Sessions, nor does it infringe upon or subtract from its present jurisdiction, nor does the proposed act contemplate its abolition. The question of the status of this court in our constitution is therefore not decisive of the main question we are considering.

Assuming, but not conceding, that the Court of General Sessions of New York County is a constitutional court, the further question arises with respect to the office of General Sessions judge, which in the above outline is listed under subdivision '2.'

2. *Is the Office of General Sessions Judge a Constitutional Office?*

It will be conceded that the office of judge of the Court of General Sessions is not specifically mentioned at all in the judiciary article of the constitution. The manner of selection of General Sessions judges should there-

fore be governed either by sections 17 or 18 of article 6 of the constitution (the relevant excerpts of which are subsequently quoted), unless the office of General Sessions judge can by implication be included under some other judicial office which *is* specifically mentioned. The office of Supreme Court justice is unquestionably a constitutional office, because provided for by section 1 of article 6 of the state constitution. This section also limits the number of Supreme Court justices that may hold office, and specifically provides for the manner of their selection. The office of county judge is similarly treated in section 14 of the judiciary article.

There appears to be no question that the judges of the Court of General Sessions are not Supreme Court justices. Unless they are county judges, therefore, the manner of their selection must be governed by some general provision, of which there are two in the judiciary article of the constitution, sections 17 and 18.

Although the Court of General Session is a County Court, and assuming that it is a constitutional County Court, it does not follow that the judges of the Court of General Sessions are *county judges,* within the meaning of that term as used in section 14 of article 6 of the state constitution. On the contrary, it must be apparent that they are *not* such county judges, for any other conclusion would make all the laws of the legislature, regulating their term of office, unconstitutional in so far as they are repugnant to section 14.

From early colonial times, the General Sessions Court, as appears from the opinion of Deputy Attorney General Ainsworth, was always the subject of legislative enactments. Its jurisdiction was defined, and the number of its judges, their term of office, and their compensation, were from time to time regulated and changed by the legislature.

The present term of office of the judges of the Court of General Sessions, is fourteen years (Chapter of the Laws of 1907). Section 14 of article 6 of the state constitution provides:

'All county judges, including successors to existing judges, shall be chosen by the electors of the counties for the term of six years from and including the first day of January following their election. County Courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars.'

It is clearly evident from the foregoing excerpt that the judges of the Court of General Sessions were never intended to be included under the designation of county judges within the purview of section 14, article 6 of the state constitution.

If it were otherwise, the legislative enactments under which they hold their office would be unconstitutional, and the convictions had before them would be void, a result so utterly unthinkable as to irresistibly demonstrate that the General Sessions are not the constitutional county judges.

Since, of course, General Sessions judges are not Supreme Court justices and since, furthermore, they are not county judges, their mode of selection must be governed, as has been pointed out, by some general provision in the constitution, of which there are two, sections 17 and 18 of article 6. The relevant provisions from these sections are as follows:

'Section 17. All other judicial officers in cities, whose election or appointment is not otherwise provided for in this article, shall be chosen by the electors of such cities, or appointed by some local authorities thereof.'

'Section 18. Except as herein otherwise provided, all judicial officers shall be elected or appointed at such times and in such manner as the legislature may direct.'

That section 17 does not apply to the office of General Sessions judge, is apparent from the fact that these judges are *county* officers and that their salaries are paid out of the county treasury. They are not, therefore, 'judicial officers in *cities*.' That has been confirmed by the opinion of Deputy Attorney General Ainsworth, supra.

By process of elimination, therefore, the mode of selection of these judges must clearly be governed exclusively by section 18 of the constitution, above quoted. At this point it is important to take notice of the fact that the plan suggested by the writer contemplates the *appointment* by the governor of the auxiliary judges or commissioners and *not* their election. The question therefore arises as to whether these men may be appointed while the regular judges of the Court of General Sessions are elected, and that is the subject of the third subdivision of the outline in the early part of this memorandum.

3. *May the Auxiliary Judges or Commissioners Be Appointed by the Governor While the Regular Judges of the Court of General Sessions Are Elected?*

The interpretation of sections 17 and 18 of the constitution was given considerable thought by the Court of Appeals in the case of *People* v. *Dooley*, 171 N. Y. 74. It appears from that case, that in 1901 the state legislature revised the charter of Greater New York, and provided for the election of city magistrates within the Borough of Brooklyn in lieu of their appointment. In the Boroughs of Manhattan and Bronx, however, the city magistrates were to be appointed by the mayor, as before. Under this new charter provision, city magistrates were elected in the Borough of Brooklyn at large, and by congressional districts, as provided in the revised charter. A contest then arose as between the defendants, who claimed to have been thus elected, and the four answering defendants, who claimed to hold the said office by appointment.

The question specifically presented to the court was whether the legislature, pursuant to section 17 of article 6 of the state constitution, had authority to provide for the election of city magistrates in one borough, and their appointment in other boroughs of the city. The court held that the mandate of the constitution was unequivocal; that two distinct alternatives were open to the legislature, these alternatives being election or appointment, and that *either* might be chosen, but *not both*.

The court also intimated (page 83) that the same result would obtain if the case were governed by the similar provision of section 18, although the wording of these two sections is not exactly alike. The following quotation from the opinion of the court, is significant and shows the distinction between that case and the bill which is suggested by the writer:

'If judicial officers of the same grade, performing the same duties in the same local division, may be appointed in part and elected in part at the same time, we shall not have long to wait for such use of the power as will serve the selfish ends of the designing few at the expense of the public weal.'

