CHAPTER XVIII

The Interstate Commission on Crime

Incocrime

PUBLIC indignation was aroused over the crime wave sweeping the country in the aftermath of the depression, when, in December, 1934, Homer S. Cummings called a nation-wide conference on crime in Washington, D. C., to discuss the proper method of approaching the solution of the crime problem. The federal government lacked the authority necessary to handle the problem alone, while the states individually were handicapped by the interstate activities of big-time criminals and their ability to frustrate the state law by utilizing the barriers of state borders.

Three months later the State of New Jersey called a state conference on crime to undertake a complete study of state and local crime problems.

From these two basic conferences it was apparent that there was one phase of crime control which had not been fully developed—intergovernmental action. Accordingly, on October 11 and 12, 1935, the State of New Jersey invited all of the states and the federal government to participate in a nation-wide interstate conference on crime at Trenton, this time with the specific purpose of studying the loopholes in interstate criminal law enforcement. To this conference came official delegates from twenty-nine states and the federal government, consisting of attorney generals, superintendents of state police, legislators, and others officially engaged in the field of crime control.

Early in the conference the delegates agreed that an official organization, representing all the states in the union and the federal government, should be created. The following resolution was unanimously adopted:

BE IT RESOLVED that:

First: There is hereby established the Interstate Commission on Crime composed of one member from each of the 48 states. The delegate from each state shall be designated by the Commission on Interstate Cooperation of each state, provided however that in the case of any state which has no Commission on Interstate Cooperation the delegate shall be appointed by the Governor. The Interstate Commission on Crime shall biennially elect from among its members or others an executive committee of seven who shall select from their members a chairman and two vice-chairmen. The Interstate Conference on Crime shall meet at least once every two years. The Executive Committee shall determine the time and place for its meeting. The meetings shall be organized by the Council of State Governments which shall serve as the secretariat for the Interstate Commission on Crime. The Interstate Commission on Crime shall endeavor to render effective all agreements entered into between states for the prevention of crime and for the better enforcement of criminal law whether in the form of compacts, legislative acts or administrative legislation. The Interstate Commission on Crime shall report its recommendations at each successive meeting of the Interstate Conference on Crime.
Second: A provision to ratify the foregoing section shall be incorporated in any legislative acts concerning interstate cooperation in the field of criminal law hereafter invested in the legislature of any state which has not already ratified this section.

Third: In selecting the original membership of the Interstate Commission on Crime, Section I shall be modified as follows: Each state's delegation at this Conference shall, at the adjournment of this session, designate its member of the Commission to serve until January 1, 1937. Thereafter members shall be selected as provided in Section I, each for a term of two calendar years.

Concrete Results

At an informal meeting of its executive committee, held in Albany a few weeks after the creation of the commission, it was decided that cooperation, to be effective, must proceed along four major lines: apprehension, extradition, prosecution, and supervision. It was decided to begin work immediately to draft model uniform legislation and compacts on the four major subjects, which had undergone exhaustive debate at the Trenton conference.

The National Conference of Commissioners on Uniform State Laws had already drafted acts on extradition and removal of out-of-state witnesses, but was unable to give further help at this time. The commission, therefore, requested and obtained the aid of twenty-six outstanding law schools of the country; and immediately set to work drafting four model bills on: (1) Fresh pursuit of criminals across state lines; (2) extradition of criminals; (3) removal of out-of-state witnesses; (4) supervision of out-of-state parolees.

A special meeting of the commission was called under the joint auspices of the New York Joint Legislative Committee on Interstate Cooperation and the New Jersey Commission on Interstate Cooperation. Through the hospitality of the Bar Association of the City of New York, the meeting was conducted in its building in New York City, over the week-end of November 30 to December 2, 1935. At this meeting the drafts of the four model crime bills were worked over and completed. (For complete text of these bills see Book Two.)

These measures were then sent by the commission to all governors, attorneys generals, crime commissioners and commissioners on interstate cooperation throughout the forty-eight states, with copies for legislative use. Nation-wide publicity was developed, and, during 1936, an 'off-legislative year' with only nine states holding regular sessions, ten states adopted one or more of the commission's acts. New York and New Jersey adopted every one of the four statutes. Rhode Island adopted three, and others were adopted in Illinois, Indiana, Louisiana, Maryland, Michigan, Minnesota and Virginia. In addition, the States of Kansas, Colorado, New Mexico and Wyoming entered into an interstate compact covering the principles of the four model crime-control measures.

