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ON LAW OBSERVANCE AND ENFORCEMENT

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PROGRESS REPORT
ON THE
STUDY OF THE FEDERAL COURTS



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LETTER OF TRANSMITTAL

To the PRESIDENT,

The White House:

Shortly before the appointment of this commission, President Hutchins, of the University of Chicago, then dean of Yale Law School, and Prof. Charles E. Clark, who succeeded him as dean, presented to the President an outline of a plan for a comprehensive national study of law administration in the Federal courts, following somewhat the lines of a project then under way for a study of the State courts of Connecticut and proposed for those of Ohio and West Virginia. In the latter part of 1929, this plan was taken up for consideration by this commission and it was determined to undertake to carry out the project. For the direction and administration of the undertaking, a committee was appointed by the commission, composed of Dean Clark as chairman; Hon. Owen J. Roberts, of Philadelphia (now Justice of the United States Supreme Court); President Robert M. Hutchins, of the University of Chicago; Orrin K. McMurray, dean of the Law School of the University of California; and Prof. E. M. Morgan, of the Law School of Harvard University. Subsequently this committee was enlarged by the addition of Thurman W. Arnold, dean of the Law School of West Virginia; Henry M. Bates, dean of the Law School of the University of Michigan; and Henry R. Medina, of the Law School of Columbia University.

The project aimed at a study of the administration of law in the Federal courts, through a scientific analysis of case records, both civil and criminal, the general purpose of the study being to test the efficiency of the administration of justice in these courts. Concrete factual statistical information was to be sought to illustrate and test the efficacy of the rules of procedure and general methods of administering justice. The plan was to conduct the work through the university law schools in different parts of the country, as directing units of local research. During the spring and

summer of 1930, formulation and perfection of method and the formation of a national organization for the purpose of launching this in the fall of 1930 were perfected. The work was begun in October, 1930.

The general outline of the phase of the project dealing with the criminal law, contemplated a study of all criminal cases terminated during the fiscal years ending June 30, 1928, 1929, and 1930, respectively; but the project embraced a study of both criminal and civil cases. It was proposed to secure complete quantitative data on many of the activities of the courts. It was recognized to be impracticable to attempt a study in every Federal district and accordingly 13 districts were selected, largely with a view of making them representative of urban, semiurban and rural districts. In order to obtain local supervision of the work a representative of a law school in each district was appointed as district supervisor, their function being to employ field workers, instruct them, supervise and direct their work, and assume responsibility for the completion of the work in their respective districts.

It was estimated that it would require a period of two years to complete this work. The commission allocated the sum of \$50,000 out of the appropriation made for the work of the commission for the fiscal year ended June 30, 1931, to cover the estimated expense of carrying on the work for the first year. In the development of its work, the commission found it inexpedient to apply to Congress for a renewed appropriation to carry on after June 30, 1931. The report of the work of studying the Federal district courts so far as it has been completed to June 30, 1931, is therefore merely a progress report. This report is transmitted herewith.

In order to complete the undertaking a further period of one year and an additional appropriation of \$50,000 will be necessary. The Rockefeller Foundation has made a grant of one-half of this sum, viz., \$25,000, to the American Law Institute, on condition that it shall assume responsibility for the direction of the work, stepping, as it were into the shoes of this commission, the appropriation to be available if and when before December 31, 1932, a like sum of \$25,000 be secured from other sources.

As stated in the progress report, it is sought to obtain from the case examination of the proceedings in the Federal courts within the period studied, data which will furnish reliable and rather comprehensive information respecting the daily business of the Federal courts covering the following information, viz.: (1) Kinds and numbers of cases which are coming before these courts and the various statutes or laws which are bringing those cases into those courts, and to some extent the kind of parties involved in such cases; (2) the various methods and devices which are employed in these courts by the parties to expedite or delay trial of the cases, or to dispose of them by trial or otherwise; (3) the various dispositions made of the cases. It is believed that such a study will furnish much valuable information to the students of government, courts, and the due and proper administration of justice, and lead to the adoption of useful improvements.

There have been from time to time made in Congress and elsewhere suggestions for the modification of the original jurisdiction of Federal district courts. For instance, it has been asserted that the greater part of all civil litigation in those courts arises under the law giving the courts jurisdiction of all suits between citizens of different States. But there seems to be no available evidence to support that contention. Again, it is said that the congestion on the criminal side of the Federal courts is created by the prohibition laws and the Dyer Act (stealing automobiles and transporting them from one State to another). Again, there is no comprehensive study available which furnishes a reliable answer to this contention. It is said that the congestion in some districts is due to faulty administration of the court, rather than to jurisdiction of any particular class of cases. All these present questions which can only be properly answered after, such an investigation as shall result in securing a body of reliable facts to furnish the basis of sound conclusions. It is believed that the results of this study should be of great public importance and it is hoped that the funds necessary to its completion may be secured next autumn.

GEORGE W. WICKERSHAM, *Chairman.*

WASHINGTON, June 30, 1931.

PROGRESS REPORT
ON THE
STUDY OF THE BUSINESS OF THE
FEDERAL COURTS
FOR THE
NATIONAL COMMISSION ON
LAW OBSERVANCE AND
ENFORCEMENT

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PROGRESS REPORT ON THE STUDY OF THE BUSINESS OF THE FEDERAL COURTS

In view of the fact that the field work on this study will not be completed until June 30, 1931, a definitive report at this time is not possible. Accordingly, this report consists of (1) a statement of the aims and purposes of the study; (2) a report of progress made to date and that hoped to be made by June 30, 1931, in the collection of data respecting Federal criminal and civil cases; and (3) a tentative analysis of the criminal cases for the district of Connecticut for the three fiscal years ending June 30, 1930; (4) a description of the methods employed in conducting the field work.

CHAPTER I. AIMS AND PURPOSES

As indicated in report No. 3 of the National Commission on Law Observance and Enforcement on Criminal Statistics, there is a paucity of data descriptive of the day-to-day activities of the Federal district courts. Practically the only available material is contained in the statistical tables appearing in the Attorney General's reports. This is limited in extent of the cases considered and in the detail presented, and, due to the necessary difficulties of collection by reports from many different official persons, is of varying degrees of accuracy. This project was undertaken with the purpose of securing complete and accurate data of the Federal courts of first instance. As noted in Chapter IV, *infra*, the project is a study, from the various records, of the criminal and civil cases disposed of during the fiscal years covered. Each transaction or proceeding in every action is noted. The result is a case history of the proceedings in the Federal courts within the periods studied. From these case histories there is obtained data general as to all cases and special as to cases of a particular type. These data will furnish reliable and rather comprehensive information respecting the daily business of the Federal district courts.

The data sought are in general of three kinds: (1) The kinds and numbers of cases which are coming before these courts, the various statutes or laws which are bringing those cases into these courts, and to some extent the kind of parties which are involved in such cases; (2) the various methods and devices which are employed in the courts by the parties to expedite or delay the trial of the cases, or to try them or otherwise dispose of them; and (3) the various dispositions made of the cases.

Such a study will furnish much valuable information to students of government and of courts, and to all those interested in the processes of law administration and in its improvement.

A brief comment may be made as to the three types of data listed above, beginning with the first. This study will make available accurate statistics on the contribution of each statute or law to the load of Federal court business. This will be significant both for criminal and civil cases. The extent to which litigants claim the benefit of Federal jurisdiction on the basis of diversity of citizenship will throw much light on the controversial question as to the desirability of limiting in this respect such jurisdiction, especially when coupled with information showing the types of litigants claiming this benefit. The percentages for various districts of the volume and load of prohibition cases will furnish significant information on the incidence of that particular statute so far as it affects the Federal judicial machinery. The same can be said for the Dyer Act, the Harrison Act, and all similar legislation. While these data will not of themselves show the scope of the particular social problems with which the various statutes deal they will be valuable to those concerned with the problem of governmental control over such problems. In addition they will supply statistics which, when paralleled with similar statistics for the respective States, will go far toward indicating the effective demarcation between Federal and State regulation.

The second type of data will be of major interest to the bar and the bench, as it will indicate the varied procedural devices employed in the many kinds of criminal and civil cases. It is thought that it will aid materially in formulating

a more simplified and uniform system of practice. But it will be of even greater utility than that. As to the petit and grand jury alone it should furnish valuable information. The extent to which those ancient institutions have fallen into desuetude may be shown and the types of cases in which they still function revealed. This group of data will also show the length of time in which the court is concerned with the various types of cases, and when combined with the data of the first type will contribute materially to an understanding of the problem of congestion. Information will be obtained concerning the problem of the contested case and the extent to which the uncontested case is receiving summary treatment. In addition if congestion appears there will be many clues as to the major or contributing causes—whether it is in the judicial machinery itself, in the increasing scope of Federal jurisdiction, or in the growing social and economic problems of the day.

The third type of data will be of major interest. Here will be shown the actual dispositions of the many classes of cases. These dispositions will give some measure of the extent to which the uncontested case is giving rise to species of standardized treatment and summary administration. They may indicate inferentially the presence in various districts of the "bargain day" practices in criminal cases about which so much comment has been made and the extent to which the prosecutor has used a highly selective process in choosing criminal cases for prosecution. Especially when combined with the second type of data they may show the extent to which standardized treatment and summary administration have given to these courts in criminal cases the characteristics of police or magistrates' courts. This might be indicated by high percentages of guilty pleas in certain types of cases combined with the imposition of rather light sentences. To some extent they may also furnish facts for an appraisal of the quality of administration by prosecutors and judges by revealing the comparisons and contrasts from year to year. The use by the Federal courts of local jails, State penitentiaries, and local probation officers will give some measure of the extent to which the administration of Federal criminal cases impinges directly on the State institutions and vice versa.

The various types of data will also serve wider and more general purposes. They will indicate many types of data which the systems for the collection of criminal and civil court statistics should include, by showing the usefulness which they will have. Similarly they will point the way toward further statistical or qualitative studies suggested but not answered by the data collected.

This is primarily a study of mass statistics, and should be taken with the limitations inherent in such data. They are of importance in mirroring the court activities; they will not of themselves produce a panacea for all the defects in the Federal judicial machinery. Students of social statistics recognize that valuable as such material is, it should be taken as but the beginning of further study of particular problems such as those relating to the efficient administration of justice by the various Federal enforcement agencies, commissioners, prosecutors, grand juries, petit juries, bar, and bench. But this is the logical and necessary first unit in such study since all of the other problems relate to and bear upon it. Some of these statistics may do no more than verify hypotheses which many members of the bar and bench have had for years. But even to that extent, they will serve a useful purpose in removing from the realm of speculation many matters vital to the administration of justice.¹

As noted in Chapter IV, *infra*, 12 law schools have participated in this project, supervising the work in the 13 districts chosen for the study. While ideally all Federal courts should have been studied, a selection of districts was made necessary by the limitations of the budget. These districts were chosen with the view towards making them representative of urban, semi-urban, and rural conditions. In view of their diversified character it is believed that the results obtained will be fairly representative of the country as a whole. The significance of these data and their great potentialities point clearly to the desirability of continuing such research after the termination of this study. Only by careful studies over a period of years will it be possible to have available actual facts respecting the business of the courts from which an appraisal of their efficiency may be

¹ See the statement of Mr. Justice Harlan F. Stone in 35 Harv. L. Rev., 907, 908 (1922).

given and in the light of which improvements in the administration of justice can be made.

Since more data have been collected than may be presently used, it is desired that all of the data be preserved in their original form for the use of those who may be interested in studying these courts for the same or different purposes. It is recommended that arrangements be made for their preservation.

CHAPTER II. VOLUME OF CRIMINAL AND CIVIL CASES STUDIED

This statement of progress is made as of May 1, 1931, for each of the 13 districts in which the study is being conducted. There is also projected an estimate of progress as of July 1, 1931.

As stated in Chapter IV, *infra*, it was decided to analyze in these districts the criminal cases terminated during the three fiscal years ending June 30, 1930, 1929, and 1928; the civil cases terminated during the fiscal year ending June 30, 1930; and the three-judge court cases terminated in the 10-year period ending June 30, 1930. These plans have been varied in some districts, as shown below. It was deemed impracticable to attempt the tabulation of all prohibition cases in every one of these districts due to the large volume of such cases. Accordingly in the seven following districts only every tenth prohibition case was taken: northern district of California; northern district of Illinois; eastern district of Louisiana; eastern district of Michigan; southern district of New York; northern district of Ohio; and southern district of West Virginia.

As will be noted, in some of the districts, the criminal cases for the three-year period and the civil cases for the one-year period already have been completed. In those districts the order in which additional work is being done is: three-judge court cases for the ten-year period ending June 30, 1930; omitted prohibition cases for the last of the three years studied; civil cases for the fiscal year ending June 30, 1929; criminal cases for the fiscal years ending June 30, 1927, and June 30, 1926; civil cases for the fiscal year ending June 30, 1928.

There follows a statement of progress made in each of the districts. In referring to the number of criminal cases already reported, the individual is the unit. The totals for the various districts for the periods studied are taken from the Annual Reports of the Attorney General of the United States. These numbers may refer either to indictment or information units in criminal cases. Hence discrepancies will appear between these numbers and the numbers of criminal cases reported. These discrepancies are due to the fact that the indictment or information units may include more than one defendant.

1. *Northern district of California.*—The three-year criminal study (only 10 per cent of prohibition cases being taken) in San Francisco was completed on March 17, 1931; in Sacramento, on April 25, 1931. Approximately 2,858 cases were reported out of a total of 4,919. This large discrepancy is accounted for by the sampling of prohibition cases. As of July 1, 1931, it is expected that all criminal cases terminated and docketed in both the San Francisco and Sacramento offices for the fiscal year ending June 30, 1930, will be reported. This will furnish a useful check to be used against the years in which prohibition cases were sampled only.

As of May 1, 1931, all the Sacramento civil cases terminated during the fiscal year ending June 30, 1930, were reported. If there is time left after reporting all civil cases for the last fiscal year in both offices the civil cases terminated during the second fiscal year will be reported. It is doubtful, however, if time will permit. In the San Francisco office approximately one-half of the civil cases for the fiscal year ending June 30, 1930, are reported. The remainder will be reported on or before June 1, 1931. As of July 1, 1931, it is expected to have tabulated all the three-judge court cases terminated during the last 10 fiscal years.

2. *District of Colorado.*—As of May 1, 1931, the criminal case study for the three-year period was substantially complete. Over 1,100 cases were on file in the New Haven office on that date as compared with a total of 1,026. The terminated civil cases for the last fiscal year will be fully reported by June 1, 1931. By July 1, 1931, it is hoped to have the reports of all civil cases for the second fiscal year and the criminal cases for a fourth and possibly a fifth year.

A ten-year study of three-judge court cases will be completed on or before July 1, 1931.

3. *District of Connecticut.*—The criminal study for the three-year period has been completed. From the work sheets on these cases sample tables were compiled for use in this report. Criminal cases for two more fiscal years down to the period beginning July 1, 1925, are on file and merely require checking and correction; 926 criminal cases were reported for the five-year period as against a total of 867. The civil study for the fiscal year ending June 30, 1930, was brought to a close on April 9, 1931, 144 cases being reported as against a total of 128. As of July 1, 1931, it is expected to have covered a second civil year and the three-judge court cases for the last 10 fiscal years.

4. *Northern district of Illinois.*—On May 1, 1931, about 1,550 criminal cases, out of a total of 5,920, were reported from this district, representing a substantial part of the cases to be covered for the three-year period, prohibition cases being sampled only. On July 1, 1931, it is expected that all cases reported for the three-year period will have been fully reported and checked.

On May 1, 1931, about 1,075 terminated civil cases out of a total of 1,682 in the fiscal year ending June 30, 1930, were reported. This represented substantially the whole law docket. On or before July 1, 1931, it is expected that the equity docket will have been covered. The civil report for this district will be restricted to one year. By July 1, 1931, all three-judge court cases for a ten-year period ending June 30, 1930, will have been reported.

5. *District of Kansas.*—On May 1, 1931, the criminal cases for the three years and the civil cases for one year were completed. By July 1, 1931, it is probable that two more years will have been added to the criminal study, and one year to the civil.

873 criminal cases have been reported from the whole district as against a total of 574 for the three-year period and 916 for the five-year period. 330 civil cases have been reported from the entire district out of a total of 543. Three-judge court cases for a ten-year period will be reported on or before July 1, 1931.

6. *Eastern district of Louisiana.*—As of May 1, 1931, 705 terminated criminal cases were reported out of a total of 3,172 cases. It is probable that the criminal study will be finished by July 1, 1931. One hundred and forty-four terminated civil cases have been reported out of a total of 562 for the fiscal year ending June 30, 1930. It is expected that this year will have been fully reported by July 1, 1931, as well as the three-judge court cases for the ten-year period.

7. *District of Massachusetts.*—On May 1, 1931, 1,858 cases were reported as against a total of 2,040. No additional years will be covered in this district. The criminal cases for the three-year period in all probability will be finished by July 1, 1931. Two hundred and ninety-two civil cases terminated during the fiscal year ending June 30, 1930, were reported by May 1, 1931, out of a total of 702 for that year. By July 1, 1931, all the civil cases for that year will be reported as well as all the three-judge court cases terminated during the ten-year period ending June 30, 1930.

8. *Eastern district of Michigan.*—By July 1, 1931, the terminated criminal cases for the three-year period will have been completely reported, except for the omitted prohibition cases. To date 2,901 cases have been reported out of a total of 5,708. No additional years will be covered in this district nor does it seem at present that it will be possible to have any of the omitted prohibition cases reported. About 1,300 out of approximately 1,600 civil cases for the fiscal year ending June 30, 1930, have been reported. This phase of the study will be completed about May 15, 1931. It is estimated that the reporting of the three-judge court cases for a ten-year period will be finished by June 1, 1931.