Your Excellency will readily appreciate that the plan calls for the appointment by the governor, not of additional *regular* judges of the Court of General Sessions, but of a body of men to constitute a judicial reserve, *auxiliary judges or commissioners,* who will not be judicial officers *"of the same grade"* as the regular judges of the court. Their tenure of office will be different. Their compensation, if they receive any, will vary; since it will be paid only for the actual time spent in presiding at trials. Their jurisdiction may be different—that of the commissioners or auxiliary judges may be limited to all criminal cases, except those where punishment of death may be inflicted. It is quite clear, therefore, that these auxiliary judges or commissioners may be *appointed* by the governor without encountering the prohibition laid down in *People* v. *Dooley,* supra.

As evidence, not only of the practicability of the plan suggested, but also as emphasizing the distinction between permanent and temporary judicial officers, reference may be made to a parallel situation existing in the Court of Appeals in 1869.

The large accumulation of undecided causes in that court when the Constitutional Convention of 1867 met created a problem demanding immediate solution. Attempts had been made to create a commission to aid the court in disposing of its business and a plan was adopted continuing the former court as a commission of appeals with the addition of another commissioner to be appointed by the governor for a limited period. (Lincoln's Constitutional History of New York, Vol. II, 262.)

The question later arose as to the status of the commissioners with respect to the constitutional inhibition against the practice of law by certain judicial officers, among which were the judges of the Court of Appeals. The court, in *Settle* v. *Van Evrea,* 49 N. Y. 280, in considering whether the commissioners of appeals were to be given by implication the same status as the regular judges of the Court of Appeals, with respect to this inhibition, stated:

'The existence of the commission was limited to three years. It was a tribunal created for a temporary purpose and was not a part of the permanent judicial organization, and the members were not a part of the permanent judicial force of the state' (page 282).

'It is not enough that a commissioner of appeals exercises the same functions as a judge of the Court of Appeals, to the extent of the jurisdiction conferred; he is not an incumbent of the office created by the constitution under that name' (page 284).

It is obvious, therefore, that the distinction between a *regular* judge of the court and a *commissioner* appointed merely for the purpose of assisting the regular judges was clearly recognized.

4. *Are Such Auxiliary Judges or Commissioners Prohibited From Practicing Law by Section 20, Art. VI, of the Constitution?*

Section 20 of the judiciary article of the state constitution reads as follows: 'No judicial officer, except justices of the peace, shall receive to his own use any fees or perquisites of office; nor shall any judge of the Court of Appeals, or justice of the Supreme Court, or any county judge or surrogate hereafter elected in a county having a population exceeding one hundred and twenty thousand, practice as an attorney or counselor in any court of record in this

state, or act as referee. The legislature may impose a similar prohibition upon county judges and surrogates in other counties. . . .' The distinction pointed out in the foregoing paragraphs between regular judges and commissioners and considered by the court in *Settle* v. *Van Evrea,* supra, would likewise apply to the proposed commissioners of the Court of General Sessions, and they would not be prohibited from practicing law. The court in *Settle* v. *Van Evrea,* supra, expressly laid down the rule that the prohibition contained in section 20 may not be enlarged by conjecture or implication.

In view of these conclusions, there should be no doubt that the proposed bill is constitutional and may be enacted by the legislature with every assurance of immunity from constitutional attack.

In any event, however, if the plan is one which, because of the urgent need for the permanent relief which it offers, its economy and elasticity of operation, as well as its efficiency and effectiveness in results, recommends itself to your Excellency, it would seem advisable to pass the proposed bill. The question of its constitutionality can, when once it is enacted, be settled speedily and definitely by a test case consisting of a minor offense taken up for that purpose to the Court of Appeals. That is the only means of conclusively determining the constitutionality of any measure.

The writer feels, however, that there is no just ground for apprehension that such determination will do other than to confirm the conclusions herein expressed.

Respectfully submitted,
MOSES H. GROSSMAN."

Memorial to the Illinois Constitutional Convention by the Municipal Court of Chicago.—The judges of the Municipal Court of Chicago respectfully submit the following views concerning the judiciary article so far as it affects the trial courts of Cook County:

The proposed judiciary article creates two courts for Cook County, merging in them six courts now serving the City of Chicago and various others existing outside the city. It merges the Circuit, Superior, Probate and County Courts into a single court of forty-three judges, to be known as the Circuit Court of Cook County, which is to have jurisdiction only in civil cases involving more than $2,000. This is the cream of the judicial business. Inasmuch as less than ten per cent of the people of the community ever have cases involving more than $2,000 this proposed court would be one essentially to serve large business interests.

The plan not only relieves this bench from trying criminal cases, but also from work in the Appellate Court, which results in an increase of twenty-five per cent in the judicial force.

All the remaining trial jurisdiction is vested in a District Court for Cook County and the present judges of the Municipal Court of Chicago are made judges of the District Court. The work assigned to the proposed District Court includes all the civil cases of more than ninety per cent of all the people, and also all the criminal and quasi-criminal cases involving law enforcement and public safety in every conceivable way. It involves the lives of thousands of young men and women every year. It involves the safety of every citizen and all property, and the proper conduct of all public officers.

The proposed plan relegates all these immeasurably important public duties and functions to an admittedly inferior court. It adds vastly to the work and responsibility of a staff of judges already overworked by giving them the trial of all felony cases now in the Criminal Court of Cook County and also gives them a large but unknown volume of business outside the City of Chicago.