The third annual meeting of the Interstate Commission on Crime will be held in Kansas City, September 24 and 25, 1937. At this time drafts of new uniform legislation will be presented by the subcommittee on firearms, and model forms will be presented by the subcommittees on extradition, witnesses and parolees for use in connection with their uniform bills.

Integration with the Council

The commission as organized had a close liaison with the Council of State Governments, with Henry W. Toll, Executive Director of the Council, as its secretary and treasurer, and a member of its executive committee. It was not, however, integrated with the Council until May 15, 1936, when, by vote of the commission, complete integration was brought about, and the commission became a part of the Council, dealing for it in the field of crime control throughout the nation.

Recognizing that uniformity throughout the country on the four measures already formulated was of great importance, and realizing that there were other problems of crime control which required solution, the commission arranged a second crime conference which was held in Boston, August 20 and 21, 1936. (For minutes of this meeting see Book Two.)

At this conference, on the basis of recommendations received from the commissioners, several minor changes were made in the uniform measures, and steps were
taken to develop a comprehensive nationwide legislative campaign in 1937 to place these important model bills on the statute books in the rest of the states of the union. The conference further undertook the study of several new problems, including control of firearms; better identification of motor vehicles, methods of crime prevention through education, and the sound motion picture method of criminal identification. Four new subcommittees to carry on these problems were appointed in November, 1936.

The commission, besides drafting the four bills and supporting material for use in state legislatures, acts as a continuing agency throughout the year to educate the American citizen in matters dealing with crime and crime control. It conducts through its secretariat, the Council of State Governments, a clearing house service on matters pertaining to crime and legislation connected therewith. In order to better publicize the crime problem, the commission and its associates have given frequent broadcasts on national hookups. Through its editorial associate at the central secretariat, the commission issues news bulletins of its progress in the legislative field. Returns from newspaper clippings indicate widespread approval of the program of this commission.

**States Contributing to the Work of the Interstate Commission on Crime—1936**

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Total: $5,940.16

**States in Which Model Crime Bills Have Been Passed**

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Membership of the Commission
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Hon. Richard Hartshorne, Chairman
Court of Common Pleas
Newark, New Jersey

Hon. Clarence V. Beck
Attorney-General
Topeka, Kansas

Hon. John J. Bennett, Jr.
Attorney-General
Albany, New York

Hon. Joseph Chez
Attorney-General
Salt Lake City, Utah

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Council of State Governments
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Springfield, Illinois

Hon. Briën McMahon
Special Assistant Attorney-General
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Hon. S. Pierre Robineau
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State Highway Patrol, Phoenix

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Prosecuting Attorney, Little Rock

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University of California, Berkeley

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First Trust Building, Miami

GEORGIA
Colonel Ben Watkins
Georgia State Police, Macon

IDAHO
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Charles City

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State Senator, Topeka
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Masonic Building, Topeka

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State Senator, Norfolk

NEVADA
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Attorney-General, Carson City

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New Jersey Commission on Interstate
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Speaker of Assembly,
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Prosecuting Attorney, Franklin County,
Columbus.
CRIME

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Prosecuting Attorney, Cuyahoga County, Cleveland

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Hon. D. E. Beard, Portland
Hon. L. L. Blumenthal, Portland

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Senator Glen R. Law
State Senator, Sharpsville
Hon. Edward Friedman
Deputy Attorney-General, Department of Justice, Harrisburg

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Attorney-General, Providence

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Attorney-General, Columbia

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Superintendent, Department of Justice, Pierre

Tennessee
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Knoxville

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State Public Safety Department, Austin

Utah
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Attorney-General, Salt Lake City

Vermont
Hon. Lawrence C. Jones
Attorney-General, Montpelier

Virginia
Hon. Abram P. Staples
Attorney-General, Richmond

Washington
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Chief of State Patrol, Olympia

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Colonel P. D. Shingleton
Superintendent Department of Public Safety, Charleston

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Attorney-General, Madison
Prof. Alfred L. Gausewitz
Professor of Law, University of Wisconsin, Madison
Hon. Eugene E. Brossard
Revisor of Statutes, Madison

Wyoming
Hon. Ray E. Lee
Attorney-General, Cheyenne
Hon. George J. Carroll
Sheriff of Laramie County, Cheyenne
Hon. Alex McPherson
Warden of the State Penitentiary, Rawlins

Federal Government
Hon. Brian McMahon
Assistant Attorney-General
Washington, D.C.

