Announcements
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ANNOUNCEMENT

REPORT OF THE PRESIDENT COVERING THE LEGISLATION PROPOSED BY THE INDIANA STATE BAR ASSOCIATION

The Indiana State Bar Association presented to the recent session of the General Assembly of Indiana thirteen bills and two joint resolutions for the amendment of the constitution. All the bills were passed, and all have been signed by the Governor. One of the resolutions was passed and has been signed by the Governor, the one providing for an amendment to the constitution with reference to admissions to the practice of the law. The other resolution was for an amendment to the constitution authorizing the legislature to increase the number of supreme judges. This resolution passed the Senate but was defeated in the House. It is hard to understand why anyone should have voted against this resolution, but it is the general impression that it was defeated because it was thought that authority for the creation of additional offices was given, and the legislature had done so much in the way of increasing judicial circuits, providing for new judges and increasing salaries, that this resolution, which was purely for the public good, and in which nobody had any private or local interest, did not receive the requisite support for its passage.

A number of bills were passed relating to the changing of the punishment for crime and giving courts wider latitude by lowering the minimum and increasing the maximum imprisonment in certain cases. One of the most important of these was the bill classifying rape in two degrees, lessening the punishment in certain cases of consent. Burglary was also classified more definitely in two degrees and arson also received a better classification. The bill that was passed with reference to arson was introduced by Senator Hodges from Gary. It was presented by him and adopted by the Bar Association Committee on Legislation as being better than the bill which had been drafted by the Association's committee.
The law with reference to the plea of insanity as a defense in prosecution for crime was very materially altered, putting the matter more under the control of the court and fixing longer confinement in case the plea of insanity should be upheld. A similar law in New York, adopted several years ago, has resulted in the almost total elimination of the insanity plea as a defense to criminal prosecutions.

Probably the most important bill relating to crime and criminal procedure, which was sponsored by the Association, was Senate Bill 82, introduced by Senator Harlan, Chairman of our Committee on Legislation, which made important amendments in the criminal procedure. This bill made very material alteration in the law with reference to recognizances of prisoners and provides for summary judgment upon forfeiture without change of venue and without pleadings. It is believed by those familiar with the criminal practice that this will bring about a much better situation with reference to bonds in criminal cases. This bill also amended the law with reference to changes of judges, changes of venue, continuances, and with reference to the admission in evidence of affidavits setting out what absent witnesses will swear to, permitting the parties to admit that the absent witness will testify to the facts stated in the affidavit without admitting their truth.

The changes in the law secured by the efforts of the Association will not stop crime, but it is believed that they will materially help in that direction.

The Uniform Declaratory Judgment Statute prepared by the American Bar Association and approved by the last convention of our Association was enacted. Those who have given this matter study regard the adoption of the law by Indiana as a matter of considerable importance.

What was known as the Thiel Bill with reference to admissions to the Bar was supported by the Association and the Association's representatives did everything they could to aid in its passage. The bill was passed but received the pocket veto. The bill was prepared by Representative Thiel and passed the General Assembly two years ago, but was vetoed by the Governor, because of a certain element in it which was afterwards taken out and the bill introduced in the recent General Assembly.

There was another bill that had the support of the Committee on Legislation of the Bar Association which was what was generally known as the Eugenics Bill. This bill was not submitted to the Association or to any committee of the Association, but was from time to time discussed in a limited way by the
President with various members of the Association. The bill was drawn by the President of the Association and introduced at his request by Senator Holmes of Gary. It is the culmination of a fight along the lines of the sterilization of the mentally defective that was begun many years ago by Dr. John N. Hurty and it was thought when the subject was first taken up for consideration by the recent Assembly that there would be no chance for its passage, but it had little opposition. A similar bill with fewer provisions for the protection of the subject under trial for sterilization was passed sometime ago in Virginia and has been upheld by the Supreme Court of that state, and there is little question but what this bill will be held to be valid and will go far toward stopping the rising tide of degeneracy. It applies only to inmates of public institutions but it will probably be extended to apply to all mental defectives after it has been found what its results are.

The bill for criminal identification and registration which passed the General Assembly was prepared by The Indiana Bankers’ Association, but had the endorsement and support of our Association. This bill is along the lines of some of the work of the National Crime Commission and will have results in the detection and conviction of criminals that will exceed the expectations of those who are only slightly acquainted with its merits. This bill and the Criminal Procedure Bill and the Eugenics Bill are, in the opinion of many who have given thought to the subjects, the most important laws that have been adopted in Indiana in this generation.

The attitude of the members of the General Assembly toward the Indiana State Bar Association was very gratifying. There was a general disposition to rely upon the work and recommendations of the Association as worthy of approval. That attitude has been well expressed by letters received by the President of the Association since the General Assembly adjourned.

A senator from the north end of the state said:

“I felt it a compliment to be chosen as one of the messenger boys for The Indiana State Bar Association, as well as other organizations that are interested in legislative results.

“Allow me to commend highly the work of the State Bar Association, and particularly the faithful members who made possible as I recall it the most conspicuous achievement along legislative lines with respect to the machinery of the law and its functioning that I have seen in ten or fifteen years.”

A senator from the south end of the state gives us this compliment:
“I want to assure you that it affords me the very greatest pleasure to be of service to the profession in this connection, and I think I voice the sentiment of the members of the senate generally in saying to you that that body appreciated the unselfish service of your Association. The matters presented by your body were unselfish and constructive. We need more high-minded service of this character in aid of the General Assembly. I wish that other associations would follow your unselfish example.”

WILLIAM A. PICKENS,
President, The Indiana State Bar Association.

NEXT ANNUAL MEETING.

Recently a questionnaire was sent to our members requesting them to express their preference as to the time and place for holding the next annual meeting. In keeping with the answers to this questionnaire, the Board of Managers has fixed upon July 7, 8, and (9), 1927. The place of the annual meeting has not been decided. It is expected that the Board of Managers will determine the place of the meeting and many of the arrangements in the near future so that all this information can be announced in the April issue.