The proposed plan is unwise, impracticable, contrary to the best experience in the administration of justice and unjust to the great majority of the people of Cook County. In large cities there is no reason and no present excuse for inferior courts. They are relics of pioneer conditions. The only progress which has been made in three-fourths of a century in judicial administration throughout the country has been by wiping out inferior courts and creating properly organized unified courts.

There is one clear ideal for the efficient administration of justice in metropolitan districts and that is to establish only a single trial court in which responsibility for the due administration of justice in every respects rests equally upon the shoulders of all the judges.

This is accomplished by creating departments for the several principle judicial functions. Such a single court of Cook County would presumably have such departments as these:

Chancery department.
Civil Jury department.
Civil Non-Jury department.
Criminal department.
Probate, Domestic Relations and Juvenile department.

Within each department there would necessarily result a responsibility resting on all the judges of the department, both the experienced and the inexperienced, for the proper administration of the work of the department within its entire field. Within each department there would be such specialization in single branches as would appear convenient and economical.

This is the simple structure of the modern, efficient large city court. It affords room for the utilization of the best talent and experience of every judge and makes the ablest and most experienced in a measure responsible for the efficiency of all.

The plan which we object to suits the interests of the small class of litigants, surely less than ten per cent of the population, who have large property interests. It suits the interests of the judges reserved for this dignified and agreeable sort of judicial work. It saves them from the odious but more vital work of the criminal and social branches.

But for the remaining interests the proposed plan of two courts means a much worse situation than has prevailed for the last fifteen years in the City of Chicago.

What are these remaining interests? In brief they are the interests of three million people in having a high degree of efficiency in all criminal branches and in having respected and capable judges to try all their smaller civil cases.

From the public standpoint, from the standpoint of government and public service, the interests consigned to an inferior and overburdened bench are

inestimably more important than the trial of causes involving only the large property interests.

Any court which is given the disagreeable and nerve-wracking work of administering criminal justice and inferior civil jurisdiction is inevitably an inferior court—inferior in public and professional opinion and sure to become inferior in personnel and accomplishment. The kind of lawyers which is needed for judicial service will not aspire to places in such a court under any form of judicial selection. Such a court is indefensible in the light of modern experience.

There are no really inferior judicial functions. Nothing can be so vitally important as the enforcement of law in criminal and social branches. "When we clear our eyes from the mists of traditions, will not the fact become clear that all our courts are potentially of equal importance to the state, and that, at least in centers of congested population, all of our courts should be placed upon a footing of equal dignity and of equal exigency?"

Every man, however humble his walk of life, and however small his property concerns, is entitled to the services of the best judge the community can afford him. Improvement in administering justice lies in providing the best judges in courts of the first instance. No subsequent course of appeals to higher and more expert tribunals can make up for defects in the court of first instance.

The cases involving less than $2,000 are far more numerous than all other civil cases. A court having such heavy dockets must, if justice is to be real in the community, work with expedition. To dispatch such a vast amount of business promptly and *accurately* a very high type of judge is needed, as was said by President Taft in a public address in Chicago. It is emphatically not a kind of judicial work to be relegated to an inferior tribunal. Besides there is practically a finality of judgment in this class of cases. Few are ever appealed. The cost is prohibitive.

The Committee on Judiciary Article has recognized the need for having fewer courts and have provided two in place of more than six now existing. Genuine improvement cannot stop with partial unification. There is no part of judicial administration which can with any reason or justice be consigned to an inferior tribunal or inferior judiciary.

In the single, unified court which is the only real ideal in this great field of government the entire judicial power would be at all times available for the work most requiring attention. In the various departments and branches there would be room for the special experience and skill of every individual judge.

All the benefits of unified criminal jurisdiction would be available without consigning any judge to years of work exclusively in this exhausting field.

While the less dignified and more onerous portions of the work would fall to the less experienced judges the entire department in which they worked would be held responsible for the character of services rendered. As judges acquired experience and special expertness they would be given assignments commensurate with their ability.

This is the only right solution of the greatest problem confronting the Constitutional Convention in its entire work. Any horizontal division of jurisdictions, resulting, as it inevitably must in creating an inferior tribunal, is cer-

tain to continue the caste system which exalts one court at the expense of the other.

The Constitutional Convention has no more solemn responsibility than that of shaping a judicial system for Cook County which will be strong enough to cope with the great difficulties and evils conspicuous in the present system, and sensitive withal to the judicial needs of the great mass of people to whom justice in a comparatively little controversy is all the justice they can ever ask of their courts.

The way to do this is obvious. The interests and ambitions of no group of judges should be permitted to stand in the way. Courts should not exist for judges, but for rendering the highest possible service to the community and to the weakest and humblest persons in the community.

THE MUNICIPAL COURT OF CHICAGO,
HARRY OLSON, Chief Justice.

PARDONS AND PAROLES

Report of the Illinois Superintendent of Pardons and Paroles.— . . . "Robbery with a weapon furnishes the crime problem of the present day. As recently as six years ago little attention was paid to the crime of robbery with a weapon. Since 1914 the crime of robbery with a weapon has increased by leaps and bounds. Six or seven years ago robbery was punished by from one to two years' incarceration. Until 1919 punishment for robbery with a weapon ranged from one year to life. In 1918 the average for robbery with a weapon in cases that were heard by the Division of Pardons and Paroles was fixed at approximately eight years. In 1919 the Legislature enacted a new law providing a sentence of from ten years to life for robbery with a weapon.