Advisory Members
American Law Institute
American Institute of Criminal Law and Criminology
American Judicature Society
American Prison Association
National Probation Association
The Osborne Association, Inc.
Subcommittees of the Interstate Commission on Crime

Four subcommittees to study particular phases of the crime problem were set up immediately following the Boston Crime Conference of August, 1936. Control of firearms, motor vehicle identification, crime prevention, and sound motion picture identification were chosen as the most pressing problems requiring commission activity at the present time. The Subcommittee on Sound Motion Picture Identification has since been disbanded. Lists of the membership of each subcommittee and summaries of their reports to the Interstate Commission on Crime on the Third General Assembly of the Council of State Governments in January, 1937, follow:

Subcommittee on Control and Regulation of Firearms
Hon. Paul G. Kirk, Chairman
Hon. Ellis W. Barnes
Hon. Clyde R. Chapman
Hon. Ralph W. Caswell
Hon. Donald Hoskins
Hon. Omer S. Jackson
Hon. Gaston L. Porterie
Hon. James F. Shepherd
Colonel Anthony Sunderland
(Advisory) Professor August Vollmer
(Advisory) Professor James J. Robinson
(Advisory) Professor Sam B. Warner

The subcommittee agreed that the problem was pressing. Almost every serious crime involves the use of firearms, and some method of checking the sale and possession of firearms is of utmost importance. The subcommittee made no report at the time of the general assembly, since it was felt that there was such disparity between the laws of the various states, and so many stumbling blocks to be taken into consideration that any sort of uniform act was impossible at the time.

The possible effect of the decisions on the Hawes-Cooper and Ashurst-Somners acts and on similar legislation for the control of interstate traffic in firearms was discussed, and it was agreed that such legislation would make enforcement more effective provided that any degree of uniformity or efficiency could be found in the individual state laws. Attention was called to the fact that many states did not forbid sale or possession of firearms, but merely the carrying of concealed weapons, which could not affect interstate trade in firearms unless the purpose to which the arms were to be put could be pre-supposed.

However, the subcommittee agreed upon four general principles:

1. That our desperate criminals in the most serious crimes have commonly made these crimes possible by the use of firearms.
2. That the situation necessitates further control of firearms.
3. That the control, to be effectual, must be applied not only within an individual state, but must prevent an influx of arms from other states. Accordingly, the regulation must come not only from a purely intrastate statute, but from a federal and state combination to uphold the policy of each state, and possibly the method of cooperative effort should follow the tested methods upheld recently by the United States Supreme Court as to shipment of convict-made goods—that is—the combined use of both federal and state statutes.

It was resolved that the subcommittee on firearms consider the question of control and regulation of firearms along the line of the principles set forth.

Subcommittee on Crime Prevention
Hon. Brien McMahon, Chairman
Mrs. Bertha A. Atwood
Hon. John J. Bennett, Jr.
Hon. William S. Erwin
Hon. C. J. Dousman
Hon. John P. Hartigan
Hon. Thomas A. Logue
Hon. Hubert Meredith
Hon. Frank Patton
Hon. J. C. Pryor
Hon. S. Pierre Robineau
Hon. A. A. F. Seaywell
Professor John P. Senning
Colonel P. D. Shingleton
Colonel Ben. Watkins
Hon. Mac Q. Williamson

The Subcommittee on Crime Prevention made no report. The possibility of broader use of CCC camps as a crime pre-
ventive was discussed. It was suggested that a youthful offender be sent to a CCC camp as a median course between jail and probation—since there he would be under definite supervision and would be leading a healthful outdoor life. Enlarging the CCC age limits or setting up a system of junior camps was suggested, discussed, and approved.

Cooperation with the narcotics division of the federal government by improving and enforcing state narcotic laws was recommended.

Subcommittee on the Schwartzkopf Method of Identification of Criminals by Sound Motion Pictures

This committee has been disbanded. Colonel Paul G. Kirk was Chairman.