9. *Southern district of New York.*—By June 15, 1931, it is hoped to have completed the reports of terminated criminal cases for the three-year period, prohibition cases being sampled only. On May 1, 1931, 4,381 criminal cases had been reported out of a total of 20,889. No additional years will be covered in this district. It is hoped that the omitted prohibition cases for the last fiscal year will be reported. 836 out of a total of 3,373 civil cases were reported on May 1, 1931.

10. *Western district of North Carolina.*—It is hoped to finish the criminal study for the three-year period by July 1, 1931.

Due to the great amount of checking that must be done before that date this may not be possible. Of the 311 recorded civil cases for the selected year only 53 had been reported on May 1, 1931. An effort will be made to get reports on the remainder as well as on the three-judge court study for five years. In view of the fact that the last figure has been found to be overstated, it is probable that the civil cases and the three-judge court cases will be completed by July 1, 1931.

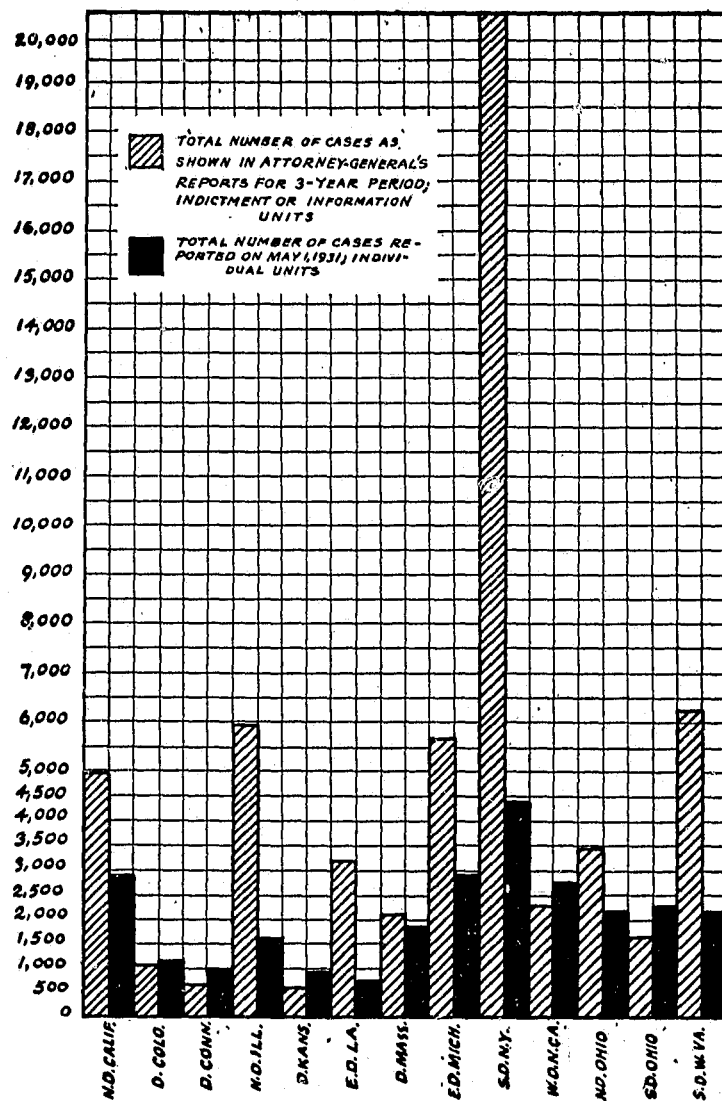
11. *Northern district of Ohio.*—On May 15, 1931, the civil and criminal cases docketed in both the Cleveland and Toledo offices will have been substantially completed. On May 1, 1931, 2,121 criminal cases had been reported out of a total of 3,439, and 1,146 civil cases out of a total of 1,392. It is hoped to be able to cover the omitted prohibition cases for the last fiscal year of the study before July 1, 1931, as well as the three-judge court cases for the ten-year period.

12. *Southern district of Ohio.*—The criminal case study will probably be completed about June 1, 1931. On May 1, 1931, 2,265 cases had been reported out of a total of 2,408 for the five-year period. It is hoped to cover the remainder of the cases for the five-year period. Only 67 out of a total of 448 civil cases had been submitted on May 1, 1931. It is believed, however, that the balance as well as the three-judge court cases for the ten-year period will be reported before July 1, 1931.

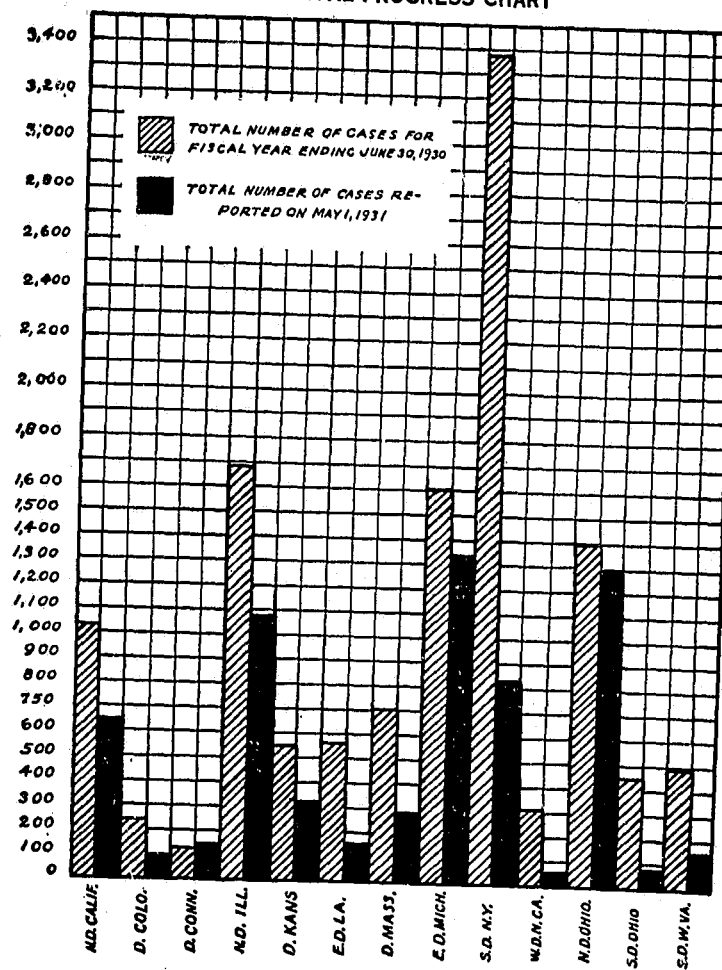
13. *Southern district of West Virginia.*—On May 1, 1931, 2,180 criminal cases out of a total of 6,245 cases were on file in the New Haven office. The field workers in this district are, however, retaining a large number of cases for checking. On May 1, 1931, 148 out of a total of 449 civil cases had been reported. The three-year period for the criminal study and the one year of the civil study will be probably completed before July 1, 1931. The remainder of the period will be utilized for checking and for the tabulation of three-judge court cases for 5 or 10 years as time allows.

The following charts indicate the progress made on May 1, 1931, in the study of criminal and civil cases, as compared with the figures from the reports of the Attorney General.

I. CRIMINAL PROGRESS CHART



II. CIVIL PROGRESS CHART



CHAPTER III. TENTATIVE ANALYSIS OF THE CRIMINAL CASES FOR THE DISTRICT OF CONNECTICUT FOR THE THREE FISCAL YEARS ENDING JUNE 30, 1930

This analysis is not definitive but is inserted in tentative form merely as a sample of the kinds of data which have been obtained. It may or may not be representative of other districts. Only some of the more interesting points have been developed. Others have merely been outlined generally as suggested. Much has been omitted. It is felt, however, that what has been included will show the significance of this kind of research and its potentialities.

The committee was assisted in the preparation of this report by Charles U. Samenow and other members of the New Haven staff.

CLASSIFICATION OF OFFENSES

As indicated in Chapter IV, *infra*, difficulty was experienced in working out a satisfactory classification of crimes in advance of the study. Accordingly it was decided to classify the crimes after the data were collected. The classification worked out for these 749 criminal cases is not necessarily the classification which will be used for the final report nor a classification thought to be the best for the collection of criminal statistics. It merely fits satisfactorily the crimes involved in these particular cases. There follows a description of what offenses have been included in the general categories and their subdivisions.

I. LIQUOR.

National Prohibition Act.—

Possession.

Sale.

Transportation.

Manufacture.

These classifications have been made in approximate order of seriousness, possession being considered the least grave of the offenses. The most serious count determines the classification. Thus where an indictment or information contains one manufacture count, it has been placed under manufacture, although it might be found in combination with any of the

preceding classifications (possession, sale, or transportation). Again, where a count for transportation is found that count determines the classification over possession and sale, etc. Thus the sale classification contains either a sale count alone or a combination without counts for either transportation or manufacture. The possession classification includes indictments or informations with one count for either possession or nuisance or possession of equipment or more than one count forming any combination of these three.

National Prohibition Act—Conspiracy.—Only one case of conspiracy appears. In it 12 defendants are charged with 1 count each of conspiracy to violate the National Prohibition Act by diversion of alcohol and misuse of permits.

National Prohibition Act.—

Possession and previous conviction.

Sale and previous conviction.

Transportation and previous conviction.

Manufacture and previous conviction.

The classification of these cases follows the plan of the classification of the preceding groups.

National Prohibition Act—other.—This heading includes violation of the National Prohibition Act other than those listed. Among these are failure to keep records of sales and solicitation and acceptance of orders for liquor. It is also used as a blanket description of violations of the act where detail is lacking. This latter usage appears most frequently under the heading Offense Charged on Arrest or First Appearance Before Commissioner.

Liquor—other.—This classification includes violations of customs and revenue acts, namely, removing and concealing contraband liquor. Where these violations have been combined with violations of the National Prohibition Act they have been classified here.

II. DRUG ACT.

In view of the small number of cases, drug offenses have been classified under Harrison Act and Other Drug Acts. The single case under Violation of Other Drug Acts was for forging a prescription for drugs. The 43 cases in which violation of the Harrison Act is charged include charges of illegal possession, sale, purchase, receiving, and concealing drugs.

III. VIOLATION DYER ACT.

This heading was adopted for all violations of the National Motor Vehicle Theft Act. Most of the prosecutions were for transportation of stolen vehicles in interstate commerce.

IV. VIOLATION MANN ACT.**V. POSTAL OFFENSES.**

These have been classified under five general topics and a miscellaneous one. There have not been sufficient cases found to justify more detail; 24 of the 35 charges of postal offenses have been for some form of theft and embezzlement by a postal employee. The most frequent cases under this classification were embezzlements of letters and funds from the post office.

VI. OFFENSES AGAINST CURRENCY AND COINAGE.

These cases include various counterfeiting offenses, such as possession of counterfeit money, possession of photographs and plates of Federal Reserve notes, and passing counterfeit money. They include conspiracy charges also.

VII. OFFENSES AGAINST NATIONAL BANKING SYSTEM.

This classification includes embezzlement from national banks and conspiracy to conceal assets of national banks.

VIII. VIOLATION BANKRUPTCY LAWS.

Here are included charges of concealing property from trustees and receivers; giving false testimony before referees; and conspiracy to conceal assets.

IX. OFFENSES AGAINST INTERSTATE COMMERCE.

This heading includes such diverse charges as carrying prize-fight films and offering for shipment uninspected meats.

XI. FALSE REPRESENTATION.

Presenting false claim and forging Government obligation.—The five cases under this heading include alteration of adjusted veteran certificates, and forging of Government checks and other obligations.

Violation National Defense Act.—These cases include only charges of unlawfully wearing service uniforms.

XII. MISCELLANEOUS.

This heading includes violations of the income tax laws, violations of quarantine orders, criminal contempts, and one case of theft from a Government corporation.

NOTE.—There are 26 removal cases which are not treated as cases under this table. These cases included "X. Violation of Immigration Laws," of which more were found in the general study.

No cases of thefts from interstate shipments were found in Connecticut which is interesting in view of the fact that they are frequent elsewhere. In three removal cases fugitives charged with this offense were returned to the district in which they were to be prosecuted.

TENTATIVE CONCLUSIONS AND GENERAL OBSERVATIONS ON THE CONNECTICUT CRIMINAL STUDY

A statistical study of the criminal processes of the Federal courts should give an understanding of how the various agencies of Federal law enforcement, such as the courts, the juries, the commissioner, the district attorney, the Federal enforcement bureaus, and the State enforcement machinery are related, the manner in which they function, and in what respect difficulties of procedure or organization stand in the way of enforcement. It may also serve to dispel a number of current illusions as to the particular difficulties from which criminal procedure is supposed to suffer, based on the assumption that what was true a decade ago must necessarily be true today. Even expert opinion as to what a governmental institution is doing is generally out of date because it is necessarily based on experience in the past which colors present observations.

The Connecticut study of the Federal courts accomplishes to some extent both of these objects. Results from one district, however, are not enough to justify conclusions for all districts.

I. THE DISTRICT COURT

The analysis of the criminal cases in the Federal District Court for Connecticut support the following tentative conclusions respecting the summary nature of the entire criminal proceedings.

1. There is a complete absence of procedural delays and difficulties which commonly are thought to be inherent in and peculiar to the system.

2. Contested cases and jury trials are negligible.

3. The rôle of the court in general is the imposition of small sentences for minor offenses.

4. Fines are scarcely ever beyond the ability of the defendants to pay.

5. The process of choosing cases for prosecution is so selective that the time required for disposition is negligible.

For example, in a total of 740 cases for the three-year period: Only 9 jury trials, 8 being tried in less than a day; only 46 motions to quash and to suppress evidence in the same period; a majority of the cases finished the day the indictment or information was filed and 85 per cent in less than 2 months; guilty pleas in 91.6 per cent of the cases; only 5 acquittals and 53 dismissals in 3 years; fines rather than imprisonment in a majority of all the cases and in 80 per cent of the prohibition cases; amounts of the fine so nicely adjusted that in 3 years only 5 defendants were committed to jail for failure to pay; only 2 appeals.

II. THE UNITED STATES COMMISSIONER

The study of the United States commissioners from whom came 73 per cent of the cases entering the district court, and the records of the district court, contain evidence of the following:

1. There is a succession of uncontested cases, perfunctorily, mechanically, and expeditiously handled, nearly all of which are bound over.

2. There is almost an entire absence of technical objection in the district court to arrest or to violation of constitutional rights in the execution of search warrants.

3. There is evidence of a large uncontrolled discretion, exercised off the record, either by the commissioner or the Federal enforcement agencies, by which possible contested cases are eliminated or prosecuted under less serious charges.

4. The discretion in selecting cases appears to be chiefly exercised by Federal enforcement agencies who prosecute the great majority of cases.

5. The character of the cases disposed of, the lack of problems involving legal skill or technical knowledge indicate that in the majority of cases in Connecticut the intervention of the district court after the commissioner's judgment adds little to the efficiency of the process.

For example: 75 per cent of the district court cases coming from the commissioner show voluntary appearance without arrest; a majority show ultimate pleas of guilty; most of the cases are disposed of on the same day they were brought; 94 per cent of the prohibition cases and 67 per cent of the others are disposed of in less than one month; an unusually small percentage of commitments to jail; only 21 out of 276 cases officially dismissed for want of probable cause; a complete absence of objections to warrants or search warrants made later in the district court and no objections in the district court for violation of constitutional rights.

On the other hand, over half of the recorded "cases" in the commissioner's offices in 1929-30 consisted of warrants and search warrants which were never heard of again, given generally at the instance of the various Federal enforcement agencies, most of them returned unexecuted, and almost all of them occurring in prohibition cases.

III. PROHIBITION CASES

The selective process and summary disposition found in prohibition cases has resulted in a domination by them of the whole character of the Federal criminal proceedings as shown by mass statistics.

For example: Prohibition cases have increased from 69 per cent of the total of all cases in the first year of the study to 81 per cent in the last; the total increase in the number of crimes has been taken up by prohibition cases, the other offenses remaining practically stationary; they furnish the great majority of fines, as opposed to imprisonment; also a majority of the cases are disposed of the same day that the indictment or information is filed; almost 90 per cent of the proceedings are by information in prohibition cases as opposed to 8 per cent for all other cases; the great majority of prohibition cases are charged under the minor category of possession;¹ the confinement of all prohibition offenders actually imprisoned is in local jails contrasted with the commitment of over half of other offenders in Federal penitentiaries.

I

TABLES CONCERNING THE SUMMARY CHARACTER OF THE
FEDERAL CRIMINAL PROCESS IN CONNECTICUT

According to the report of the clerk of the United States District Court for Connecticut to the Attorney General, covering the apportionment of the time of the court, exclusive of the United States attorney's and marshal's offices, for the fiscal year ending June 30, 1930, 38 per cent of the time was allocated to criminal matters; 33 per cent was given to prohibition cases; 2 per cent to anti-narcotic cases; 1 per cent to Dyer Act cases; and 2 per cent to all other criminal cases.

¹ The category of possession, as noted above, is used here and elsewhere in this report to include indictments or informations with one count for possession or maintenance of a nuisance or possession of equipment or more than one count forming any combination of these three.