"The increased punishment for the crime of robbery with a weapon *has not served as a deterrent.* Since the new law became operative, on July 1, 1919, hundreds of boys under twenty-one years of age have been received at Pontiac, either upon conviction or pleas of guilty, with sentence ranging from ten years to life. In their cases, at least, the reformatory feature of that institution is lost. Likewise hundreds of men have been received at the Joliet penitentiary also with sentences of from ten years to life. The number similarly sentenced from the downstate counties to Chester is much smaller. Chicago is the great sufferer from this class of crime.

"Yegg burglary, which occupied the attention of the people as a major crime problem for twenty years prior to 1915 has now become a lost art. Robbery while armed has taken its place. A yegg burglar was a peculiar individual who studied safe blowing from every angle. When working he lived beside a camp fire, usually along a railroad track, removed every mark of identification from his clothing, buried his tools in the ground and cooked "the soup" back in the woods. The yegg burglar worked at night and only came in contact with a police officer or night watchman.

"In his place has come the youthful bandit with a large revolver, who works in the daytime and depends upon the firing of shots, the crashing of glass and an automobile to furnish a ready and quick means of escape.

"Neither parole laws nor their administration will solve new crime problems. Attacks upon parole laws will not better conditions. The problem must be met and solved in a more intelligent manner. History reveals vast crime waves have

followed great wars. Crime conditions in America and in other countries, following the World War, are no different than they were after other great wars in which people were taught to fight and kill.

"The psychology of suggestions bears an important relation to crime. About five years ago the first daylight bank robbery in the country took place in Chicago. Throughout the length and breadth of the United States newspapers heralded the details of that daylight robbery, thereby revealing the ease with which banks can be robbed in daylight. Youthful bandits took the cue, with the result that one bank after another in the City of Chicago was robbed in daylight. The new crime spread to the downstate with like result. From the downstate daylght bank holdups spread throughout the country until now bank holdups are almost a daily occurrence.

"Dependence upon burglary insurance alone for protection is practically an invitation to daylight bandits. In most banks the employes are told that the funds are protected by insurance and that in consequence no official should endanger his life in their protection.

"When the fee for this insurance becomes high enough to make it prohibitive, banks will place an officer in their institutions and protect him by a bullet-proof cage. One good officer so protected can shoot down bank bandits as fast as they come in. Bank holdups will diminish when the banks depend for protection upon an officer in a bullet-proof cage instead of insurance."—From 1921 Report of Mr. Will Colvin, Superintendent of Pardons and Parole, Springfield, Ill.

Work of the Division of Pardons and Paroles in Illinois During the Year 1921—

PAROLES ORDERED AND CASES ACTED UPON BY THE DIVISION OF PARDONS AND PAROLES DURING THE YEAR 1921

	Joliet	Chester	Pontiac	Total
Paroles ordered	429	293	483	1,175
Orders in other cases	1,384	509	517	2,510
Total	1,813	802	1,070	3,685

"The above table reveals that the Division of Pardons and Paroles actually made orders during the year in 3,882 cases. Cases in which special reports are made and cases which are reviewed upon the vast number of letters received by the Governor and by the Division of Pardons and Paroles are not contained in the 3,882 cases in which orders were made during the year, and consequently would not furnish an understanding of the great bulk of work which passes through the division each year.

"In one way or another the Division of Pardons and Paroles comes in contact every year with more than 5,000 cases, without taking into account the work that is incident to the supervision of those upon parole throughout the state from the penal, reformatory and correctional institutions."—From Report of Mr. Will Colvin, State Superintendent of Pardons and Paroles, Springfield, Ill.

POLICE—IDENTIFICATION

State Police.—Two more states are to be added to the roll of those which have established a state police system.

New Jersey, by c. 102 of the Laws of 1921 (approved March 29) creates a Department of State Police. The superintendent receives a salary of $5,000. There are two troops of 60 men and officers each and a headquarters' office of superintendence. The members are selected on approved civil service principles. and the officers must have served two years in th United States army as commissioned officers. The superintendent may establish a detective bureau and shall centralize information for the county forces. The duties of the force are "to be peace officers of the state," "to prevent crime, to pursue and apprehend offenders, and to obtain legal evidence," "to give first aid to the injured, to succor the helpless." The sum of $300,000 is appropriated for expenses.

Wyoming, by c. 18 of Laws of 1921 (approved February 8), creates a Department of Law Enforcement, which, though not in name a state police, can easily be developed into such a system. It consists of a commissioner, at a salary of $4,000; a deputy commissioner, and seven agents. The staff duties are "such as are now enjoyed by and required of all peace officers of this state, save and except the power to serve civil process." The force is to "assist any other department of the state in the enforcement of all laws," and to coöperate with local authorities "in the detection of crime and the apprehension of criminals and the preservation of the law and order." Here is the principle of a state police in all its fullness. With an enlargement of numbers the complete service of a state police can now be rendered in Wyoming.

Public Defender.—Connecticut now sanctions the institution of public defender, by c. 129 of the Public Acts of 1921 (approved April 27). In each county the judges of the Superior Court in June are to appoint an attorney-at-law to be public defender. He shall "act as attorney in the defense of any person charged with crime . . . when such accused person is without funds sufficient to employ counsel for such defense." On application of the public defender, the judge may appoint another attorney to defend any person accused at a per diem for his services. The public defender's services are to be paid for by order of the judge approving his bill at the close of each term. This seems a workable plan for districts where the practice does not require the continuous and exclusive time of the attorney.