The report of this subcommittee stated that the committee was of the opinion that sight identification possessed indisputable advantages. The striking advantages of a speaking likeness over a still close-up photograph are self-evident and require no further comment.

There are, on the other hand, other factors which must be considered in determining the present feasibility of the method:

1. Cost—The initial equipment required to take sound pictures on a standard size film, namely, 35 mm., would be not less than $15,000. The cost of photographing a given subject would be not less than $50.00. Additional prints would involve further expenditure. The subcommittee was of the opinion that the expense which the adoption of the method would involve would be too great to be assumed by the average police department.

2. The selective process which must be followed in choosing subjects to be photographed. Every person apprehended or convicted would not be a subject for such photography. The method should be confined to confirmed and habitual felons.

3. Necessity for active cooperation on the part of the criminal. The subcommittee is not aware of any legal method which could effectively bring about this cooperation.

4. The necessity for adoption of the method by penal institutions as well as police agencies. This would be in order to obtain likenesses of notorious criminals now in custody. Here again the questions of the selectivity and cooperation of the subject arise.

The subcommittee submitted that the method might be adopted by the United States Department of Justice and be made practicable by the joint cooperation of the Federal Bureau of Prisons.

An alternate recommendation is that the method be employed by interstate crime bureaus acting cooperatively on a regional basis.

The subcommittee closed the report by commending Colonel Schwartzkopf for his enterprise and initiative in devising, demonstrating and encouraging the sound motion picture method of criminal identification.

Subcommittee on Motor Vehicle Identification

Hon. Clarence V. Beck, Chairman
Hon. A. A. Carmichael
Hon. William Cole
Hon. John M. Daniel
Hon. Fred. A. Donham
Senator A. J. Graves
Hon. C. R. McDowell
Hon. Greek L. Rice
Hon. Byron G. Rogers
Hon. B. M. Vincent
Hon. Thomas G. Walker

This subcommittee met on December 19, 1936, at the Phillips Hotel at Kansas City to begin its work, and passed the following resolution:

"WHEREAS, There seems to be no precedent for establishing any definite method of motor vehicle identification, and

"WHEREAS, The field of investigation seems to be so extensive and unwieldy, now therefore be it

"RESOLVED, That an effort be made to secure the cooperation of the motor car manufacturers, the insurance companies, and the motor theft bureaus for such information as is available from them, and another meeting of this Committee be held in Washington, D. C., during the meeting of the Interstate Crime Commission in January of 1937."

At the time of the Third General As-
sembly the subcommittee made two suggestions:

1. That a statute be drafted looking toward the licensing and bonding of junk dealers and dealers in used cars and used parts, and that the bond be collectible by individual citizens who have their cars stolen, if they are found in junk yards or in used-car lots.

2. That a non-removable plate be developed, or better yet, that with the cooperation of the motor vehicle manufacturers a plate be built into the outside of the body of the car itself on which the state could then stamp identification data. General Beck discussed the feasibility of a plate of this sort with the automobile manufacturers, who said that they would be ready, willing, and able to stamp a plate in the back of the car, if they could be guaranteed that such would not increase the cost of the car to the purchaser.

Newly Appointed Subcommittees

The following subcommittees have been appointed to examine the uniform crime bills and to report on them at the Third Annual Conference in Kansas City:

**Parolee Supervision Procedure**

Hon. J. L. Balderston
Hon. Ralph J. Bartlett
Hon. E. E. Brossard
Hon. B. N. Casteel
Hon. Otto P. Higgins
Hon. Glenn C. Howland
Hon. Richard C. Hunter
Hon. J. B. Jenkins
Hon. Otto Kerner, Chairman
Hon. Erwin Larson
Hon. Alex McPherson
Hon. Herbert R. O'Conor
Hon. James F. O'Neil
Hon. Frank Patton
Hon. L. G. Phares

**Extradition Procedure**

Hon. D. E. Beard
Hon. George J. Carroll
Hon. Joseph Chez
Hon. Frank T. Culliton
Hon. Edward Friedman
Professor Alfred L. Gausewitz

**Witnesses Procedure**

Hon. F. Warren Green, Chairman
Hon. F. Ray Keyser
Hon. Roy McKittrick
Hon. John Mitchell
Hon. Abram P. Staples
Hon. T. P. Sullivan
Hon. J. W. Taylor

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