TABLE I.—*Disposed-of cases: The individual as the unit*

Offense charged in indictment or information	Total 1927-28	Total 1928-29	Total 1929-30	Total 3 years
I. Liquor, National Prohibition Act:				
Possession.....	70	99	217	386
Sale.....	7	9	1	17
Transportation.....	16	18	18	52
Manufacture.....	27	3	22	67
Conspiracy.....	1	2	—	12
Possession and previous conviction.....	1	10	7	18
Sale and previous conviction.....	3	—	—	3
Transportation and previous conviction.....	—	1	—	1
Manufacture and previous conviction.....	1	—	—	1
Other.....	2	2	5	8
Liquor, other.....	1	8	—	10
II. Drugs:				
Violation Harrison Act.....	14	14	15	43
Violation of other drug acts.....	1	—	—	1
III. Violation of Dyer Act.....	2	5	—	13
IV. Violation of Mann Act.....	3	1	1	5
V. Postal offenses:				
Theft and embezzlement by postal employee.....	10	7	7	24
Breaking and entering and/or theft by others.....	1	2	2	5
Presenting false claim or forgery.....	3	—	—	3
Using mails to defraud.....	—	1	—	1
Mailing obscene matter.....	—	—	1	1
Other.....	1	—	—	1
VI. Offenses against currency and coinage.....	3	4	14	21
VII. Offenses against national banking system.....	3	2	1	6
VIII. Violation of bankruptcy laws.....	4	1	9	14
IX. Offenses against interstate commerce.....	4	1	2	7
XI. False representation:				
Presenting false claim and forging Government obligation.....	3	1	1	5
Violation National Defense Act.....	—	—	2	2
XII. Miscellaneous.....	3	7	3	13
Total, each fiscal year.....	182	224	334	740

NOTE.—No cases under "X. Violation of Immigration laws" will be found on any of the general tables; this offense occurs only in removal cases.

DISPOSED-OF CASES

From Table I it is significant to note that in the three-year period studied there has been no significant increase in prosecutions except for violations of the National Prohibition Act, which increased in the fiscal year ending June 30, 1929, 36 per cent over the fiscal year ending June 30, 1928, and in the fiscal year ending June 30, 1930, 116 per cent over the fiscal year ending June 30, 1928. The total of all other criminal cases has remained practically constant. Most of this increase in prohibition cases was taken up by the less serious aspects of prohibition violation which are classified under "Possession." This increase in the use of these relatively minor counts taken together with tables, discussed below, gives an indication that the use of the Federal court for the kind of offenses ordinarily designated as police court offenses has been on the increase.

While there are not enough data to draw any definite conclusions it should be noted that the prohibition cases involving the more serious charges have been reasonably constant in number during the 3-year period.

The percentages of all prohibition offenses to all offenses over the three years are as follows: 1927-28, 68.7 per cent; 1928-29, 75.9 per cent; 1929-30, 80.8 per cent; average, 76.4 per cent.

There is no other type of criminal case carrying a substantial percentage of the total. The Harrison Drug Act and other drug acts come second to prohibition with 44 cases out of 740, or 5.9 per cent. Postal offenses are third with 35 cases or 4.7 per cent and offenses against the currency and coinage fourth with 21 cases or 2.8 per cent. There are no other classes of offenses which exceed 20 cases during said 3 years.

An analysis of cases disposed of by months gives no evidence of any seasonal increase or decrease in any class of offenses.

TABLE II.—Changes in pleas in the district court

First plea of accused	Last plea of accused				Total
	No entry	Nolo contendere	Guilty as charged	Guilty to part	
No entry.....	30				30
Nolo contendere.....	26				26
Guilty as charged.....	475				475
Guilty to part.....	3				3
Not guilty.....	32	11	142	21	206
Total.....	566	11	142	21	740

PLEAS

The summary nature of the criminal proceedings in this district for this period is thrown into sharp relief by the analyses of the pleas of the accused in the court as shown in Table II. A vast majority of the pleas are guilty pleas. This may suggest these possible hypotheses: (1) Reluctance of defendants to have their cases tried before a Federal petit jury, fearing perhaps the imposition of large penalties; (2) lack of defense; (3) inducements by the prosecutor offered in

return for guilty pleas. An analysis of pleas against sentences would throw light upon the latter. There are, however, so few cases in the district of Connecticut in which the plea of not guilty is adhered to that reliable conclusions may not be drawn.

Including in the general heading of guilty plea all pleas of guilty to part and nolo contendere there were 504 such pleas out of a total of 740 cases, or 68.1 per cent, when the defendant was first arraigned for plea. Changes in 174 out of 206 not guilty pleas to guilty (84.5 per cent) bring the total of ultimate guilty pleas up to 678, or 91.6 per cent of the total number of cases.

In prohibition cases the final total of guilty pleas was 523, or 92.6 per cent. Only 27 not guilty pleas remained, or 4.8 per cent of the total number of prohibition cases, the balance being "no entry."

In prosecutions for offenses other than prohibition (175 in number) the final total of guilty pleas was 155, or 88.6 per cent. Of the 48 not guilty pleas only 5 were left without change, or only 2.9 per cent, the remainder being "no entry."

Thus, treating "no entry" as no change in plea, only 32 not guilty pleas out of 740 cases are found unchanged, or 4.3 per cent of the total as against the original figure of 206 out of 740, or 27.8 per cent. This figure might well be compared with Table III, *infra*, showing 5 cases which were discharged after jury trial and 4 cases in which there were convictions after jury trial, as well as with the 38 dismissals and the 15 nolles, a total of 62 cases. The difference amounting to 30 cases may represent nolles and dismissals before arraignment and plea. This surmise is supported by the fact that there are 30 cases in which no plea at all was found.

TABLE III.—Disposition of cases

Offense charged in indictment or information	Discharged after jury trial	Discharged directed verdict	Information or indictment dismissed	Nolle prosequi	Convicted as charged: Guilty plea ¹	Convicted as charged: Jury	Convicted part: Guilty plea ¹	Convicted part: Jury	Total
I. Liquor, National Prohibition Act:									
Possession.....	1			7	375	2	1		386
Sale.....				1	12		3	1	17
Transportation.....			8	2	40		1		52
Manufacture.....	2			4	48		13		67
Conspiracy.....			12						12
Possession and previous conviction.....					17		1		18
Sale and previous conviction.....					2		1		3
Transportation and previous conviction.....					1				1
Manufacture and previous conviction.....		1							1
Other.....					5		3		8
Liquor, other.....			9		1				10
II. Drugs:									
Violation Harrison Act.....			5		35		2	1	43
Violation of other drug acts.....					1				1
III. Violation of Dyer Act.....					13				13
IV. Violation of Mann Act.....					5				5
V. Postal offenses:									
Theft and embezzlement by postal employee.....					23		1		24
Breaking and entering and/or theft by others.....					5				5
Presenting false claim or forgery.....					3				3
Using mails to defraud.....					1				1
Mailing obscene matter.....					1				1
Other.....				1	1				1
VI. Offenses against currency and coinage.....			1		20				21
VII. Offenses against national banking system.....					6				6
VIII. Violation of bankruptcy laws.....				1	10		3		14
IX. Offenses against interstate commerce.....					7				7
XI. False representation:									
Presenting false claim and forging Government obligation.....					5				5
Violation National Defense Act.....					2				2
XII. Miscellaneous.....			3		10				13
Total.....	4	1	38	15	649	2	20	2	740

¹ Includes convictions on plea of nolo contendere.

DISPOSITION

Table III shows the various dispositions of the several types of cases. The following observations seem significant. In 731 out of 740 cases (98.9 per cent) there was no trial, the jury being used in only nine cases. Therefore in practically all of the cases, the only function which the district court had to perform was the imposition of the sentence.

The nine jury trials were distributed as follows:

Prohibition cases:

- 4 discharged after jury trial.
- 1 discharged on directed verdict.
- 3 convicted (1 on part).

Other cases:

1 convicted.

The percentage of all prohibition cases in which there was an acquittal was less than 1 per cent. There were only 53 cases out of the total of all types of cases (7.2 per cent) dismissed or nolle.

These data again point toward the summary nature of the proceedings in the district court and indicate the relative unimportance of the contested cases in the criminal field.

The falling of the jury into almost complete desuetude is most striking. Of these jury cases only two were appealed.

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TABLE IV.—Comparison of charges and convictions

Offense charged in indictment or information	No entry 1	National Prohibition Act		Transportation	Manufacture	Conspiracy	Possession and previous conviction	Sale and previous conviction	Transportation and previous conviction	Other	Liquor, other	Violation of Harrison Act	Violation of other drug acts	Violation of Dyer Act	Violation of Mann Act	Theft and embezzlement by postal employee	Breaking and entering and/or theft by others	Present false claim or forgery	Use mails to defraud	Mail obscene matter	Other	Offense against currency and coinage	Offense against national banking system	Violation of bankruptcy laws	Offense against interstate commerce	Presenting false claim and forging Government obligation	Violation of National Defense Act	Miscellaneous	Total
		Possession	Sale																										
I. Liquor, National Prohibition Act:																													
Possession.....	8	378																										386	
Sale.....	1	2	14																									17	
Transportation.....	11			41																								52	
Manufacture.....	6				61																							67	
Conspiracy.....	12																											12	
Possession and previous conviction.....			1				17																					18	
Sale and previous conviction.....								3																				3	
Transportation and previous conviction.....									1																			1	
Manufacture and previous conviction.....	1																											1	
Other.....										8																		8	
Liquor, other.....	9										1																	10	
II. Drugs:																													
Violation of Harrison Act.....	5											38																43	
Violation of other drug acts.....													1															1	
III. Violation of Dyer Act.....														13														13	
IV. Violation of Mann Act.....															5													5	
V. Postal offenses:																													
Theft and embezzlement by postal employee.....																24												24	
Breaking and entering and/or theft by others.....																	5											5	
Presenting false claim or forgery.....																		3										3	
Using mails to defraud.....																			1									1	

Mailing obscene matter.....																													1
Other.....																		1											1
VI. Offenses against currency and coinage.....	1																												21
VII. Offenses against national banking system.....																													6
VIII. Violation of bankruptcy laws.....	1																												14
IX. Offenses against interstate commerce.....																													7
XI. False representation.....																													
Presenting false claim and forging Government obligation.....																										5			5
XII. Miscellaneous.....	3																										2		2
Total.....	58	380	15	41	61		17	3	1	8	1	38	1	13	5	24	5	3	1	1	1	20	6	13	7	5	2	10	740

Cases containing only 1 count, 465; cases containing more than 1 count, 275; total 740.

"No entry" denotes no conviction.

CHARGES AND CONVICTIONS

Table IV shows a very high correlation between the offense charged and the offense of which the accused was convicted, the percentage of such convictions being 98.9 per cent. As was noted, in 275 of the cases there was more than one count. Therefore in these cases there theoretically might have been a conviction on the least serious of the counts. But there were only three cases where this happened, according to the rating and classification of seriousness given in this study. This indicates the presence of an informal method of agreement between the prosecution and the defense to the extent of the guilty pleas (91.6 per cent; see Table II) and as to the balance an extremely high degree of agreement by the court or jury with the prosecutor.

TABLE V.—Sentences

Offense of which convicted	Fine and probation	Fine without costs	Fine and imprisonment	Fine and suspended sentence	Imprisonment	Suspended sentence	Suspended sentence and probation	Probation	Imprisonment and probation	Total
I. Liquor, National Prohibition Act:										
Possession.....	1	90	6	224	35	10	6	1	1	380
Sale.....		8		6			1			15
Transportation.....		33		1		3				41
Manufacture.....		18	16	16	9					61
Possession and previous conviction.....		5	5	9	2				1	17
Sale and previous conviction.....		2	1							3
Transportation and previous conviction.....										
Other.....		4		1						1
Liquor, other.....		1		4						8
II. Drugs:										1
Violation Harrison Act.....	1	2			10	6	7	1	2	38
Violation of other drug acts.....						3	2		1	1
III. Violation of Dyer Act.....					8					13
IV. Violation of Mann Act.....					2	1			2	5
V. Postal offenses:										
Theft and embezzlement by postal employee.....	4	7		1	4	1	6	1		24
Breaking and entering and/or theft by others.....		1			2		2			5
Presenting false claim or forgery.....							1			3
Using mails to defraud.....					1					1
Mailing obscene matter.....		1								1
Other.....		1								1
VI. Offenses against currency and coinage.....		2	1	1	13		3			20
VII. Offenses against national banking system.....		4		1	1					6
VIII. Violation of bankruptcy laws.....	2	2	1	1	2	3	1		1	13
IX. Offenses against interstate commerce.....		7								7
XI. False representation:										
Presenting false claim and forging Government obligation.....		1			1	1	1	1		5
Violation National Defense Act.....					2					2
XII. Miscellaneous.....		7			1	2				10
Total.....	8	100	30	265	109	38	30	4	8	682

SENTENCES

In Table V are indicated the types of sentences imposed for the various offenses. The preponderant use of the fine and suspended sentence in prohibition cases will be noted, it being used in 49.6 per cent of prohibition cases and in only 2.6 per cent of all of the other cases. Its use in practically half of the prohibition cases serves to emphasize again the very special treatment which that type of case is receiving. Adding to this 29.3 per cent (fine without costs) and 0.2 per cent (fine and probation), practically 80 per cent of the prohibition cases were disposed of by fines. In all cases other than prohibition fines without imprisonment were imposed in only about 25 per cent. Conversely, the imposition of terms of imprisonment is interesting. Such penalty was imposed in 15 per cent of the prohibition cases and in 38.5 per cent of all other cases. The remaining 5 or 6 per cent of prohibition cases were cared for by suspended sentences and other types of probation. The variety of sentences used for the other crimes is not employed in the prohibition cases, which have acquired a singularly significant standardization in treatment.

TABLE VI.—Sentence: Changes in disposition

Sentence	No entry	Fine remitted	Jail sentence commuted to fine	Released from jail—sickness	Committed to jail for failure to pay fine	Other	Total
No entry.....	58						58
Fine and probation.....	8						8
Fine without costs.....	188				2		190
Fine and imprisonment.....	28			1		1	30
Fine and suspended sentence.....	261	1			3		265
Imprisonment.....	100		1	1		1	103
Suspended sentence.....	38						38
Suspended sentence and probation.....	30						30
Probation.....	4						4
Imprisonment and probation.....	8						8
Total.....	720	1	1	2	5	2	740

CHANGES IN DISPOSITION

Table VI shows the changes in disposition made subsequent to the original imposition of sentence. As noted from Table III, supra, there were 682 convictions. Of these there were only 11 sentences changed (1.6 per cent). All of these were prohibition cases. It appears that in only five cases were the defendants committed to jail for failure to pay fines. From Table V, supra, it appears that in 493 cases fines were imposed and that of those 444 were prohibition cases. Thus the five cases where defendants were committed to jail for failure to pay fines constitute but 1.1 per cent of all the prohibition cases carrying fines. This may be at least presumptive evidence that the amounts of fines assessed do not outrun the ability of the defendants to pay.

From Table V, supra, it will be seen that whereas the various forms of the suspended sentence were used in 48.8 per cent of all the cases, the records fail to show a single case in which the suspended sentence has been revoked. This may be due to doubts as to the legality of certain types of suspended sentences in the Federal courts. The suspended sentence, therefore, for the most part seems to be only a formal indication to the accused that he is getting off more easily than he really deserves.

TABLE VII.—Interval disposition grand jury or prosecuting attorney to disposition district court

Offense charged in indictment or information	Days																								Total																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
	0	1-9	10-19	20-29	30-39	40-49	50-59	60-69	70-79	80-89	90-99	100-109	110-119	120-129	130-139	140-149	150-159	160-169	170-179	180-189	190-199	200-209	210-219	220-229		230-239	240-249	250-259	260-269	270-279	280-289	290-299	300-309	310-319	320-329	330-339	340-349	350-359	360-369	370-379	380-389	390-399	400-409	410-419	420-429	430-439	440-449	450-459	460-469	470-479	480-489	490-499	500-509	510-519	520-529	530-539	540-549	550-559	560-569	570-579	580-589	590-599	600-609	610-619	620-629	630-639	640-649	650-659	660-669	670-679	680-689	690-699	700-709	710-719	720-729	730-739	740-749	750-759	760-769	770-779	780-789	790-799	800-809	810-819	820-829	830-839	840-849	850-859	860-869	870-879	880-889	890-899	900-909	910-919	920-929	930-939	940-949	950-959	960-969	970-979	980-989	990-999	1000 and over																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
I. Liquor, National Prohibition Act:																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			

INTERVALS

Table VII shows the very large proportion of the cases disposed of on the same day as the indictment or information was brought. This likewise indicates the summary and expeditious nature of these criminal proceedings and is descriptive of the features of these uncontested criminal proceedings. The figures are as follows:

The total percentage disposed of on the date of the indictment or information (421 cases out of 740) was 56.9 per cent.

The percentage of prohibition cases disposed of on the same day as indictment or information was 65.5 per cent (370 out of 565).

The percentage of all other cases disposed of on the same day as the indictment or information was 29.1 per cent (51 out of 175).

Of all types of cases, 112 cases took more than 2 months, or 15.1 per cent; 72 cases took more than 4 months, or 9.7 per cent; 44 cases took over one year, or 5.9 per cent.

JURY TRIALS

As will be seen from Table XXVIII, *infra*, of the nine jury trials eight were completed the same day they began, one going over for another day.