Bureau of Criminal Identification.—Ohio has followed the example of California in establishing a State Bureau of Criminal Identification and Investigation, by a new General Code, 1841—13 (approved June 7, 1921). A superintendent and an assistant superintendent (at salaries of $3,600 and $3,000) are in charge. The bureau is to procure photographs, finger-prints, and other information of all persons convicted of felony and "of all well-known and habitual criminals." Duplicates of finger-prints are to be supplied to sheriffs and officers of penal institutions. On the arrest of any person for felony the finger-prints are to be taken and forwarded to the bureau; the superintendent then compares his records and notifies the arresting officer of what he finds. All stolen property reported or recovered is to be notified by description to the bureau.

Here is the beginning of common-sense efficiency in the pursuit of crime.—John H. Wigmore.

Abbey-Lee Handwriting Classification.—In the past the police departments of this country have had no adequate means of classifying hand writing for purposes of filing the exemplars of convicts, checkmen, anonymous letter

writers, blackmailers, etc., except by alphabetical arrangement or numerical designation. Under these conditions, when a fictitious check or anonymous writing came to the eyes of the police authorities, the only possible way of identifying the writer was to obtain the services of a handwriting expert, who must go through thousands of specimens in the files in order to obtain his end. The inordinate amount of time required to do this, sometimes reaching into months, is at once evident; and in the case of some of the larger metropolitan departments, the time required precludes the possibility of any practical results in the way of identification.

To fill this need the Abbey-Lee system for classifying handwriting has been devised. Under this system a person with but slight knowledge of handwriting analysis can readily locate in a file the duplicate of any specimen at hand, providing it exists therein. Or with equal ease, he can place the specimen in the file under its proper classification, whether it consist of a mere signature or a great volume of writing.

The system embraces 729 distinct divisions, with a possibility of further extension, indicating the unusually minute degree to which comparisons can be made. It is entirely original in conception; and besides the remarkable speed in filing obtained, it makes quick identification possible.

In this system there are six factors:

(1) Proportion
(2) Movement
(3) Skill
(4) Terminals
(5) Spacing
(6) Slant.

Each of these are divided into three classes.

(1) Proportion

The first factor considered is the proportion of the single-space letters to the capitals, that is, the ratio of the average height of single-space letters to the average height of capital letters.

In measuring it is well to use a ruler divided into 50ths of an inch or finer. For example: In a signature one capital letter may measure 14/50ths of an inch, another 16/50ths; therefore the average vertical height of capitals therein is 14 plus 16 = 30, divided by 2 (the number of capitals measured) equals 15. And the small letters may measure 5/50ths, 7/50ths, 4/50ths, 8/50ths and 6/50ths; adding all numerators—5 plus 7 plus 4 plus 8 plus 6 equals 28, divided by 5 (the number of small letters measured) equals 5.6, the average vertical height of the single-space letters. Then the ratio of the single-space to the capital letters will be 15 divided by 5.6, or 2.6, that is, ratio of 1 to 2.6, which falls into class 3. (See chart and illustrations.)

The three classes of Proportion are:

Class 1—1 to 4 or less.
Class 2—1 to 3 to 1 to 3.9 inclusive.
Class 3—1 to 2 or more.

(2) Movement

This is divided into three classes:

Class 1—Finger movement.
Class 2—Compound movement.
Class 3—Forearm movement.

The finger movement shows more shading, decreasing size, less freedom, and nearer approach to copy book style than forearm movement. Compound movement is a combination of finger and forearm movements. In other words, it does not show the freedom of forearm and yet shows more freedom than finger movement; and it generally has more shading than forearm and not as much as finger movement, and to a certain extent it somewhat approaches copy book style. Forearm movement as a rule shows free and clean-cut pen strokes, is rangy, and shows in the majority of cases great spacing with practically no shading. (See illustrations.)

(3) Skill

This is divided into three classes:

Class 1—Poor.
Class 2—Medium.
Class 3—Good.

Poor handwriting is that which is lacking in legibility, symmetry and pictorial effect. Good handwriting should possess all three of these factors, while a specimen which does not fall clearly into the first or third class should be classified as medium, or class 2.

(4) Terminals

The general slant of the terminal strokes decides the classification. The three classes are:

Class 1—Upward.
Class 2—Horizontal or not classifiable.
Class 3—Downward.

Where both upward and downward terminals occur in a signature, classify according to the kind that are most prominent or that predominate. (See illustrations.)

(5) Spacing

This factor applies to the spacing between letters within words, and not to the spacing between words or initials. The classification is arrived at by measuring the average distance between letters and the average vertical height of single-space letters. If the average spacing between letters is less than the average height it will fall into class 1; if equal, class 2; if greater, class 3.

Class 1—Spacing less than height of letters.
Class 2—Spacing equal to height of letters.
Class 3—Spacing greater than height of letters.

(6) Slant

For measuring slant of writing use transparent protractor, and determine the *average* slant.

