

Washington University Law Review

Volume 13 | Issue 1

January 1927

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Recommended Citation

Ralph F. Fuchs, *Review of “The Missouri Crime Survey,” Edited by Raymond Moley*, 13 ST. LOUIS L. REV. 093 (1927).

Available at: http://openscholarship.wustl.edu/law_lawreview/vol13/iss1/16

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Book Reviews

THE MISSOURI CRIME SURVEY, edited for the Missouri Association for Criminal Justice by *Raymond Moley*. pp. xxvi, 587. New York; The Macmillan Company. 1926. Price \$6.00.

The Missouri Association for Criminal Justice had come to occupy an honorable place in current history before the publication of the present volume, which embodies the complete results of its survey of criminal justice in Missouri, based upon records for the period from October 1, 1922, to October 1, 1924. The Association was widely heralded as the first organization in which all the elements in a community claiming to be interested in the problems of criminal justice had united. Its study, as the first in which the criminal machinery of an entire state had been examined, attracted attention throughout the country. The various reports embodied in the survey had, moreover, been announced at meetings, and they were given wide publicity in the press of the State. Public attention, however, centered upon the recommendations for changes in criminal procedure, which the Legislature rejected in the 1927 session. These recommendations are part of a report which is only one of ten dealing with specific features of the State's criminal machinery. The others deal with metropolitan police systems, the sheriff and the coroner, the prosecuting attorney, the trial courts, bail bonds, the Supreme Court's decisions, office records, treatment of mental disorder among criminals, and pardons and paroles.

The survey, says the editor in his foreword, is essentially a self-analysis. That fact distinguishes it from its chief prototype, the Cleveland survey, the results of which are embodied in a volume, **CRIMINAL JUSTICE IN CLEVELAND**, published in 1922. The Cleveland survey was conducted for the Cleveland Foundation, an endowed institution, by disinterested experts from outside the city. It is laid down in the preface to the Cleveland report that "A disinterested and impersonal investigation . . . means that the investigators . . . must be non-residents. Only thus can the subtle and often unconscious forces of fear and favor be wholly avoided." In the Missouri survey, on the contrary, "Most of those who participated were citizens of the state" (p. 3).

The Missouri Association for Criminal Justice was formed in October, 1925, by over one hundred representatives of various organizations. Its work was financed by popular subscription. The operating director was Arthur V. Lashley, of St. Louis, who has since become director of a similar survey in Illinois. Seven of the eleven authors of reports are citizens of the State. Those from outside include the editor, formerly director of the Cleveland Foundation, who also served in a general advisory capacity, and the statistician of the Cleveland Survey, who served in the same capacity in the Missouri investigation.

It is undeniable that the community character of the movement for a survey in Missouri was wholly admirable. It is also true, however, that the flavor which that character has imparted to the volume under review is unfortunate. There is too much emphasis upon an embattled citizenry defending itself against attacks from a vicious criminal element. The increase in crime and its organization and resourcefulness are assumed at the outset. The taxpayers, it is said, are paying for protection and they are not getting it (p. 15). The very heading to the report on metropolitan police systems styles these systems "the first line of defense against crime."

Of necessity, as well as by popular predilection, the scope of the Missouri crime survey was restricted. Neither time nor funds were available for a

thorough-going examination of the causes of crime and of all of the possible and actual means of dealing with it. Nor was it deemed possible to study cases of misdemeanor. (Introduction, p. 11.) Except in the report on Mental Disorder, Crime and the Law and in that on Pardons, Paroles, and Commutations, the survey is a study of the operation of the State's machinery for dealing with felonies alone. The object of the study is to judge that machinery in the light of the purposes and standards which, in modern times, have caused its maintenance, the central theory of which is that the apprehension of offenders and the adequate punishment of those who can be proved guilty of crime is the surest and best way to prevent further crime.

Taken for what it is, the volume under review is an invaluable contribution to the literature of criminal law. The methods which were pursued in its preparation have led to the accumulation and publication in understandable form of a mass of statistical data regarding the actual operation of law which will be indispensable to students of the subject for a long time to come. Light has been shed upon the operation of every court and office in the State which deals with felonies or those accused of felonies. It has been brought out as an irrefutable and challenging fact that the notion that our machinery of justice deals with criminals according to law is little more than a myth. Finally the specific recommendations for statutory changes and administrative improvements, which are made in the various reports, furnish a model which is far in advance of existing practice. The lawyers who initiated the project for an association for criminal justice, and who then conducted the survey largely within the recognized legal field, have cast squarely upon the profession at large and upon the people of the State the responsibility of effecting immediate, concrete improvement.

It is to be hoped that the Missouri Association for Criminal Justice will not rest content with what has been done but will proceed with further investigations into those aspects of the problems of crime which have not been dealt with in the present survey. Prison and jail conditions and administration, the effectiveness of punishment as a preventive of crime, the municipal and justices' courts into which minor offenders come, and the relation of crime to social and economic conditions, constitute problems which cry out for thorough treatment. Only when they have been adequately dealt with can the problem of crime come to be understood and actually to be on the way to a solution.

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CONTRACTS IN THE LOCAL COURTS OF MEDIEVAL ENGLAND. By *Robert L. Henry*, J. D. (Chicago), D. C. L. (Oxon). pp. 250. London: Longmans, Green and Co. Ltd., 1926. Price \$6.00.

This is the book of an American author and a British publisher. It is the result of a painstaking and intelligent study of material from the county, seignoral, borough, and merchant courts of England from the twelfth to the fifteenth century, with particular reference to the influence on that material of the Anglo-Saxon laws of the pre-Norman period in English history. It is of course a truism that what we call English common law never would have manifested its modern form without the distinctive activity of the royal courts after the Norman Conquest. Throughout his pages Dr. Henry takes this for granted. At the same time he successfully shows that on its substantive side the common law was essentially Anglo-Saxon throughout the middle ages, and also that even on its procedural side the common law secured much of its development in medieval courts of England other than the royal courts.