TABLE VIII.—Sentence: Fine without costs

Offense of which convicted	Amount of fine																						Total
	\$0.01-\$24.99	\$25.00-\$49.99	\$50.00-\$74.99	\$75.00-\$99.99	\$100.00-\$124.99	\$125.00-\$149.99	\$150.00-\$174.99	\$200.00-\$224.99	\$225.00-\$249.99	\$250.00-\$274.99	\$275.00-\$299.99	\$300.00-\$324.99	\$325.00-\$349.99	\$350.00-\$374.99	\$375.00-\$399.99	\$400.00-\$424.99	\$500.00-\$524.99	\$750.00-\$774.99	\$1,000.00-\$1,024.99	\$1,500.00-\$1,524.99	\$2,000.00-\$2,024.99	\$3,000.00-\$3,024.99	
I. Liquor, National Prohibition Act:																							
Possession.....	1									16	1	10	1	2	1	4	2	1					
Sale.....									4	1	1	1											
Transportation.....									6	1	8	2				3	5	1					
Manufacture.....		2							2	2		1				1	1	1					
Sale and previous conviction.....												1				1	1						
Other.....										1													
Liquor, other.....																							
II. Drug act, violation of Harrison Act.....																							
V. Postal offenses:																							
Theft and embezzlement by postal employee.....																							
Breaking and entering and/or theft by others.....																							
Mailing obscene matter.....																							
Other.....										1													
VI. Offenses against currency and coinage.....																							
VII. Offenses against national banking system.....																							
VIII. Violation bankruptcy laws.....																							
IX. Offenses against interstate commerce.....																							
XI. False representation: Presenting false claim and forging Government obligation.....																							
XII. Miscellaneous.....																							
Total.....	1	5	10	2	20	1	16	45	1	21	2	25	1	5	2	9	14	3	2	3	1	1	

FINE WITHOUT COSTS

As will be seen from Table V the sentence of fine without costs was imposed in 27.9 per cent of all of the cases, i. e., in 190 out of 682. The above table shows the distribution of those fines by amounts. About half of them (52.6 per cent) are under \$225 and 78.4 per cent of them are less than \$325. Since prohibition cases predominate in this group (154 out of 190) the percentages of them under \$225 and under \$325 are approximately the same as for all of the cases. Over half of the prohibition cases (63.6 per cent) carrying this sentence were for the lesser offenses of possession and sale. But even as to the 36.4 per cent of the more serious prohibition offenses, 66.1 per cent (37 out of 56) of these carried fines less than \$325. This clustering of such large percentages of fines around the relatively low amounts once more points to the somewhat standardized method of disposing of these cases, consistent with the other indices of summary administration.

TABLE IX.—Sentence: Fine and suspended sentence

Offense of which convicted	A. Amount of fine																	B. Term of sentence							C. Place of commitment						
	\$50.00-\$74.99	\$75.00-\$124.99	\$125.00-\$174.99	\$175.00-\$224.99	\$225.00-\$274.99	\$275.00-\$324.99	\$325.00-\$374.99	\$375.00-\$424.99	\$425.00-\$474.99	\$475.00-\$524.99	\$525.00-\$574.99	\$575.00-\$624.99	\$625.00-\$674.99	\$675.00-\$724.99	\$725.00-\$774.99	\$775.00-\$824.99	\$825.00-\$1,024.99	Total	No entry	Less than 1 month	1 month	2 months	3 months	4 months	6 months	12 months	Total	No entry	Local jail	Atlanta	Total
National Prohibition Act:	1	5	4	2	31	1	30	5	53	1	56	21	2	7	2	1	2	224	1	7	107	99	9	1	1	1	1	224	220	4	224
Possession.....	1	5	4	2	31	1	30	5	53	1	56	21	2	7	2	1	2	224	1	7	107	99	9	1	1	1	1	224	220	4	224
Sale.....	1	5	4	2	31	1	30	5	53	1	56	21	2	7	2	1	2	224	1	7	107	99	9	1	1	1	1	224	220	4	224
Transportation.....	1	5	4	2	31	1	30	5	53	1	56	21	2	7	2	1	2	224	1	7	107	99	9	1	1	1	1	224	220	4	224
Manufacture.....	1	5	4	2	31	1	30	5	53	1	56	21	2	7	2	1	2	224	1	7	107	99	9	1	1	1	1	224	220	4	224
Possession and previous conviction.....	1	5	4	2	31	1	30	5	53	1	56	21	2	7	2	1	2	224	1	7	107	99	9	1	1	1	1	224	220	4	224
Transportation and previous conviction.....	1	5	4	2	31	1	30	5	53	1	56	21	2	7	2	1	2	224	1	7	107	99	9	1	1	1	1	224	220	4	224
National Prohibition Act.....	1	5	4	2	31	1	30	5	53	1	56	21	2	7	2	1	2	224	1	7	107	99	9	1	1	1	1	224	220	4	224
Postal offenses: Theft and embezzlement by postal employee.....	1	5	4	2	31	1	30	5	53	1	56	21	2	7	2	1	2	224	1	7	107	99	9	1	1	1	1	224	220	4	224
Offenses against currency and coinage.....	1	5	4	2	31	1	30	5	53	1	56	21	2	7	2	1	2	224	1	7	107	99	9	1	1	1	1	224	220	4	224
Offenses against the national bank system.....	1	5	4	2	31	1	30	5	53	1	56	21	2	7	2	1	2	224	1	7	107	99	9	1	1	1	1	224	220	4	224
Violations of the bankruptcy laws.....	1	5	4	2	31	1	30	5	53	1	56	21	2	7	2	1	2	224	1	7	107	99	9	1	1	1	1	224	220	4	224
Total.....	1	5	7	2	41	1	35	5	57	1	60	22	2	17	2	1	5	265	1	7	120	108	19	2	3	5	265	263	5	265	

FINE AND SUSPENDED SENTENCE

As will be seen from Table V fine and suspended sentence were imposed in 38.9 per cent of all of the cases (265 out of 682).

The percentage of fines coupled with suspended sentences less than \$325 is somewhat lower than the percentage of fines without costs—58.1 per cent (154 out of 265). Thus this sentence appears to be a slightly heavier one. However, the difference is not great as 81.1 per cent of these fines are less than \$375. Again there is the same kind of standardization in treatment as in the sentence of fine without costs.

TABLE X.—Sentence: Imprisonment

(A) TERM OF IMPRISONMENT

Offense of which convicted	Less than 1 month	1 month	2 months	3 months	4 months	5 months	6 months	8 months	9 months	10 months	11 months	12 months	15 months	18 months	24 months	36 months	60 months	Total
National Prohibition Act:																		
Possession.....	23	10	2															35
Transportation.....	1	4	1															6
Manufacture.....	1	1	7															9
Possession and previous conviction.....	1	1	7															9
Violation of Harrison Act.....	1	4		3	1	1	1	1	2	3	2	1						19
Violation of Dyer Act.....								1	1			3	1	1	1			8
Violation of Mann Act.....				1								1						2
Theft and embezzlement by postal employee.....			1	1										1	1			4
Breaking and entering and/or theft by others.....							2									1		2
Presenting false claim and forgery.....	1																	1
Using mails to defraud.....																		1
Offenses against currency and coinage.....	1	2		1	1	2		2		1	3							13
Offenses against the national bank system.....																1		1
Violations of bankruptcy laws.....		1														1		2
Presenting false claim and forging Government obligation.....	1																	1
Violation of National Defense Act.....		2																2
Miscellaneous.....							1											1
Total.....	28	20	17	2	4	2	5	3	3	2	1	10	3	5	2	1	1	109

TABLE X.—Sentence: Imprisonment—Continued

(B) PLACE OF COMMITMENT

Offense of which convicted	No entry	Local jail	Leavenworth	Atlanta	Other	Total
National Prohibition Act:						
Possession.....		35				35
Transportation.....		5				5
Manufacture.....		9				9
Possession and previous conviction.....		2				2
Violation of Harrison Act.....		13		5	1	19
Violation of Dyer Act.....		4		4		8
Violation of Mann Act.....		1		1		2
Theft and embezzlement by postal employee.....		2		2		4
Breaking and entering and/or theft by others.....		2				2
Presenting false claim and forgery.....	1			1		2
Using mails to defraud.....			1			1
Offenses against currency and coinage.....		11		2		13
Offenses against the national bank system.....				1		1
Violations of bankruptcy laws.....		1		1		2
Presenting false claim and forging Government obligation.....					1	1
Violation of National Defense Act.....		2				2
Miscellaneous.....		1				1
Total.....	1	88	1	17	2	109

(C) PLACE OF COMMITMENT AND TERM OF IMPRISONMENT

	Less than 1 month	1 month	2 months	3 months	4 months	5 months	6 months	8 months	9 months	10 months	11 months	12 months	15 months	18 months	24 months	36 months	60 months	Total
No entry.....	1																	1
Local jail.....	25	20	17	2	4	3	5	3	3	2	1	4						83
Leavenworth.....																	1	1
Atlanta.....											6	3	5	2	1			17
Other.....	2																	2
Total.....	28	20	17	2	4	2	5	3	3	2	1	10	3	5	2	1	1	109

TABLE XI.—Sentence: Fine and imprisonment

Offense of which convicted	(A) Amount of fine								Total
	\$0.01-\$24.99	\$100-\$124.99	\$220-\$224.99	\$300-\$324.99	\$400-\$424.99	\$500-\$524.99	\$1,000-\$1,024.99	\$1,250-\$1,274.99	
National Prohibition Act:									
Possession.....	1		2	2	1				6
Manufacture.....			3	3	2	6	1	1	16
Possession and previous conviction.....				2	1	1	1		5
Sale and previous conviction.....				1					1
Offenses against currency and coinage.....		1							1
Violation of bankruptcy laws.....				1					1
Total.....	1	1	5	9	4	7	2	1	30

TABLE XI.—Sentence: Fine and imprisonment—Continued

Offense of which convicted	(B) Term of imprisonment							(C) Place of commitment		
	Less than 1 month	1 month	2 months	3 months	4 months	6 months	Total	No entry	Local jail	Total
National Prohibition Act:										
Possession.....	3	3	—	—	—	—	6	2	4	6
Manufacture.....	3	1	—	2	1	—	16	—	16	16
Possession and previous conviction.....	—	—	1	—	—	—	1	—	—	1
Sale and previous conviction.....	—	—	1	—	—	—	1	—	—	1
Offenses against currency and coinage.....	—	—	—	—	—	—	—	—	—	—
Violation of bankruptcy laws.....	—	1	—	—	—	—	1	—	1	1
Total.....	10	13	3	2	1	1	30	2	28	30

Offense of which convicted	(D) Amount of fine and term of imprisonment									
	Amount of fine	Less than 1 month	1 month	2 months	3 months	4 months	6 months	Total		
National Prohibition Act:										
Possession.....	\$0.01- \$24.00	1	—	—	—	—	—	1		
Manufacture.....	100.00- 124.00	—	—	1	—	—	—	1		
Possession and previous conviction.....	200.00- 224.00	1	—	—	—	—	—	1		
Sale and previous conviction.....	300.00- 324.00	3	3	1	2	—	—	9		
Offenses against currency and coinage.....	400.00- 424.00	2	1	—	—	—	1	4		
Violation of bankruptcy laws.....	500.00- 524.00	2	4	—	—	1	—	7		
	1,000.00-1,024.00	1	—	1	—	—	—	2		
	1,250.00-1,274.00	—	1	—	—	—	—	1		
Total.....		10	13	3	2	1	1	30		

Place of commitment	(E) Term of imprisonment									
	Less than 1 month	1 month	2 months	3 months	4 months	6 months	Total			
No entry.....	1	1	—	—	—	—	2			
Local jail.....	9	12	3	2	1	1	28			
Total.....	10	13	3	2	1	1	30			

IMPRISONMENT

From Table V, it is seen that there were 526 sentences of all kinds in prohibition cases, of which only 79, or 15 per cent, received sentences carrying imprisonment. Of these, 63 received terms of imprisonment for one month or less, 75

for two months or less and only 4 over two months. The percentages are:

Prohibition cases:

	Percentage of all imprisonment sentences in prohibition cases
Number of cases of imprisonment for 1 month or less, 63....	79.7
Number of cases of imprisonment for 2 months or less, 75....	94.9
Number of cases of imprisonment for over 2 months, 4.....	5.1

From Table V, it is also seen that there were 156 sentences of all kinds in all cases other than prohibition, of which 60, or 38.5 per cent, received sentences carrying imprisonment. Of these, 8 received imprisonment for one month or less, 16 for two months or less and 44 over two months. The percentages are:

Other cases—

	Percentage of all imprisonment sentences in cases other than prohibition
Imprisonment for 1 month or less, 8.....	13.3
Imprisonment for 2 months or less, 16.....	26.7
Imprisonment for over 2 months, 44.....	73.3

Thus it is seen that the severity of the imprisonment sentences in prohibition cases as measured by the 94.9 per cent for two months or less is relatively slight, and that a large percentage of the imprisonment sentences (73.3 per cent) for all other crimes is for over two months. This contrast between the treatment of the two groups is striking and indicative of the tendency toward summary administration in prohibition cases.

All prohibition offenders imprisoned were confined in local jails. In the other cases 39 offenders out of 60 (65 per cent) were confined in local jails, practically all of the balance being sent to Federal penitentiaries.

TABLES SHOWING THE SCOPE AND NATURE OF THE PRELIMINARY PROCEEDINGS BEFORE THE COMMISSIONER, THE DISTRICT ATTORNEY, AND THE GRAND JURY

TABLE XII.—Mortality Study—July 1, 1929, to June 30, 1930

COMMISSIONER: DISPOSITION OF CASES BEFORE ALL COMMISSIONERS¹

Offenses charged before commissioner	Search warrant issued; no return or not executed	Arrest warrant issued; no return or not executed	Search warrant returned; no evidence	Search warrant returned; evidence	Arrest warrant; defendant not found	Bound over by commissioner to district court	Committed to jail by commissioner for district court	Discharged	Removal: Bound over to another district or to another tribunal by commissioner	Removal: Committed to jail for another district or tribunal by commissioner	Total
Liquor offenses.....	59	4	134	59		182	2	13			453
Violation of drug acts.....		2				4	13				19
Dyer Act.....		1				1	1				11
Mann Act.....		1					8				3
Postal offenses.....		4				8	2				15
Offenses against currency and coinage.....		1				4	5				14
Offenses against national banking system.....		1				2					3
Violation of bankruptcy acts.....		1									3
Lottery offenses.....											2
Immigration offenses.....		4				2					11
World War Veterans' Act; alien adjusted service certificate.....		1				1					1
Emberle Government funds.....							2				3
Possess stolen Government property.....											1
Unlawfully wearing Navy uniform.....											
National Defense Act.....		1					2				4
Smuggling.....		20					1				30
Miscellaneous.....						1					3
Total.....	59	50	134	59	6	206	36	21	3	2	576

¹The records of Commissioner Finn covering a period from July 1, 1929, to Apr. 30, 1930, were not available. On the latter date, Commissioner Krasow succeeded Commissioner Finn. From Mar. 1, 1930, to June 30, 1930, Commissioner Krasow disposed of 40 cases. These cases are included in the table.

DISPOSITION OF CASES

Table XII shows the disposition of all of the proceedings before the commissioners for the fiscal year ending June 30, 1930, as shown by their records. This mortality study was specially undertaken for the district of Connecticut and due to the lack of time probably will not be done for other districts.

The table indicates that the chief mortality is between the warrant and the hearings, as 308 out of 576 (53.5 per cent) proceedings seem to have been terminated with search or arrest warrant issued. Some of these proceedings may have been against the same defendant and some of the defendants toward whom the commissioner took no affirmative action may later have been prosecuted. So the mortality may have been lower than indicated above, though probably not materially so. Yet the table is interesting as showing the perfunctory nature of these preliminary proceedings and the presence in a substantial percentage of the proceedings of lack of affirmative results by these agencies.

TABLE XIII.—Mortality study—July 1, 1929, to June 30, 1930
DISTRICT ATTORNEY: NO-PROSECUTION CASES

Offenses	Disposition						Total
	Dismissed: Insufficient evidence or defective warrant	Dismissed after discharge by commissioner	Defendant not found or unavailable	Transferred to local or State enforcement officials	Transferred elsewhere	Other	
Liquor offenses.....	11	5	1	10		1	28
Drug acts.....	3			1			4
Dyer Act.....	1			2			3
Mann Act.....	1		1		3	1	6
Postal.....	7			2			9
Offenses against currency and coinage.....					1	1	2
Violation bankruptcy laws.....	7						7
Immigration.....	1					1	2
Other.....	1				1	2	4
Total.....	32	5	2	15	5	6	65

NO-PROSECUTION CASES

Table XIII may be used to contrast the mortality in the district attorney's office with the mortality before the com-

missioner. Only 37 cases were dismissed during this period, as contrasted to the 308 mentioned in the previous table, which disappeared from the commissioner's records without explanation of record!

It may be that the more highly selected group of cases before the prosecuting attorney reduces the mortality substantially. The figures are not sufficiently conclusive to permit more than a guess.

TABLE XIV.—Offense charged on arrest or before commissioner related with disposition by commissioner

Offense charged on arrest or before commissioner	Disposition					
	No entry ¹	Released: No probable cause	Bonded to appear in district court	Committed to jail pending trial	Bonded to appear before grand jury	Total
No entry.....	14		2			16
National Prohibition Act:						
Possession.....	6	3	232			241
Sale.....			53			53
Transportation.....	1		30			31
Manufacture.....			50			50
Conspiracy.....	9					9
Other.....	42	2	80			124
Liquor—other.....			18			18
Violation of Harrison Act.....	1		10	11	1	23
Violation of other drug acts.....				1		1
Violation of Dyer Act.....	3		1	0		4
Violation of Mann Act.....				4		4
Postal offenses.....						
Theft and embezzlement by postal employee.....	1		13	3	1	18
Breaking and entering and/or theft by others.....			3	2		5
Presenting false claim and forgery.....			1	2		3
Mailing obscene matter.....			1			1
Postal—other.....			1			1
Offenses against currency and coinage.....			7	11		18
Violation of national banking system.....	1		1			2
Violation of bankruptcy laws.....			2			2
Offenses against interstate commerce.....			2			2
False representation.....						
Presenting false claim and forging Government obligation.....			2	2		4
Violation of National Defense Act.....				2		2
Miscellaneous.....	1		4	1		6
Total.....	79	5	525	45	2	656
Cases in which no data appears on preliminary hearing or arrest.....						84
Grand total.....						740

¹ "No entry" denotes: (1) No record; (2) no hearing before commissioner.