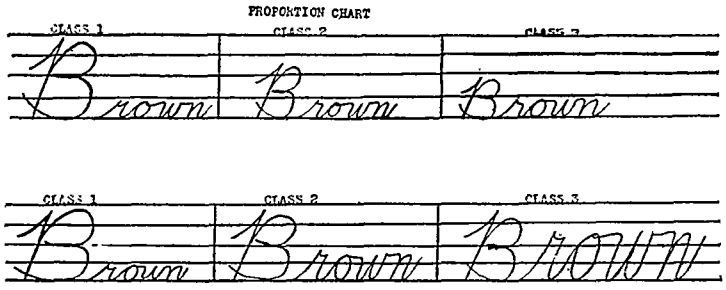
Class 1—Average slant less than 70 degrees.
Class 2—Average slant between 70 and 90 degrees.
Class 3—Average slant more than 90 degrees.

CHART

(1) PROPORTION	Class 1.	Class 2.	Class 3.
Ratio of average height of single-space letters to average height of capitals.	Ratio of 1 to 4 or less.	Ratio of 1 to 3 to 1 to 3.9 inclusive.	Ratio of 1 to 2 or more.
(2) MOVEMENT			
Finger movement shows more shading, less freedom, and is nearer copy book style than forearm.	Finger movement.	Compound movement.	Forearm movement.
(3) SKILL			
Legibility, symmetry and pictorial effect considered.	Poor.	Medium.	Good.
(4) TERMINALS			
General slant of terminal strokes.	Upward slant.	Horizontal or none.	Downward slant.
(5) SPACING			
Average distance between letters relative to average height of single-space letters.	Spacing less than height of letters.	Spacing equal to height of letters.	Spacing greater than height of letters.
(6) SLANT			
Degree of slant above horizontal.	Less than 70 degrees.	Between 70 and 90 degrees.	90 degrees or more.

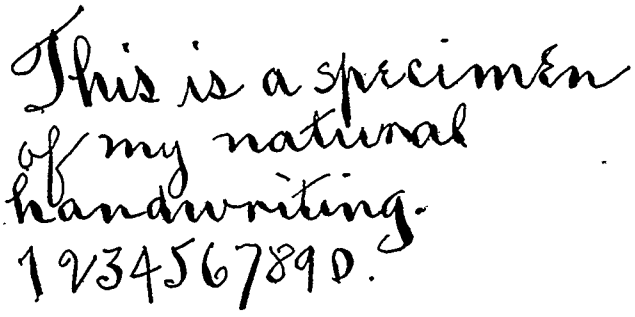
ILLUSTRATIONS

(1) PROPORTION

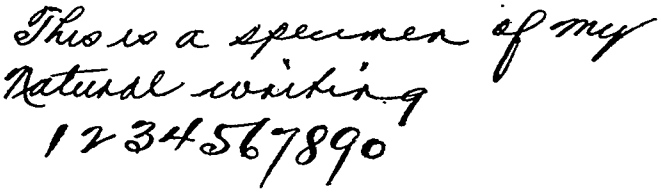


This illustration is intended to show graphically what is meant by proportion.

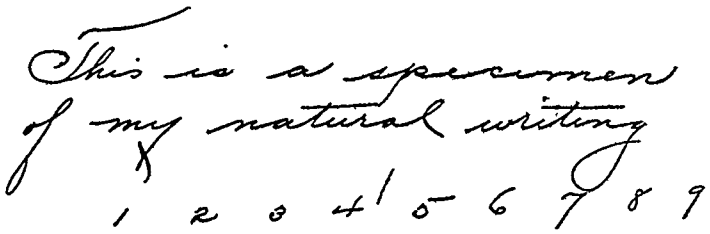
(2) MOVEMENT



Class 1—Finger movement.

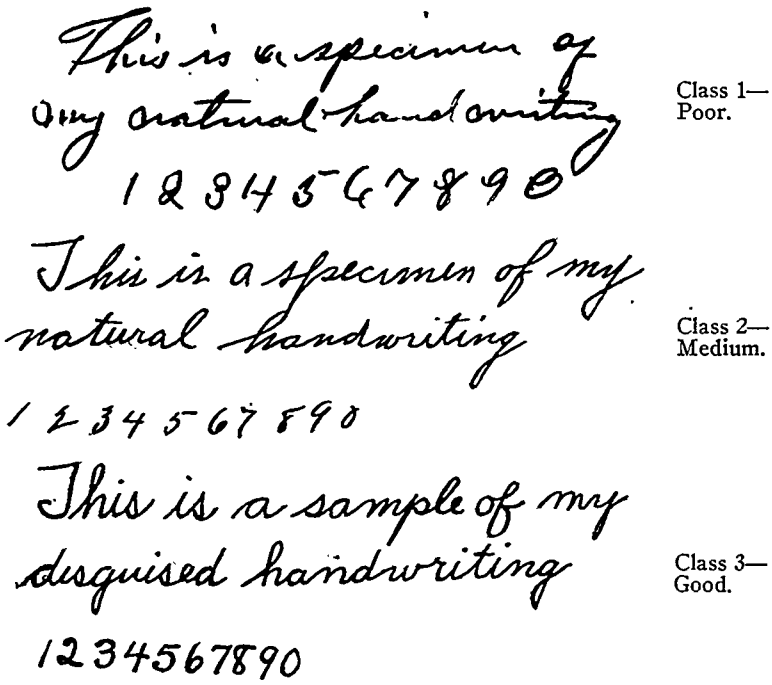


Class 2—Compound movement.



Class 3—Forearm movement.

(3) SKILL



Class 1—Poor.

Class 2—Medium.

Class 3—Good.

—R. A. Abbey and C. D. Lee, Supt. Bureau of Records, Police Department, Berkeley, Cal.

MISCELLANEOUS

Sex Education Versus Ignorance.[1]—It should be apparent to those who are mingling with juvenile delinquents that instruction should enable young men and young women who are starting out in life to boast that they possess a knowledge of sex hygiene that will make them more certain of themselves as they battle for existence. To be thus fortified is for them to possess weapons that will make them better fighters and certainly better citizens.

There was a time when the question of sex was taboo, and I have been criticized severely many times because I have constantly talked on the necessity of training children in biology and sex hygiene before parent-teacher associations and other women's organizations.

My two daughters have received a type of sex instruction that I think will make of them better women. They know all that properly balanced children at their ages, 13 and 17, should know. They have started out with right sex notions, and if they make a slip they will make it with their eyes wide open. They will not commit a sex error blindly as so many do.

During the war it was my privilege to speak to approximately a million soldiers on questions extremely vital to them, and I was amazed at the hun-

[1]An address delivered before American Prison Congress, October, 1920, Columbus, Ohio.

dreds of men, officers and privates, who came to me and said, "Why in God's name is it we have not been told the truth before?" I recall one officer who said, "If I had been told the things you have just told me when I was 14 or 15 years of age, and I am now past 60, my whole life would have been different."

I have been interested in the causes for juvenile delinquency for many years. For a time I was a member of the Board of Trustees of the Juvenile Court of Memphis, Tenn. It was not a large court and we had a woman at its head who did the best she could. I watched numbers of cases that came in and I saw in them the fruits of ignorance. I saw the results of disease; dozens and dozens of children came into court because they had inherited a taint from their parents or from their ancestors that marked them for life and made of them what they were—juvenile delinquents.

We are urging all kinds of scientific investigation. We are building sanitaria of one type or another and are experimenting along many lines, but we are not going deep enough into the very heart of things that should count for much. We are not giving our best for our children nor are we giving them their just due. When they are born we are not asking: "What is your pedigree; what rights have you; what is your right in this world; is your blood clean; was the blood of your father tainted before you came into the world, and are you tainted?"

I recall a case that came to my attention in Chicago in the municipal court; a man with six living children. I think his wife had given birth all told to twelve. He had paresis, caused only by syphilis, and his youngest child was born on the day its father was committed to the psychopathic ward. The oldest child was 23 years of age and a degenerate. Every child was a degenerate; there was not one who might be termed normal, save possibly the youngest one, and it was impossible to tell whether it would be normal or not. It has one chance in a million.

If it were possible to go through our juvenile institutions and do the Wassermann reaction on all cases, it would be discovered that syphilis was a predominating factor in the causation of the type of degeneracy that exists there. We have hesitated to do this because we have feared to give offense and have feared public censure, or have been mock modest. We have inherited these traits of mock modesty from our Puritan ancestors, but I feel that now is the time to throw it aside and speak and fight for the truth, even though its telling may upset former standards set by those who believed that to talk about sex was to commit a sin. I recall an old lady who wrote me, saying, "Is it possible that you are never going to write on anything but sex? I will not read a thing that you write, and I would not go to hear you lecture, because I do not approve of such things." Let us break away from this puritanical way of thinking. Let us wade in and tell the truth; or if we cannot, let us give way to those who can. The only way to get at the bottom of things that count; the only way to establish a better system of ethics or of morals is through healthy mindedness. As a means to healthy mindedness we may sterilize the unfit and thus render them incapable of reproducing their kind. We have wanted quantity and that is what we have got. We have been decrying quality, and as a consequence we have been alarmed about a diminishing birth rate and yet have paid no attention to higher breeding standards. What difference if the birth rate diminishes as long as the quality of the heritage of the newborn keeps up? I am not interested in the birth rate, but I am interested in the qualities of men and women.

Last year I spoke in a South Dakota agricultural college. Farmers in that state had sold a calf for $3,000, and a hog for $10,000, and a magnificent bull for $50,000. I said to those boys and girls who were gathered in front of me and were sons and daughters of farmers: "You boast of having sold a calf for $3,000, and a hog for $10,000, and a bull for $50,000. We are spending our money to breed fine cattle, but we are *not spending* it to develop finer human strains. Congress appropriates millions for stock improvement, but not one dollar for race betterment.

If we could do away with syphilis we could cut down the number of inmates in our reformatories and juvenile institutions and other eleemosynary institutions fifty per cent within fifty years. Our insane hospitals show that 33⅓ per cent of all the inmates are there because of syphilis or its end results, and your juvenile cases will run in the neighborhood of the same percentage. Syphilis is the cause for criminality in a large measure. Of the girls and women who offer themselves for sale on the streets to the highest bidder, or to any bidder who comes along, 65 per cent are morons, and a majority of them have been made morons because of inherited syphilis. If we can get rid of syphilis and gonorrhea, we can cut down the taxes for the support of eleemosynary institutions in each state in the Union to a very low figure. It is costing the average state approximately $12,000 a day of the taxpayers' money to take care of individuals rendered unfit and made anti-social creatures simply because there was something wrong with their inheritance, because their fathers and their mothers or their ancestors had not played the game of life straight or because they themselves had insisted on burning the candle at both ends with the fires of lust.

Juvenile delinquents should be given wholesome, kindly care, and should receive such human (not humane) treatment that they could do no other than play life's game straight when they go out into the world again. When we start out in life with high ideals, as the result of a good inheritance and favoring environment, it is an easy matter to follow them, but when we start out as the product of a slum district, having witnessed time after time practices that you and I would fairly shrink from, is it any wonder that we have juvenile delinquency?