OFFENSE CHARGED AND DISPOSITION BY COMMISSIONER

Table XIV is based on the records in the district court and not on the commissioner's records. It therefore shows

the source of most of the business of the Federal court. Out of the 740 cases at least 572 (more may be included under the "no entry" column) or at least 77.3 per cent were bonded or committed by the commissioner to appear in the district court.

It is interesting to note the important part played by the commissioner in the process of selecting cases. The high percentage coming into the court on binding over by the commissioner is some indication of the judicial discretion actually being exercised by him. It is also interesting to observe that no defendants in prohibition cases were committed to jail by the commissioner.

TABLE XV.—Arrests: Complainant related with type of arrest

ARREST						
Arrest warrant issued of—A.M. davit of	No entry ¹	Formal arrest waived	Warrant: United States marshal	Warrant: State police	No warrant: Other	Voluntary appearance, no arrest
No entry ¹						
Private individual.....	288	17	17		1	146
State police officer.....			1			1
Other Federal bureau.....	17	28	138	1		184
Other.....			1			1
Total.....	305	46	157	1	1	146

¹ "No entry" here denotes: (1) No record found; (2) no complaint for arrest warrant; no execution of arrest warrant; or no arrest.

TABLE XVI.—Arrest: Offense charged in indictment or information related with description of the affiant for arrest warrant

AFFIANT

Offense charged in indictment or information	No entry ¹	Private individual	State police officer	Other Federal bureau	Other	Total
National Prohibition Act:						
Possession.....	314			55		369
Sale.....	11			6		17
Transportation.....	10			33		49
Manufacture.....	62			9		61
Conspiracy.....	10					10
Possession and previous conviction.....	15			3		18
Sale and previous conviction.....	3					3
Transportation and previous conviction.....	1					1
Manufacture and previous conviction.....	1					1
National Prohibition Act.....	2	1		1		4
Liquor—other.....	8			2		10
Violations of the drug acts:						
Harrison Act.....	11		1	10		31
Drug, other.....	1					1
Violations of Dyer Act.....	3			7		10
Violations of Mann Act.....	2			2		4
Postal offenses:						
Theft and embezzlement by postal employee.....	4			14		18
Breaking and entering and/or theft by others.....				5		5
Presenting false claim and forgery.....	1			2		3
Mailing obscene matter.....				1		1
Postal, other.....	1					1
Offenses against currency and coinage.....	6			11	1	14
Offenses against the national bank system.....	2			2		2
Violations of the bankruptcy laws.....				2		2
Offenses against interstate commerce.....				2		2
False representation:						
Government obligation.....	1			3		4
Violation National Defense Act.....				2		2
Miscellaneous.....	4			3		7
Total.....	469	1	1	184	1	656

¹ 'No entry' denotes: (1) No record; (2) no complaint for arrest warrant.

COMPLAINANTS AND AFFIANTS

Tables XV and XVI are designed to indicate what cooperation between State and Federal officials in making arrest can be shown affirmatively.

The affirmative showing made by Table XV would indicate that all the arrests of record except one were made by the United States marshal. Table XVI shows that all of the affiants upon whose complaint warrants were issued were Federal agents except three. Therefore, so far as formal complaints of record are concerned, no cooperation between the Federal and State officers or bureaus or private individuals is shown. Behind the record, no doubt, quite a different situation exists.

TABLE XVII.—Search: Offense charged in indictment or information related with type of search

SEARCH

Offense charged in indictment or information	No entry ¹	Warrant: U. S. marshal	Warrant: Local police	Warrant: Other	No warrant: Other	Total
National Prohibition Act:						
Possession.....	71	1	4	280	1	369
Sale.....	5		1	11		17
Transportation.....	47			2		49
Manufacture.....	25			36		61
Conspiracy.....	10					10
Possession and previous conviction.....	1			17		18
Sale and previous conviction.....	1			2		3
Transportation and previous conviction.....	1					1
Manufacture and previous conviction.....				1		1
National Prohibition Act.....	4					4
Liquor, other.....	10					10
Violations of the drug acts:						
Harrison Act.....	27			4		31
Drug, other.....				1		1
Violations of Dyer Act.....	10					10
Violations of Mann Act.....	4					4
Postal offenses:						
Theft and embezzlement by postal employee.....	18					18
Breaking and entering and/or theft by others.....	5					5
Presenting false claim and forgery.....	3					3
Mailing obscene matter.....	1					1
Postal, other.....	1					1
Offenses against currency and coinage.....	18					18
Offenses against the national bank system.....	4					4
Violations of the bankruptcy laws.....	2					2
Offenses against interstate commerce.....	2					2
False representation:						
Government obligation.....	4					4
Violation National Defense Act.....	2					2
Miscellaneous.....	7					7
Total.....	286	1	5	363	1	656

¹ "No entry" denotes: (1) No record found; (2) no execution of search warrant or no search without warrant.

SEARCH WARRANTS

This lack of active participation of State officials in the formal recorded proceedings is further corroborated by Table XVII. Only five search warrants were executed by the local police. All the rest except two were classified under "Warrant, other." This term is used here to indicate officers of Federal enforcement bureaus other than those of the bureau of investigation.

All the search warrants found were issued by commissioners.

It is interesting to note that from all the affirmative search-warrant data shown only one case of search without warrant appears. This is not particularly significant, however, as all searches without a warrant would not necessarily be

shown on the commissioner's records. Hence there may be others of this type included in "no entry."

Of the arrest warrants only 12 were bench warrants issued by the district judge.

TABLE XVIII.—*Arrest: Offense charged in indictment or information related with type of arrest*

ARREST

Offense charged in indictment or information	No entry ¹	Warrant: U.S. marshal	Warrant: State police	No warrant: Other	Voluntary appearance, no arrest	Formal arrest waived	Total
National Prohibition Act:							
Possession.....	176	43	1	—	125	24	369
Sale.....	8	—	—	—	3	—	11
Transportation.....	14	13	—	—	—	10	37
Manufacture.....	47	—	—	—	5	—	52
Conspiracy.....	1	—	—	—	—	—	1
Possession and previous conviction.....	5	—	—	—	—	—	5
Sale and previous conviction.....	3	—	—	—	—	—	3
Transportation and previous conviction.....	1	—	—	—	—	—	1
Manufacture and previous conviction.....	1	—	—	—	—	—	1
National Prohibition Act.....	1	2	—	—	1	—	4
Liquor, other.....	10	—	—	—	—	—	10
Violations of the drug acts:							
Harrison Act.....	12	16	—	—	2	1	31
Drug, other.....	1	—	—	—	—	—	1
Violations of Dyer Act.....	3	7	—	—	—	—	10
Violations of Mann Act.....	2	2	—	—	—	—	4
Postal offenses:							
Theft and embezzlement by postal employees.....	2	14	—	—	—	2	18
Breaking and entering and/or theft by others.....	1	4	—	—	—	—	5
Presenting false claim and forgery.....	—	3	—	—	—	—	3
Mailing obscene matter.....	—	1	—	—	—	—	1
Postal, other.....	—	1	—	—	—	—	1
Offenses against currency and coinage.....	6	12	—	—	—	—	18
Offenses against the national bank system.....	1	2	—	—	1	—	4
Violations of the bankruptcy laws.....	1	1	—	—	—	—	2
Offenses against interstate commerce.....	1	1	—	—	—	—	2
False representation:							
Government obligation.....	—	4	—	—	—	—	4
Violation National Defense Act.....	—	2	—	—	—	—	2
Miscellaneous.....	4	2	—	1	—	—	7
Total.....	305	157	1	1	146	40	656

¹"No entry" denotes: (1) No record found; (2) no execution of arrest warrant or arrest.

ARRESTS

Two interesting observations may be made from Table XVIII: (1) There was a voluntary appearance in approximately 75.8 per cent (497 out of 656 cases); (2) of these voluntary appearances approximately 89.9 per cent (447 out of 497) were in prohibition cases.

The word "approximately" is used above for the reason that in the voluntary appearances are included "No entry,"

"Voluntary appearance, no arrest," and "Formal arrest waived." The "No entry" classification may possibly include some cases of formal arrest, but they are probably very few.

This high percentage in prohibition cases is consistent with the other indices of summary administration noted in many of the foregoing tables.

TABLE XIX.—Arrest: Offense charged on arrest or before commissioner related with interval from date of offense to date of arrest

Offense charged on arrest or first appearance before commissioner	No entry ¹	Less than 1 month	Interval in months											Total			
			1 month	2 months	3 months	4 months	6 months	7 months	8 months	10 months	12 months	16 months	23 months		31 months	32 months	62 months
No entry ²	15	232	1	1	1	1	1	1	1	1	1	1	1	1	1	1	16
National Prohibition Act, possession	4	46	3														241
National Prohibition Act, sale	3	30															53
National Prohibition Act, transportation	3	52															31
National Prohibition Act, manufacture																	56
National Prohibition Act, conspiracy	45	73	5	1													9
National Prohibition Act, other	1	26	8		2												124
Liquor, other		1															29
Violation of Harrison Act		1															1
Violation of other drug acts		1															1
Violation of Dyer Act	5	4															10
Violation of Mann Act	2	2															4
Postal offenses:																	
Theft and embezzlement by postal employee	2	13	1	1													18
Breaking and entering and/or theft by others		3	1														5
Presenting false claim and forgery		1															3
Mailing obscene matter																	1
Other			1														1
Offenses against currency and coinage	2	15															18
Offense against national banking system		1															2
Violation of bankruptcy laws																	2
Offenses against interstate Commerce		1															2
False representation:																	2
Presenting false claim and forging Government obligation																	2
Violation of National Defense Act		2															2
Miscellaneous	1		2	1													2
Total	81	511	22	7	5	5	7	1	1	1	2	9	1	1	1	1	656

¹ No entry here generally denotes absence of arrest date.¹ No entry here generally denotes no record.

INTERVALS FROM OFFENSE TO ARREST

Table XIX shows that in a majority of cases the interval between the offense and the charge before the commissioner or the arrest was less than one month (511 out of 575, or 88.9 per cent).

The percentage of all prohibition cases prosecuted within a month after the commission of the offense is even more marked, amounting to 94.2 per cent (433 out of 460).

In cases other than prohibition only 66.1 per cent (76 out of 115) were disposed of in less than a month.

These percentages were computed after deducting the cases under "No entry" from the total because such cases do not show when the offense was committed.

TABLE XX.—Pleas: Plea before commissioner related with first plea before district court

FIRST PLEA IN DISTRICT COURT

Plea before commissioner	No entry	Nolo contendere	Guilty as charged	Not guilty	Total
No entry ¹	23	3	116	47	110
Not guilty	1	8	121	70	243
Examination waived		8	165	40	260
Not guilty: Examination waived		1	31	22	98
Total	24	20	433	179	656

¹ "No entry" denotes: (1) No record found, (2) no plea on preliminary hearing, (3) no preliminary hearing.

TABLE XXI.—Pleas: Plea before commissioner related with last plea before district court

LAST PLEA IN DISTRICT COURT

Plea before commissioner	No entry	Nolo contendere	Guilty as charged	Guilty to part	Total
No entry ¹	154	3	30	2	189
Not guilty	137	4	50	0	200
Examination waived	176	2	33	2	213
Not guilty: Examination waived	36		14	4	54
Total	503	9	127	17	656

¹ "No entry" denotes: (1) No record found, (2) no plea on preliminary hearing, (3) no preliminary hearing.

PLEAS: COMMISSIONER AND DISTRICT COURT

When the cases are traced back to the stage of the preliminary hearing before the commissioner some interesting results are shown.

Table XX shows the change from the plea of the defendant before the commissioner to the first plea before the district court. One hundred and fifty-two defendants who had pleaded not guilty before the commissioner changed their plea in the district court to guilty as charged. The total number who had pleaded not guilty before the commissioner was 254. Thus the percentage changing from not guilty to guilty at this stage was 59.8 per cent. Table XXI shows the change from the plea before the commissioner to the last plea in the district court. Sixty-four defendants who had pleaded not guilty before the commissioner changed their last plea in the district court to guilty as charged. When this is added to the number who had changed their not guilty pleas upon the first plea before the district court there is a total of 216 defendants out of 254 changing from not guilty before the commissioner to guilty as charged in the district court, i. e., 85 per cent.

Including nolo contendere, guilty to part and guilty as charged in the general category of guilty pleas, the total number of defendants who changed either their first or last plea before the district court to guilty, having pleaded not guilty before the commissioner, is 242 out of 254, or 95.3 per cent.

These data clearly show the formal nature of the commissioner's hearing and perhaps once more suggest the presence of the "bargain" element in the administrative process.

The perfunctory nature of the preliminary hearing is again emphasized by the fact that examinations were waived before the commissioner in 267 out of 656 cases (40.7 per cent).

TABLE XXII.—*Criminal proceedings commenced by information*

Offense charged in information	Total	Offense charged in information	Total
I. Liquor—National Prohibition Act:		II. Drugs:	
Possession.....	381	Violation Harrison Act.....	2
Sale.....	10	III. Violation of Dyer Act.....	1
Transportation.....	33	IX. Offenses against interstate commerce.....	1
Manufacture.....	41	XI. False representation: Violation National Defense Act.....	2
Possession and previous conviction.....	18	XII. Miscellaneous.....	8
Sale and previous conviction.....	3		
Transportation and previous conviction.....	1	Total.....	510
Manufacture and previous conviction.....	1		
Other.....	8		

TABLE XXIII.—*Criminal proceedings commenced by indictment*

	Total		Total
I. Liquor—National Prohibition Act:		V. Postal offenses—Continued.	
Possession.....	5	Using mails to defraud.....	1
Sale.....	1	Mailing obscene matter.....	1
Transportation.....	19	Other.....	1
Manufacture.....	20	VI. Offenses against currency and coinage.....	21
Conspiracy.....	12	VII. Offenses against national banking system.....	6
Other.....	10	VIII. Violation of bankruptcy laws.....	14
II. Drugs:		IX. Offenses against interstate commerce.....	6
Violation Harrison Act.....	41	XI. False representation: Presenting false claim and forging Government obligation.....	5
Violation of other drug acts.....	1	XII. Miscellaneous.....	5
III. Violation of Dyer Act.....	12		
IV. Violation of Mann Act.....	5	Total.....	224
V. Postal offenses:			
Theft and embezzlement by postal employee.....	24		
Breaking and entering and/or theft by others.....	5		
Presenting false claim or forgery.....	3		

INFORMATIONS AND INDICTMENTS

Tables XXII and XXIII show the number of cases initiated by informations and indictments; 69.7 per cent of the total cases were prosecuted by information indicating to some extent the preponderance of misdemeanors. This difference is even more striking when the prohibition cases are compared with all other cases. The percentage of proceedings by information in all prohibition cases was 88.8 while the percentage for all other cases was 8. This prevalent method of initiating prohibition cases indicates a standardized method of disposing of these violations and when coupled with the other data shown on subsequent tables clearly reveals the summary method of dealing with these types of offenses.

This is further shown by the fact that 386 out of 565 prohibition cases or 68.3 per cent were for the lesser offenses classified under possession. Of these 386 possession cases only 5 were prosecuted by indictment, which again indicates their character.

TABLE XXIV.—*Method of initiation of criminal proceedings: Disposition*

Method of initiation	Discharged after jury trial	Discharged—direct verdict	Information or indictment dismissed	Nolle prosequi	Convicted as charged—guilty plea	Convicted as charged—jury	Convicted part—guilty plea	Convicted part—jury	Total
Indictment.....	2	—	27	5	180	—	9	1	224
Information.....	2	1	11	10	400	2	20	1	516
Total.....	4	1	38	15	640	2	29	2	740

Table XXIV also emphasizes the summary nature of many of the proceedings. The following are guilty pleas under informations and indictments.

Guilty pleas:	Per cent
Under information proceedings (including part guilty), 489 out of 516.....	94.8
Under indictment proceedings (including part guilty), 189 out of 224.....	84.4
In all cases (including part guilty), 678 out of 740.....	91.6

Of the indictments 32 out of 224 (14.3 per cent) were dismissed or nolle, and of the informations 21 out of 516 (4.1 per cent). Of all criminal cases, however, initiated, 53 out of 740 (7.2 per cent) were dismissed or nolle. These high percentages of guilty pleas and the low percentages of nolle and dismissals are some indication of a highly selective process employed by the prosecutor in filing informations and securing indictments. The somewhat higher percentage of dismissals and nolle of indictments may in part be explained by the intrusion of the grand jury resulting in less control by the prosecutor over the selective process. The high percentages of guilty pleas is likewise some index of the scope of the "bargain" basis for the disposition of criminal cases. These pleas acquire even added significance when coupled with the actual dispositions of the cases, set forth above.