An institution in the city of Chicago is running a venereal disease clinic where these diseases are being cared for. Those who cannot afford to pay a physician come here and pay fifty cents or a dollar for a treatment. The following statement with regard to this clinic was given me the other day by the secretary and I believe it to be accurate. He said: "The most striking argument we possess of our value to Chicago is a card index file of over 600 employers of labor in Chicago, mostly large business concerns. Upon each card the case number is entered of the employe who applies for treatment. An accurate record is thereby kept. From these 600 or more Chicago business firms have come 4,000 employes for treatment for infectious syphilis and gonorrhoea in two years."

From April, 1917, to February, 1919, five-sixths of the cases of gonorrhoea and syhpilis in the United States army were contracted and brought into the service by men who acquired them before they put on the uniform. Is this statement not enough to wake us up to a realization of our responsibility to oncoming generation? There are 770,000 boys in the United States who reach the age of twenty-one every year. The most conservative estimate that can be made under our present system of ethics is that 450,000, or 60 per cent, of these young men will contract gonorrhoea or syphilis before they reach the age of 30.

Unless we start today to educate against the "hidden menace" of society, venereal disease; unless we give support to the program of advanced health authorities, there is a possibility of syphilization replacing civilization.—Lee Alexander Stone, M. D., Chief, Bureau of Hospital Control, Social and Industrial Hygiene, Dept. of Health, Chicago; Surgeon Regional Consultant, U. S. Public Health Service, Chicago.

Social Service—A Profession.—Social service now has a professional organization in the American Association of Social Workers, 130 East Twenty-second street. Since the National Conference of Social Work in Milwaukee last spring the members of this association, formerly the National Social Workers Exchange, have been developing a program similar in purpose to that of the American Medical Association, the American Bar Association and the engineering societies.

Between fifteen and thirty thousand people in the United States are engaged in some kind of professional social service. They represent a wide variety of fields, for social service in the modern sense has been developing with remarkable rapidity. In a draft of membership requirements recently prepared by the new association's executive committee, nearly forty are enumerated in which men and women "trained in social science and technique are eligible for admission."

To qualify for senior membership according to the proposals of the executive committee, one would have to be at least 25 years of age, a college graduate, "or have demonstrated by his practical achievements an equivalent educational background," and have had four years' experience in social organizations of recognized standing. If he or she has had one or two years in a training school for social work, that would be equivalent to an equal amount of practical experience. Graduate work in social science is also made equal to one year of practical experience.

Provision is made for two other classes of members where the standards are less strict than for senior members. The junior membership is intended for the young man or woman with a year or more experience, who is just beginning social work. The associate membership is intended for lay people who desire to co-operate in raising standards in social work.

To become a member according to these recommendations, each social worker would have to fill out an application blank giving his education, special training and professional experience. He would also give references to three members in good standing of the association. These applications would then be passed on by a membership committee elected by the Central Council, and perhaps also by a local committee where a local council of the association was organized. If the application was favorably passed, the social worker would become a full-fledged member, receive "The Compass," and be entitled to all services.

Annual Meeting of the National Conference of Social Work.—The next annual meeting of the Conference of Social Work will be held in Providence, Rhode Island, June 22 to 29. The Program Committee of the Conference in conjunction with the program committees of the various divisions, is preparing something of exceptional interest. Following are the topics for discussion in Division II on Delinquents and Correction:

Division II

Delinquents and Correction

Section Meeting I—

a. "The Prison Camps of the North."

b. "The Prison Farms of the South."

Section Meeting II—

"Development of Street Walkers and Their Treatment."

Section Meeting III—

a. "The Work of a Court Referee."

b. "The Use of Psychiatry in the Juvenile Court."

Section Meeting IV—

"Administrative Problems in a Woman's Reformatory."

Section Meeting V—

"The Functions of the Policewoman."

A large number of leading organizations will hold meetings in Providence either immediately to or during the week of the National Conference meeting. The annual meeting of the conference draws to itself not only the large membership, but members of a large number of organizations who select the time of the annual meeting of the conference as the occasion for meetings of their organizations, and it is the presence of hundreds of members of kindred groups which adds greatly to the value of the annual meetings of the conference.

This will be the forty-ninth annual meeting of the conference, and next year there will be celebrated the fiftieth jubilee meeting. Decisions as to the character of this meeting and as to the place where it will be held will be made this year in Providence. Year by year the annual meetings have been assuming a greater importance to social workers and it has become the fixed custom upon the part of thousands to plan their summer in advance, so as to permit them to be present at this greatest of all meetings held by those interested in social work in America.

Subjects for General Session Meetings of the National Conference of Social Work

Providence, R. I., June 22-28, 1922

I.—"The Changing Fundamentals of Social Work."
"The Family As a Factor in Social Evolution."

II.—"Neglected Fundamentals in Children's Work."

a. "What Fundamentals Are Being Neglected?"

b. "The Superficial Character of Child-Caring Work As a Whole."

III.—"The Law-Breaker and Needed Improvements in His Treatment."

IV.—"Underlying Concepts in the World Movement for Health."

V.—"The Future of a Community in an Industrial Civilization."

a. "The Place of the Local Community in Organized Society."

b. "The Effect of Modern Industry on Community Life."

VI.—"The Functions of Public and Private Agencies in the Social Work of the Future."

VII.—"Racial Diversities and Social Development."