III

A COMPARISON OF THE INDIVIDUAL UNIT USED IN THIS STUDY WITH THE INDICTMENT AND INFORMATION UNIT USED IN THE REPORT OF THE ATTORNEY GENERAL

TABLE XXV.—*Comparison of individual units and information and indictment units disposed of during each fiscal year, with number of disposed of cases in Attorney General's reports*

Offense charged in indictment or information	A. Individual as unit				B. Indictment or information as unit				C. Attorney General's reports			
	July, 1927-June, 1928	July, 1928-June, 1929	July, 1929-June, 1930	Total	July, 1927-June, 1928	July, 1928-June, 1929	July, 1929-June, 1930	Total	July, 1927-June, 1928	July, 1928-June, 1929	July, 1929-June, 1930	Total
National Prohibition Act:												
Possession.....	70	99	217	386	69	93	211	373	—	—	—	—
Sale.....	7	9	1	17	6	9	1	16	—	—	—	—
Transportation.....	10	18	18	52	15	14	17	46	—	—	—	—
Manufacture.....	27	18	22	67	12	12	12	36	—	—	—	—
Conspiracy.....	—	—	—	—	—	—	—	—	—	—	—	—
Possession and previous conviction.....	1	10	7	18	1	9	7	17	—	—	—	—
Sale and previous conviction.....	3	—	—	3	3	—	—	3	—	—	—	—
Transportation and previous conviction.....	—	1	—	1	—	1	—	1	—	—	—	—
Manufacture and previous conviction.....	—	1	—	1	—	1	—	1	—	—	—	—
National Prohibition Act.....	1	2	6	9	1	2	3	6	—	—	—	—
Liquor—other.....	2	8	—	10	1	8	—	9	—	—	—	—
Violations of the drug acts:												
Harrison Act.....	14	14	15	43	14	14	15	43	—	—	—	—
Drug—other.....	1	—	—	1	1	—	—	1	—	—	—	—
Violations of Dyer Act.....	2	5	6	13	2	5	6	13	—	—	—	—
Violations of Mann Act.....	3	1	1	5	3	1	1	5	—	—	—	—
Postal offenses:												
Theft and embezzlement by postal employee.....	10	7	7	24	10	7	7	24	—	—	—	—
Breaking and entering and/or theft by others.....	1	2	2	5	1	2	2	5	—	—	—	—
Presenting false claim and forgery.....	3	—	—	3	3	—	—	3	—	—	—	—
Using mails to defraud.....	—	1	—	1	—	1	—	1	—	—	—	—
Mailing obscene matter.....	—	—	1	1	—	—	1	1	—	—	—	—
Other.....	1	—	—	1	1	—	—	1	—	—	—	—
Offenses against currency and coinage.....	3	4	14	21	3	4	11	18	—	—	—	—
Offenses against the national bank system.....	3	2	1	6	3	2	1	6	—	—	—	—
Violations of the bankruptcy laws.....	4	1	9	14	4	1	7	12	—	—	—	—
Offenses against interstate commerce.....	4	1	2	7	3	1	1	5	—	—	—	—
False representation:												
Presenting false claim and forging Government obligation.....	3	1	1	5	3	1	1	5	—	—	—	—
Violation of National Defense Act.....	—	—	2	2	—	—	2	2	—	—	—	—
Miscellaneous.....	3	7	3	13	3	7	3	13	—	—	—	—
Total.....	182	224	334	740	162	198	309	669	163	193	305	661

TABLE XXVI.—Number of individuals in each indictment or information unit, 3-year period

Offense charged in indictment or information	Number of defendants							
	1	2	3	4	5	7	12	Total
National Prohibition Act:								
Possession.....	359	13	1					373
Sale.....	15	1						16
Transportation.....	40	6						46
Manufacture.....	20	9	3	2	1	1		36
Conspiracy.....							1	1
Possession and previous conviction.....	16	1						17
Sale and previous conviction.....	3							3
Transportation and previous conviction.....	1							1
Manufacture and previous conviction.....					1			1
Other.....	5		1					6
Liquor—Other.....	8		1					9
Violations of the drug acts:								
Harrison Act.....	43							43
Drug—Other.....	1							1
Violations of the Dyer Act.....	13							13
Violations of the Mann Act.....	5							5
Postal offenses:								
Theft and embezzlement by postal employee.....	24							24
Breaking and entering and/or theft by others.....	5							5
Presenting false claim and forgery.....	3							3
Mailing obscene matter.....	1							1
Using mails to defraud.....	1							1
Other.....	1							1
Offenses against currency and coinage.....	17							17
Offenses against national bank system.....	6							6
Violations of the bankruptcy laws.....	11		1					12
Offenses against interstate commerce.....	3	2						5
False representation:								
Government obligation.....	5							5
Violation of National Defense Act.....	2							2
Miscellaneous.....	13							13
Total.....	621	32	7	3	2	1	1	667

COMPARISON OF INDIVIDUAL UNITS AND INFORMATION AND INDICTMENT UNITS

The purpose of Tables XXV and XXVI is to compare the number of indictments and informations with the number of defendants. As indicated in the chapter on Methods, *infra*, the unit employed in this study is the defendant rather than the indictment and information.

It is interesting to note that the number of defendants and the number of indictments and informations are very close in most of the groups. The total of defendants exceeds the total of indictments and informations by only 73. Of the 73, 65 are present in the prohibition cases. Thus in 13 per cent of the prohibition cases there is more than one defendant and in only 4.8 per cent of all other cases there are two or more defendants. The distribution in Table XXVI shows the types of offenses in which two or more defendants appear.

It appears that the offense of manufacturing liquor involves more defendants per indictment or information than any other offense. The one case of conspiracy to violate the prohibition law involving 12 defendants was the largest single unit among all offenses. The indictment against these 12 was dismissed. These data indicate that there have been relatively few prosecutions of members of "rings" or groups of offenders jointly. Although many of these cases involve many individuals performing rather complicated marketing and manufacturing functions, it is interesting to note the maintenance in the vast majority of all the cases of the simple situation of one defendant in each indictment or information.

The comparison of the totals with the figures of the Attorney General is of interest. Assuming that the unit used in the Attorney General's reports is the indictment and information, there are six fewer cases reported by the Attorney General. The difference is so slight as to be of little significance. However, the following may indicate the reasons for most of the difference.

1927-28: The difference in numbers in this fiscal year may be explained by the omission of a case which came into the district court on October 18, 1927, on a motion to quash a search warrant and evidence in a prohibition case; this motion being disposed of later in the same year. No record of formal criminal proceedings for the offense was found. It is possible, however, that such proceedings were held but not recorded. If this were the case, both totals would be the same.

1928-29: In one case involving manufacture of intoxicating liquor and previous conviction only one of six defendants appeared to have been disposed of in this year. This, however, was counted as one complete indictment or information unit. The "case" most likely is related to a criminal prosecution disposed of in the preceding fiscal year in which the cases of only five of six defendants were disposed of in an indictment or information charging the manufacture of liquor alone. The more serious "case" might likely have been delayed. This "case" may have been included with the other five defendants to make one unit in the preceding year in the Attorney General's report.

Also in one case in which possession of intoxicating liquor was charged and in which two other defendants were joined, the case of one seems to have been terminated.

1929-30: The same situation appears with respect to one possession case in the third fiscal year. It is highly probable that these cases were included with information or indictment units, parts of which were disposed of in other years. They might then have been counted in other years.

If these assumptions are correct, the totals may be restated as follows:

	This study	Attorney General's
1927-28.....	163	163
1928-29.....	194	193
1929-30.....	308	305
Total.....	665	661

There still remains a discrepancy of four cases for the whole period. It should be noted that there are included in the totals for this study two cases of contempt for failure to appear in answer to a subpoena and one application for a subpoena. All three of these proceedings were docketed as separate cases in the clerk's records and were reported as such in these totals. It is not known whether or not the Attorney General's totals include these cases. If they were not included the difference is reduced to one.

The 26 removal cases which appeared in this study do not seem to be included in the Attorney General's totals.

IV

TABLES SHOWING THE VARIETY OF DATA COLLECTED INSERTED TO ILLUSTRATE THE POSSIBILITIES OF COMPARISON WITH OTHER DISTRICTS

TABLE XXVII.—Continuances: Interval date indictment or information was filed to date disposition district court

Continuances in days	Days																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
	Same day	1-9	10-19	20-29	30-39	40-49	50-59	60-69	70-79	80-89	90-99	100-109	110-119	120-129	130-139	140-149	150-159	160-169	170-179	180-189	190-199	200-209	210-219	220-229	230-239	240-249	250-259	260-269	270-279	280-289	290-299	300-309	310-319	320-329	330-339	340-349	350-359	360-369	370-379	380-389	390-399	400-409	410-419	420-429	430-439	440-449	450-459	460-469	470-479	480-489	490-499	500-509	510-519	520-529	530-539	540-549	550-559	560-569	570-579	580-589	590-599	600-609	610-619	620-629	630-639	640-649	650-659	660-669	670-679	680-689	690-699	700-709	710-719	720-729	730-739	740-749	750-759	760-769	770-779	780-789	790-799	800-809	810-819	820-829	830-839	840-849	850-859	860-869	870-879	880-889	890-899	900-909	910-919	920-929	930-939	940-949	950-959	960-969	970-979	980-989	990-999	Total																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
No entry	417	32	25	30	8	11	2	5	10	2	4	1	6	3	1	1	2	4	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

CONTINUANCES

Table XXVII shows the relationship between continuances and the interval from the date the indictment or information was filed to the date of disposition in the district court. Continuances were had in only 123 cases out of 740 (16.6 per cent). That the correlation is close between the length of the continuance and the interval of the disposition is evident by a glance at the table.

TABLE XXVIII.—Interval from beginning to end of trial

Offense charged in indictment or information	Same day	1 day	Total
National Prohibition Act:	3		3
Possession.....	1		1
Sale.....	1		1
Transportation.....	1	1	2
Manufacture.....	1		1
Manufacture and previous conviction.....	1		1
Violation of Harrison Act.....	1		1
Total.....	8	1	9

INTERVAL FROM BEGINNING TO END OF TRIAL

As seen from Table XXVIII, eight of the nine trials ended the same day they began, one going over for another day. While there are a small number of cases in Connecticut, this type of table may produce rather valuable data for other districts.

TABLE XXIX.—Time spent in jail awaiting trial; related with disposition in district court

Time spent in jail (days)	Disposition: District court			
	Informa- or indict- ment dis- missed	Convicted as charged; Guilty plea	Convicted part: Jury	Total
0.....		1		1
7.....	1			1
8.....		1		1
16.....		1		1
22.....		1		1
23.....		1		1
27.....		2		2
34.....		1	1	2
35.....		2		2
36.....		1		1
39.....		1		1
42.....		2		2
45.....		1		1
50.....		1		1
53.....		1		1
56.....		1		1
58.....		1		1
61.....		1		1
64.....		1		1
67.....		1		1
80.....		1		1
99 and over.....		2		2
Total.....	1	25	1	27

TABLE XXX.—Time spent in jail awaiting trial: Related with sentence

Time spent in jail, days	Sentence				
	No entry ¹	Fine and imprisonment	Fine and suspended sentence	Imprisonment	Imprisonment and probation
0.....				1	
7.....	1				
8.....				1	
16.....				1	
22.....				1	
23.....				1	
27.....				1	
34.....		1			
35.....				2	
36.....				2	
39.....					1
42.....				2	
45.....					1
50.....					1
53.....				1	
56.....				1	
58.....				1	
61.....				1	
64.....				1	
67.....				1	
80.....					1
99 and over.....			1	1	
Total.....	1	1	1	20	4

¹"No entry" denotes no conviction.

- TIME SPENT IN JAIL

The records of time spent in jail awaiting trial show only 27 cases. Actually, there were 45 defendants committed to jail to await trial by the commissioner. The discrepancy between these figures is due to lack of exactness in recording the interim detention of defendants. The percentage of those committed to jail awaiting trial (45 out of 740) was 6.1 per cent. The percentage of confinement for over one month for those cases on which there are data was 70.4 per cent (19 out of 27). It is significant that only 1 of the 27 offenders whom the records show spent time in jail, was dismissed; 1 was tried and found guilty; the balance (25) were all convicted on a plea of guilty.

TABLE XXXI.—Pleadings of the accused: Rulings on each pleading

	I. Ruling					II. Ruling					III. Ruling				
	No entry	For United States	For accused	Other	Total	No entry	For United States	For accused	Other	Total	No entry	For United States	For accused	Other	Total
Motion to quash indictment or information.....				3	3		1			1	1				1
Motion to quash evidence or warrant.....	5	10	9	3	30		2	4		6	2				4
Demurrer.....	1				1										
Plea in abatement.....							5	1		6	1		4		5
Motion to dismiss.....	1	1			2						1		1		2
Motion for bill of particulars.....	1	12			13	1	7			8					
Other.....	1	12			13	1	7			8					
Total.....	8	32	9	0	55	2	15	5		22	5	2	5		12

PLEADINGS OF ACCUSED

Table XXXI is designed to show the procedural steps taken by the accused preliminary to the contest on the issues. It is a cumulative table; the totals of defendants filing two pleadings and three pleadings are not to be added together.

It is important to keep in mind that the unit here is the defendant, and that the number of criminal proceedings in which pleadings were filed is less than 55. Due to the very small number of contested cases in this study the table has little significance on the use of so-called technicalities in

criminal trials where the accused hires an attorney to defend. It is set forth only to show the possibilities of collecting such information in districts where more cases are defended.

TABLE XXXII.—Sentence: Fine and probation

Offense of which convicted	A. Amount of fine							Total
	\$50.00-\$74.99	\$150.00-\$174.99	\$200.00-\$224.99	\$300.00-\$324.99	\$600.00-\$624.99	\$750.00-\$774.99	\$1,500.00-\$1,524.99	
National Prohibition Act, possession.....					1			1
Violation of Harrison Act.....	1							1
Theft and embezzlement by postal employee.....	1	1	1	1				4
Violation of bankruptcy laws.....						1	1	2
Total.....	2	1	1	1	1	1	1	8

Offense of which convicted	B. Term of probation							C. Probation officer	
	2 months	3 months	6 months	11 months	12 months	24 months	Total	Local probation officer	Private individual
National Prohibition Act, possession.....				1			1	1	
Violation of Harrison Act.....					1		1		1
Theft and embezzlement by postal employee.....		1	1		2		4	3	1
Violation bankruptcy laws.....	1					1	2	1	1
Total.....	1	1	1	1	3	1	8	5	3

Amount of fine	D. Term of probation							Total
	2 months	3 months	6 months	11 months	12 months	24 months	Total	
\$50.00 to \$74.99.....			1				1	2
\$150.00 to \$174.99.....				1			1	1
\$200.00 to \$224.99.....					1		1	1
\$300.00 to \$324.99.....					1		1	1
\$600.00 to \$624.99.....					1		1	1
\$750.00 to \$774.99.....						1	1	1
\$1,500 to \$1,524.99.....	1						1	1
Total.....	1	1	1	1	3	1	8	8

TABLE XXXIII.—Sentence: Probation

Offense of which convicted	A. Term of probation			B. Probation officer		
	6 months	12 months	Total	Local probation officer	Private individual	Total
National Prohibition Act: Possession.....	1		1		1	1
Harrison Act.....		1	1	1		1
Theft and embezzlement by postal employee.....		1	1	1		1
Presenting false claim and forging Government obligation.....	1		1	1		1
Total.....	2	2	4	3	1	4

TABLE XXXIV.—Sentence: Imprisonment and probation

Offense of which convicted	(A) Term of imprisonment					(B) Term of suspended sentence and/or probation					(C) Place of commitment, imprisonment		
	1 month	2 months	3 months	12 months	Total	No entry	60 days	8 months	12 months	2 years	5 years	Total	No entry
													Local jail
National Prohibition Act, possession.....	1				1		1					1	1
National Prohibition Act, possession and previous conviction.....	1				1		1					1	1
Harrison Act.....			2		2			2				2	2
Other drug acts.....	1				1			1				1	1
Mann Act.....		2			2				1	1		2	2
Violation bankruptcy laws.....			1		1							1	1
Total.....	3	2	1	2	8	1	2	1	3	1		8	2

TABLE XXXV.—Sentence: Fine; execution suspended

Offense of which convicted	Amount of fine			Total
	\$25-\$40.00	\$200-\$224.00	\$350-\$374.00	
Transportation, National Prohibition Act.....			1	1
Manufacture, National Prohibition Act.....				1
Miscellaneous.....		2		2
Total.....		2	1	4

SENTENCE

These cases in Connecticut are interesting only because of their scarcity. The tables, however, show the degree of analysis possible under our forms, and may be useful in further studies.

TABLE XXXVI.—Sex of defendants

Offense charged in indictment or information	Female adult	Male minor	Male, age not stated	Female, age not stated	Company or corporation	Total
I. Liquor, National Prohibition Act:						
Possession.....	1	2	368	14	1	386
Sale.....			17			17
Transportation.....			52			52
Manufacture.....			65	2		67
Conspiracy.....			10		2	12
Possession and previous conviction.....			18			18
Sale and previous conviction.....			3			3
Transportation and previous conviction.....			1			1
Manufacture and previous conviction.....			1			1
Other.....			7		1	8
Liquor, other.....			10			10
II. Drugs:						
Violation of Harrison Act.....			34	9		43
Violation of other drug acts.....			1			1
III. Violation of Dyer Act.....		3	9	1		13
IV. Violation of Mann Act.....			5			5
V. Postal offenses:						
Theft and embezzlement by postal employee.....			24			24
Breaking and entering and/or theft by others.....		1	4			5
Presenting false claim or forgery.....			3			3
Using mails to defraud.....			1			1
Mailing obscene matter.....			1			1
Other.....			1			1
VI. Offenses against currency and coinage.....		1	20			21
VII. Offenses against national banking system.....			6			6
VIII. Violation of bankruptcy laws.....			14			14
IX. Offenses against interstate commerce.....			7			7
XI. False representation:						
Presenting false claim and forging Government obligation.....			4	1		5
Violation of National Defense Act.....			2			2
XII. Miscellaneous.....			12		1	13
Total.....	1	7	700	27	5	740

TABLE XXXVII.—Sex of accused: Disposition in district court

Sex	Disposition, district court								Total
	Discharged after jury trial	Discharged, directed verdict	Information indictment dismissed	Nolle prosequi	Convicted as charged, guilty plea	Convicted as charged, jury	Convicted, part, guilty plea	Convicted, part, jury	
Female, adult.....					1				1
Male, minor.....					7				7
Male, age not stated.....	3	1	30	15	614	2	27		700
Female, age not stated.....	1				25		1		27
Company or corporation.....			2		2				6
Total.....	4	1	38	15	640	2	29	2	740

TABLE XXXVIII.—*Sex of accused: Sentence*

Sex	No entry	Fine and probation	Fine without costs	Fine and imprisonment	Fine and suspended sentence	Imprisonment	Suspended sentence	Suspended sentence and probation	Probation	Imprisonment and probation	Total
Female: Adult.....					1						1
Male:											
Minor.....			1		1	1	3	1			7
Age not stated.....	55	8	182	30	257	103	23	25	4	8	700
Female: Age not stated.....	1		4		0	5	7	4			27
Company or corporation.....	2		3								5
Total.....	58	8	100	30	265	100	38	30	4	8	740

SEX

The classification sex includes minors, corporations, and other business associations: 95.5 per cent of the offenders for this period were male.

There were only seven minors shown affirmatively by the records, although there may be others included under "age not stated."

Only five corporations were prosecuted.

Due to the small number of cases other than male defendants, these tables do not give us any data from which we may generalize on minors, corporations, or females. The tables, however, are retained for the purpose of comparison with other districts.

CHAPTER IV. METHODS

There is set forth below a copy of the manual, prepared primarily for the use of the field workers, containing a statement of the scope of the project, the sources of the data, the methods for transposing them to the work sheets, and the forms of the various work sheets used.

MANUAL FOR FIELD WORKERS

P R E F A C E

This manual has been prepared primarily for the use of the field workers engaged in the collection of data in connection with the study of the business of the Federal district courts undertaken for the National Commission on Law Observance and Enforcement. The project is under the supervision of the Subcommittee on Courts, Hon. William I. Grubb, chairman, of the National Commission on Law Observance and Enforcement. An advisory committee was appointed by the National Commission on Law Observance and Enforcement to direct the work. This committee is composed of Dean Charles E. Clark, chairman; Prof. Thurman W. Arnold; Dean Henry M. Bates; President Robert M. Hutchins; Dean Orrin K. McMurray; Prof. Harold R. Medina; Prof. Edmund M. Morgan; Hon. Owen J. Roberts; Prof. William O. Douglas, secretary.

The project began October 1, 1930, and will continue to June 30, 1931, and for that term was financed by a congressional appropriation to the National Commission on Law Observance and Enforcement.

In view of the limited time and funds it was deemed impracticable to attempt a study in every Federal district. Accordingly, thirteen districts were selected largely with the view toward making them representative of urban, semi-urban, and rural conditions. Those districts are: Northern District of California; District of Colorado; District of Connecticut; Northern District of Illinois; District of Kansas; Eastern District of Louisiana; District of Massachusetts; Eastern District of Michigan; Southern District of New York; Western District of North Carolina; Northern District of Ohio; Southern District of Ohio; Southern District of West Virginia.

In order to obtain local supervision over the work a representative or representatives of a law school in each district were appointed as district supervisors. The function of these supervisors was to employ the field workers, instruct them, supervise and direct their work, and assume the responsibility

for completion of the work in their respective districts. These supervisors and the law schools they represent are: Northern District of California, Dean Orrin K. McMurray, School of Jurisprudence, University of California; District of Colorado, Dean James Grafton Rogers, Law School, University of Colorado; District of Connecticut, Dean Charles E. Clark, Prof. William O. Douglas, Law School, Yale University; Northern District of Illinois, Dean Harry A. Bigelow, Prof. E. W. Puttkammer, Law School, University of Chicago; District of Kansas, Prof. Thomas E. Atkinson, Law School, University of Kansas; Eastern District of Louisiana, Dean Rufus C. Harris, College of Law, Tulane University; District of Massachusetts, Prof. E. M. Morgan, Law School, Harvard University; Eastern District of Michigan, Dean Henry M. Bates, Law School, University of Michigan; Southern District of New York, Prof. Harold R. Medina, Law School, Columbia University; Western District of North Carolina, Dean Charles T. McCormick, Law School, University of North Carolina; Northern and Southern Districts of Ohio, Dean Herschel W. Arant, Prof. Silas A. Harris, College of Law, Ohio State University; Southern District of West Virginia, Prof. J. B. Fordham, College of Law, University of West Virginia.

The project embraces a study of both criminal and civil cases. Its general purpose is to study the efficiency of the administration of justice in the district courts. Complete quantitative data on many of the courts' activities will be secured. In the criminal study these data begin with the arrest and relate to all stages of the case, including appeals. It is hoped that the collection of concrete, factual, statistical information portraying the day-to-day activities of these courts will serve not only as a basis for possible improvements in the Federal judicial machinery but also lay the groundwork for qualitative studies of particular problems suggested.

The minimum scope of the study embraces all the criminal cases (except that only ten per cent of the prohibition cases in some districts are examined) for the three fiscal years from July 1, 1927, to June 30, 1930, inclusive, the civil cases for one fiscal year ending June 30, 1930, and the statutory three-judge court cases for the five-year period ending June

30, 1930. If time permits, the study of criminal cases will be extended back another two years, the civil cases another year, and the three-judge court cases another five years. In addition it is planned to inaugurate in some of the districts a mortality study of criminal cases for the fiscal year ending June 30, 1930. This manual does not, however, include instructions for that study.

The forms to be used by the field workers on the criminal cases are three—called Forms 7A, 7B, and 8. The form to be used on the civil cases is Form 5, while Form 6 is for use on the three-judge court cases. These forms were prepared after consultation with a large number of persons familiar with the problems of Federal procedure and after a rather extensive sampling in the District of Connecticut, Southern District of New York, Southern District of West Virginia, and Northern District of Ohio. This sampling took place in the spring of 1930, with funds supplied by the National Commission on Law Observance and Enforcement from its congressional appropriation. It covered both criminal and civil cases. Many different forms were used. As a result in part of that experience the present forms were evolved.

The present forms are set forth in the Appendix. They have been filled out for hypothetical cases and should be consulted in connection with the explanatory matter contained herein.

CHARLES E. CLARK,
Chairman Advisory Committee, Federal Court Study.
WILLIAM I. GRUBB,
Chairman Subcommittee on Courts,
National Commission on Law Observance
and Enforcement.

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MANUAL

STUDY OF THE BUSINESS OF THE FEDERAL COURTS FOR THE NATIONAL COMMISSION ON LAW OBSERVANCE AND ENFORCEMENT

PART I

CRIMINAL

Three work sheets—Forms 7A, 7B, and 8—have been prepared for the criminal cases. A copy of each of these forms appears in the Appendix, properly filled out for hypothetical cases. As will appear from an examination of these work sheets, Form 7A covers the case in the Federal district court and through its appellate stages; Form 7B covers the case before it has reached the Federal district court; and Form 8—an adaptation of Forms 7A and 7B—is a special form to be used in cases where the offenders are minors.

I

METHOD

Statistical system.—The Hollerith punch-card system was chosen for the project. Under this system a code number is assigned to each item on the forms, with certain exceptions noted later. The punch-cards are arranged in eighty columns, each of which can be used to show twelve categories of one type of information. These twelve are termed Y, X, O, 1, 2, 3, 4, 5, 6, 7, 8, 9. (For an example see column 41, Form 7A.) Thus in each of the eighty columns twelve variations of one type of information may be shown. If there are more than twelve categories of a single type of information, two or more columns will be used for the necessary coding.

The field worker's function is to select from the classifications listed on the form the one most descriptive of the particular phase of each case being studied. This is done in

the manner hereinafter described. After the data have been recorded on the forms the numerical symbols are transposed by an operator to a punch-card by means of a punching machine built on the lines of the typewriter, but having only twelve recording keys. The symbols are recorded by punching holes through the corresponding numbers in the proper columns on the card. The cards are then run through the Hollerith sorting and counting machines and tabulators, totals and interrelationships of data being recorded in print on a specially adapted machine. In this manner the counting and correlating are done quickly and accurately. A sample of a Hollerith punch-card designed for transposing data from an eighty column form is set forth in the Appendix.

The nature of this process makes it absolutely necessary for each worker to follow the instructions. Deviations from instructions will produce inaccurate results. For example, in the preliminary survey the field workers were not consistent in their use of *Y* and *O*. In columns 44, 45, 46 of Form 7A, coding *OOO* indicates the imposition of a fine from 1 cent to \$24.99; coding *YYY* would indicate *No fine* or no information as to fine. The tendency to code *No fine* as *OOO* created inaccuracy in the results.

Code and noncode data.—The criminal schedules 7A and 7B contain data which require handling in four different ways. First, there are data which are listed item by item. These are found in columns 9, 12, 20, 21, 22, 23-25, 26, 36-37, 41, 42, 43, 51, 52, 58, 59-64, 68, and 71. The proper item is indicated by encircling the code number opposite it.

(See the sample form in the Appendix.) In columns 20 and 36, 37, the code number must be written on the line beside the column number as well as encircled. (See the sample form in the Appendix.) If the information in the particular case being tabulated is not described and coded on the schedule, the field worker should describe the matter briefly on the *Other specify* line and encircle the code number on that line. (This is not shown in the samples.)

Second, there is the type of data which is recorded by writing in the proper code numbers. This method must be used in columns 1-6, 10-11, 16-17, 18-19, 27, 28, 29-30, 31-32, 33-34, 44-46, 47-49, 50, 53-55, 56-57, 69-70, 72-73, 74-75, 76-77, and 78-80. The worker should be careful in

supplying the proper number of digits; that is, the number called for by the number of columns provided. *O* should be used where necessary to supply the necessary number. One digit should be used for each column. Thus an item to which three columns have been given calls for an entry of three digits. (See columns 44, 45, 46, Form 7A, in the Appendix.)

Third, in columns 7-8, 13-15, 38-40, 65-67, the field worker need only write down briefly the desired information. This mode of handling the data was selected for information such as the offense charged in view of the difficulty in setting up a table of Federal offenses which would be adequate. The offenses will be coded at the New Haven office on the basis of the data reported.

Fourth is the noncode material for which there are no code or column numbers on the forms. The field worker should handle this in the same manner as the third type.

II

SCOPE

Scope of the study.—The general outline of the criminal phase of the project contemplates a study of all criminal cases terminated during the fiscal years ending June 30, 1930, June 30, 1929, and June 30, 1928. Cases commenced before July 1, 1927, and disposed of by June 30, 1930, will be included; cases commenced before June 30, 1930, but terminated after that date will not be covered for the present. If time permits, the criminal cases terminated during the fiscal years ending June 30, 1927, and June 30, 1926, will also be included. The field workers will begin with the cases terminated during the fiscal year ending June 30, 1930, and work backwards.

Prohibition cases.—Considerations of time and expense have led to a decision to sample only one out of ten terminated cases involving violations of the prohibition laws in seven of the Federal districts. These districts are northern district of California; northern district of Illinois; eastern district of Louisiana; eastern district of Michigan; southern district of New York; northern district of Ohio; southern district of West Virginia. The docket numbers of the prohibition cases skipped in these districts as well as the number

of defendants involved in each indictment or information are to be recorded on a special form provided. The method of keeping the Record of Omitted Prohibition Cases is described below in Chapter IX. The field workers in these districts will, therefore, select prohibition cases constituting a 10 per cent sampling and report those only. The selection need not be based on numerical sequence, but should be made with a view toward securing representative cases. If time allows the percentage of prohibition cases sampled will be increased. It is probable, however, that time will permit all the prohibition cases for at least one year in each of the districts to be reported completely.

General.—This general outline of the projected study is subject to change. All instructions contained in letters or bulletins subsequent to the date of this manual supersede anything contained herein.

III

SOURCES OF INFORMATION

General.—The selected data to be recorded on the forms are taken from the official records. These records are kept differently in different districts. Also, there may be variations within the district. There follows a general description of the usual sources of information and the data to be found therein. If the field worker desires further advice it is suggested that he refer to the district supervisors or to the New Haven office.

The field workers in each district have already been instructed as to where they are to begin work. Each field worker should ascertain at once the location of each of the offices in which records of the district court, of the prosecuting attorney, and of the commissioners are kept. This information should be transmitted to the New Haven office at once. He should then study the method of keeping the various records in each district. This study should be made in the light of the general description herein. Variations should be noted and reports thereof forwarded to the New Haven office.

All possible sources of information should be utilized to the fullest extent. It is not sufficient merely to present a transcription of the material found in the clerk's dockets. All

records listed below should be consulted in every case reported.

Clerk's dockets.—The primary source of the data required in this study is the clerk's appearance docket. These dockets are found in the main office of the clerk; they are kept in sequence by volume number. In some districts the number of the case is determined by the docket volume number and the page number; in others, case numbers are kept independently of the docket volume number. The usual practice is to record the proceedings for two criminal cases on each page. Recently, however, a loose-leaf docket system has been installed in which one case appears on each page. The following general information concerning criminal cases is generally found in the dockets:

- (a) Title of the case.
- (b) Brief description of offenses.
- (c) Each proceeding in the district court with the dates thereof.
- (d) District attorney's file number (where different from docket number).

Among the proceedings noted in the docket are: The date the information or indictment was filed; the giving of bonds; bail forfeitures; payment of forfeited bail; pleas of the accused; pleadings; disposition of the case; sentences, with data as to commitment or payment of fine; and the name of each judge appearing in the case.

In all of the districts there is a uniform practice of listing the cases in chronological order in the docket according to the date the indictment or information was filed.

The use of this and other sources of information is described in the sections below dealing with the use of each of the various forms.

Clerk's files.—Normally the papers in criminal cases are put into the permanent files when the cases have been terminated. In some districts it will be found that with the exception of the indictment or information there is very little more in these files than in the clerk's dockets. This is the case in the southern district of New York, where an examination of these files is unnecessary, since a copy of the indictment or information will be found in the district attorney's files.

In other districts, such as the district of Connecticut, the clerk's files contain much more data than appear in the dockets. This is especially true with respect to the information called for on Form 7B. In the latter type of file a formal and complete commissioner's transcript or report of trial will be found in a majority of the cases in which a preliminary hearing has been held. This makes reference to the clerk's files an indispensable step in the tabulation of these cases. In general the latter type of clerk's files may be described as containing the papers covering the proceedings recorded in the clerk's dockets plus the commissioner's transcript or report of trial.

Commissioner's dockets; transcripts.—The practice in certain districts of filing a copy of the commissioner's transcript or report of trial in the clerk's files has been described. An additional source of information, indeed sometimes a primary source, is the commissioner's examination docket which is kept in the commissioner's office. These dockets usually contain the following information:

- (a) Title of the case.
- (b) The district attorney's file number.
- (c) Violation; date.
- (d) Complaint.
- (e) Affidavit.
- (f) Warrant.
- (g) Arrest and arraignment before commissioner.
- (h) Examination date.
- (i) Bail data, amount, surety, address.
- (j) Procedural motions before the commissioner.

It is evident that much additional information necessary for Form 7B may be procured from these dockets. In some districts these dockets take the place of the formal transcript or report of trial.

In addition to these examination dockets it is the usual practice of the commissioners to keep a private record of all hearings held before them. These normally are found in those districts where the transcript rather than the examination docket is used, although they may also be encountered in the latter. These private records contain somewhat the same information as the examination docket. The transcripts and reports of trial also contain similar data.

District attorney's files; dockets.—In every district files of all criminal cases are kept by the district attorney in his office. These cases are filed numerically according to a case number assigned when the case is first brought into the office. In the districts where the clerk's dockets do not show the district attorney's file number, the alphabetical catalogue of defendants may be used as a key to the files. In some districts prohibition cases are kept separately from the others. A typical case file contains the following information and papers:

- (a) Title of the case.
- (b) Commissioner's name.
- (c) Commissioner's docket number.
- (d) The violation report giving the details as to place, date, and former arrest.
- (e) Copy of the information.
- (f) Complaint.
- (g) Affidavit.
- (h) The warrant.
- (i) Outline report of the preliminary hearing (in some cases).
- (j) Report to the prohibition administrator, Form 1507.
- (k) Copies of all papers filed by the district attorney, e. g., motions with respect to evidence and search warrant.

Form 1507, one of the papers quite generally found in the files, furnishes most of the information desired in a concise manner. It is kept, however, for narcotic and liquor cases only. It is a triplicate document, one copy of which is retained by the district attorney for his files; one copy is sent to the Federal Prohibition Commissioner or other departmental head at Washington; and the third copy is forwarded to the Federal Prohibition Director, divisional chief, general prohibition agent, or narcotic agent in charge. In addition to the violation report from the divisional chief's office, which contains a detailed story by the agent in narcotic and liquor cases, other correspondence is filed, including letters from the prohibition or narcotic administrators and from the defendants or their attorneys. Where property is seized as a result of the execution of a search warrant or otherwise an inventory is usually filed. In the liquor cases a chemist's report is

usually found as well as a copy of the court order for the sale and destruction of the seized liquor. While much of these data are not pertinent to the study, the district attorney's files should be consulted in every case for information which may not appear elsewhere.

In some districts criminal dockets are kept by the district attorney. These dockets furnish very little information in addition to that found in the clerk's dockets. In some cases more detail as to continuances and as to the time at which cases are called for trial is shown. In the Southern District of New York this file may be used to procure the number of the commissioner's dockets from which the case is carried over. It should be noted that the numbers assigned to the cases in these dockets are called for on Form 7A.

Grand jury dockets; files.—For the time being this source of information may be considered wholly auxiliary. It need be consulted only in those rare cases where copies of the indictment are not found in the clerk's files. These records are kept with little uniformity in the various districts.

IV

DIRECTIONS FOR TABULATION—GENERAL

Selection of cases.—The system generally used by the clerks in the Federal district courts is to enter the case in the appearance docket when the indictment and information are filed. The various entries are then made until the conclusion of the case. There is no set rule for ascertaining where terminated cases are to be found. It is necessary to make a survey of all dockets which might possibly contain cases which may have been terminated during the periods being studied. It is known that a vast majority of the cases are terminated in the same year in which they are commenced. With this in mind, the bulk of the cases may be reached by first consulting the appearance dockets covering the cases initiated during the period of the study.

Unit of tabulation.—The significance of the statistics collected will vary directly with the unit of tabulation used. Three units have been used in compiling judicial statistics:

- (1) The indictment or information.
- (2) The offense.
- (3) The defendant.

In this study, the third method has been adopted, with one modification to be noted. Under this method, it is immaterial how many charges are being prosecuted against one defendant. Each defendant named in the indictment or information is considered *one* case, i. e., *one* unit. Each separate prosecution for a different offense (separate indictment or information) is recorded, regardless of the identity of the individual. Thus one prosecution against six persons would be recorded six times and six prosecutions against one person six times. But one prosecution against one person, charging six separate offenses, would be recorded only once.

General.—Please note the following general directions as to handling the various forms:

- (a) Always use ink; write legibly.
- (b) Note your initials and the date of tabulation in the proper space.
- (c) Completed reports are to be mailed to Mr. Charles U. Samenow, 333 Cedar Street, New Haven, Conn., in packages not to exceed four pounds in weight. Labels carrying the franking privilege will be supplied.

V

DIRECTIONS FOR TABULATION—SPECIAL—
FORM 7A

As indicated above, the study of terminated cases will be made first. Follow the terminated cases through the dockets; schedule those and note the pending and omitted cases on the forms supplied. When all the cases begun and ended within the designated period have been tabulated, go back over several previous dockets and note the final entries for completed cases.

Having found the cases to be studied, the serial number should be indicated on the top line in columns 1 to 6, the necessary number of digits 1-6 being added. The number may be the docket and page number or a separate and distinct number assigned by the clerk, e. g., 047-410, 003998. Then reference should be made to the

clerk's files bearing corresponding numbers. These are the two primary sources of information for Form 7A.

10, 11.

Use one schedule for each defendant whose case has been disposed of. Mark "A" on the card covering the first defendant named in the indictment or information; use "B" for the next defendant, and continue this lettering for each such defendant. Indicate the total number of defendants *other than "A"* in columns 10 and 11, using two digits. Under columns 10 and 11 indicate on the proper line the number of other defendants disposed of, and on card "A" (first defendant) list the names of the defendants which appeared in the same indictment or information whose cases are pending. Thus, where the indictment or information shows twelve defendants twelve cards should be filled out if all the cases are disposed of. If only eight defendants are disposed of, eight cards should be filled out, the "A" card showing the names of the four defendants whose cases are still pending.

The data called for on the top line should be supplied as follows:

Term of court.

(a) *Term of court*: Indicate here at what term of court the indictment or information was filed. This date is a formal part of the indictment or information, in every case appearing in the heading of the document proper.

Year of termination.

(b) *Year of termination*: Indicate here the year in which the cases were disposed of (same as columns 33 and 34).

Office.

(c) *Office*: Indicate the location of the clerk's office in which the case was found.

7, 8.

(d) *District*: The name of the district may be abbreviated, e. g., S. D. N. Y., N. D. Ohio, D. Conn.

Parties.

In the section headed "*Parties*" give as much of the detail sought as is possible. In many cases

the name of the accused's attorney and the address of the accused and his attorney will not be found in the clerk's dockets or files. In those cases, the information should be sought elsewhere, as in the district attorney's files. The sex of the defendant should be shown by encircling the proper possibility in column 9. Where difficulty is encountered in determining minority or majority, encircle 9 4 or 9 5. A defendant is a minor if he or she is under twenty-one years of age. If the defendant is a public official, encircle 9 6 or 9 7 in preference to any other possibility, but indicate in the margin if he is a minor. The fact of minority may be determined in most cases from the district attorney's files or from the United States marshal's records. However, the latter of these sources should not be consulted solely for this purpose.

In describing the date of the offense, the year ^{Offense.} should be indicated first, and then the month and ^{Date.} day, e. g., 28-10-11 for October 11, 1928. The ^{Place.} date and place at which the offense or offenses are alleged to have been committed will be found usually in the indictment or information. Where more than one offense is charged, list all dates and places in the manner described giving the earliest first.

The distinction between the methods of recording the various types of code and noncode data has already been described. No further directions as to technique will be given. The remainder of this chapter will be devoted to a description of the subject matter of the items listed.

Under "*Grand jury or prosecuting attorney*," ^{12.} only 12 Y, 12 1, 12 2, or 12 5 should be checked in the terminated case study; 12 0, 12 3, and 12 4 represent facts of importance only to a projected mortality study of cases which have never reached the district court. For the time being

they may be disregarded. 12 Y ("No entry") or 12 5 ("Other specify") should rarely, if ever, appear. The usual case is initiated by the filing of either an indictment (12 1) or an information (12 2). In a rare case the district attorney may move in another manner which should be indicated on the line running to 12 5 ("Other specify").

Grand jury
docket number.

The "Grand jury docket number," in cases where the indictment is filed, usually will be the same as the serial number, if any number is found. The general practice is to stamp the appearance docket number (serial number) on the indictment. The number may be different where the case is "no-billed." Disregard such cases as they belong to the projected mortality study.

District attorney
docket number.

The same generally is true of the "District attorney docket number." Exceptions are found in some of the busier districts. For example, in the southern district of New York, a distinct number is assigned to each case before it appears in the clerk's records. These are the "E" numbers. In these districts the number should be indicated. If these numbers are not found, write Y in the space provided.

13, 14, 15.

The "Offense charged in the indictment or information" (columns 13, 14, 15) should be described in full but as briefly as possible. The descriptions should follow the outline of the indictment or information, each count being indicated by a number. Statutes should be cited by chapter and section wherever given. The following abbreviations may be used for terms which appear frequently:

NPA.:	National Prohibition Act.
Pro.:	Prohibition.
Vio.:	Violation.
Poss.:	Possession.
Mfr.:	Manufacture.
Transp.:	Transportation.
By.:	Bankruptcy.
P. L. and R.:	Postal Laws and Regulations.
I. L.:	Intoxicating liquor.

Int. Rev.:	Internal revenue.
Immig.:	Immigration.
Fed.:	Federal.
Nat.:	National.
Bk.:	Bank.
U. S.:	United States.
Cr. C.:	Criminal Code.
Rev. Stat.:	Revised Statutes.

These same abbreviations may be used in columns 38, 39, 40 in describing the "Offense of which convicted." Under these latter columns it is unnecessary to repeat each count in full detail. The counts as described in columns 13, 14, 15 may be referred to by number under columns 38, 39, 40 where they are the same. Thus, if the defendant is convicted on Counts I and IV of the indictment, merely indicate "I" and "IV" under columns 38, 39, 40. It should be indicated what happened to the other counts, e. g., counts "II" and "III"—"nolled." The "Number of counts" in the indictment or information should be shown in columns 16, 17. Use the proper number of digits—two, e. g., 07 for seven counts, 11 for eleven.

The "Date indictment or information filed" (columns 18, 19, 20) will always be found stamped on the back of the document, generally over the clerk's name. This date should be distinguished from the term of court at which the proceeding was initiated. The date should be shown in full, marginally, in the same manner as directed for "Date of Offense." The last two digits of the year are to be coded in columns 18, 19; the month is to be coded as indicated by one digit in column 20.

The "Date of arraignment in district court" refers to the date upon which the accused is first presented in court for plea. This date is not coded. It should be shown in the same manner as the offense date.

Date of arraignment in district court.

21. The first plea of the defendant to the charges against him is made on the day of arraignment. This plea should be indicated by encircling the proper possibility in column 21. The pleas are self-explanatory, being the usual criminal pleas. In a few districts where some of the common-law crimes are prosecuted in the Federal courts (e. g., crimes committed in territory under Federal control) a plea of guilty to a lesser offense may be entered, e. g., plea of guilty to manslaughter to a murder indictment. Such cases should be listed under item 21 5 and the nature of the plea specified. Where the accused changes his plea, the last plea should be indicated in column 22. Provision is made for showing the "*Date of last plea*" in noncode form. If no change in plea is made, encircle 22 Y and write Y in the space provided for the "*Date of last plea*." Care should be taken in reporting changes in plea.

22. Date of last plea.

23, 24, 25. The greater part of the third column on the first page of Form 7A is devoted to a representation of the various pleadings filed in each case. In columns 23, 24, 25 there are listed ten different pleadings which may be filed by the accused at various times in the district court. Most of these pleadings are addressed to the indictment or information. If no pleadings are filed by the accused, encircle 23 Y, 24 Y, and 25 Y. If pleadings other than those listed are filed by the accused, these pleadings may be specified on the line provided opposite 23 9, 24 9, and 25 9. In encircling the various items here, column 23 should be used to indicate the first pleading, column 24 for the second, and column 25 for the third, in the chronological order in which they were filed. Where there are more than three pleadings they need not be shown in these columns. Provision is made for reporting these in column 27. The ruling of the court on each of the pleadings indicated in columns 23, 24, 25

CONTINUED

1 OF 2

should be indicated by encircling the proper item in column 26. If there is no record as to the ²⁶ ruling, this may be shown by encircling 26 Y, 26 2, and 26 6. If the court decides in favor of the United States, encircle 26 X, 26 3, and 26 7; if in favor of the accused, 26 O, 26 4, and 26 8. If a ruling other than those listed is made, specify the ruling in the space provided. In column 27 ²⁷ indicate by a single digit the number of pleadings filed by the accused, including those shown in columns 23, 24, 25. If there are pleadings that have not been indicated in those columns, list them in the space provided, showing the rulings. In column 28, show the number of pleadings filed ²⁸ by the United States, using one digit. Do not count the indictment or information as a pleading for the purpose of this section. List the plead- ^{Date of plead-} ings. ings. and rulings in the space provided. In the proper place indicate the dates of the first pleading after the indictment or information and the date of the last pleading, disregarding by whom it was filed. It is important to keep pleas distinguished from pleadings. The former are treated only in columns 21 and 22.

Where there is a trial the dates upon which the ^{Trial dates.} trial began and ended are desired for the purpose of furnishing the interval in columns 56, 57. ^{56, 57.} Trial refers to an actual hearing before a court or a jury on the merits of the case. Thus, only in those cases which are disposed of in the manner listed as 02, 03, 04, 09, 10, 12, 13, and 15 in columns 36, 37 need these dates be shown.

A section is provided for the description of new trials. It may be noted at this point that Form 7A is designed to represent the original trial and in every case it is the disposition on the first trial that should be reported. In this section, however, may be shown new trials after mistrials and disagreements, new trials granted by the ^{New trials.} judge after verdict, and new trials on order by the appellate courts. There should be a brief

statement of the party seeking the new trial, the grounds upon which the new trial is sought, the dates of the new trial, and the result.

29, 30.

"*Continuances in district court*" (columns 29, 30) will generally be found in the clerk's docket. All continuances whether before or after trial should be shown. The following facts are called for in this section: Total number of continuances granted either party, the number of continuances granted to the accused, the number granted to the United States, the number during trial, and with respect to the last, the number of days the case was continued during the trial. The total number of days consumed by the various continuances should be shown in two digits. If the number of days exceeds 99, code 99 and indicate the exact number of days in the margin. If it does not appear at whose request the continuance was granted, the total number may be shown, and the symbol Y used to indicate the fact that the other information is unavailable.

While going through the clerk's dockets for the various types of data note entries indicating detention of the accused in jail awaiting trial. The clerk's docket will show only the period of detention while the accused's case was pending before the court. The number of days spent in jail should be noted and to it should be added the period of detention while the case was pending before the commissioner. Thus columns 31, 32, represent a composite picture of the time spent by the accused in jail since the time of his arrest. These columns will be discussed further below. It may be noted here that the detention in most cases follows:

31, 32.

- (a) Inability of the accused to furnish a bond.
- (b) Refusal of the court or commissioner to allow the accused to go free on bail.

Where the accused is convicted and sentenced to imprisonment and the court orders the time pre-

viously spent in jail to be deducted from the sentence, encircle 31 X.

As indicated above under "*New trials*," Form 7A focuses on the first disposition of the case. Subsequent changes in disposition are to be recorded elsewhere (column 51). Thus the date of the disposition before the district court which is to be noted in columns 33, 34, 35, is the date of the ^{33, 34, 35.} first termination of the case, ending either in sentence or discharge. The types of disposition listed in columns 36, 37, items 00 to 14, require ^{36, 37.} no explanation beyond pointing out that items 11 to 13 presuppose a nolle of some of the counts. Item YY should be encircled only when it is clear from the rest of the record that the case has been terminated but no record can be found of the type of termination. Item 15 is to be used only in cases where mistrial is ordered and no subsequent action is taken. Items 17 to 26 are not to be used at all in the study of terminated cases. Instructions as to the use of these items will be given in connection with the proposed mortality studies.

The use of columns 38, 39, 40 has already been ^{38, 39, 40.} described in connection with the instructions concerning columns 13, 14, 15.

If the proceeding has been dismissed and the accused discharged, columns 41 to 49 should all ^{41-49.} be coded Y. If, however, the accused has been convicted and sentenced, the nature of his sentence should be shown by encircling the proper possibility in column 41. In some districts the sentences are more complicated than those which are here listed. For instance, sentences involving fine, costs, imprisonment, and suspended sentence have been found. This should be specified opposite item 41 9. Other combinations not listed in column 41 should be handled in the same manner. Whenever a suspended sentence is imposed (41 3, 41 5, 41 6), if the terms of the sentence indicate a place of commitment that

place should be indicated in column 43. Column 43 is to be used also to indicate the place of detention where the sentence is one of imprisonment (41 2, 41 4). Where the accused is put on probation either as to the whole or part of his sentence (41 X, 41 6, 41 7), the probation officer should be described by encircling the proper item in column 42. In connection with column 43, item 43 X refers to a State prison or penitentiary; 43 0 to a municipal, town, or county jail. In every case where 43 X, 43 0, 43 7, or 43 8 is encircled, describe exactly the place of commitment.

Wherever items 41 X, 41 0, 41 1, 41 2, or 41 3 are encircled the amount of fine should be indicated in \$25 intervals in columns 44, 45, 46. If no fine appears in the sentence, write Y in this column. In coding the amount of fine, \$0.01 to \$24.99 is coded 000; \$25 to \$49.99 is coded 001, etc.

Whenever items 41 X (probation), 41 2 (imprisonment), 41 3 (suspended sentence), 41 4, 41 5, 41 6, or 41 7 are encircled, the term of imprisonment, suspended or otherwise, and the term of probation should be indicated in month intervals in columns 47, 48, 49. In cases where the accused is sentenced to a definite term of imprisonment which is to be executed, and in addition, or in the alternative, is sentenced to a term of probation, or indeed in any case where there are combinations of sentences of this sort, the field worker should not attempt to code but should describe the exact situation marginally. Where separate sentences are imposed on various counts but the sentences are to run concurrently, or where the sentence imposed in the case is to run concurrently with a sentence in another case, the field worker should describe the exact situation in the space provided, without attempting to code. If the sentence is less than one month code 000. Note, however, that thirty days is to be treated as one month and coded

001, sixty days as two months and coded 002, etc. Convert years into months. Where the sentence is indefinite or indeterminate describe it in full without attempting to code it.

Information as to the amount of costs is generally to be found, if at all, in the clerk's docket. The usual practice in the district courts is merely to debit and credit a \$5 fee whenever an indictment or information is filed. No money is actually exchanged, the transaction being a fictitious one. But, in some districts, for some periods at least, costs have been assessed against convicted defendants. The practice may vary with different judges in the same district. In any event, wherever it appears from the clerk's docket that costs have been computed and entered in the docket in full, they should be indicated in column 50 whether they are assessed⁵⁰ against the defendant or not. If costs are taxed against the defendant that fact should be noted marginally. Costs are to be coded in \$10 intervals, \$0.01 to \$9.99 being coded as 0, \$10 to \$19.99 as 1, etc. Where costs are incomplete or where only the \$5 formal entry fee is found, code Y. In case of doubt as to the method of coding costs in a particular situation, describe the facts briefly in the margin.

In the section concerning disposition in the district court, dealt with above, a distinction is drawn between the first disposition by the court and subsequent changes. Column 51 is set up⁵¹ to portray changes in disposition ordered by the district court without new trial or appeal. A number of changes are indicated. Perhaps the most frequent are those listed as items 51 5, 51 6, and 51 7 representing cases where the accused was committed to jail for failure to pay a fine imposed in the district court, followed by a release because of payment of the fine or by virtue of his taking a poor debtor's oath. Other changes will appear. These should be specified

Date of change
in disposition.

Date of pay-
ment of fine.

Date of mit-
timus.

on the line provided opposite item 519. The date of the change is to be shown in the space provided.

Where the accused is fined and the fine is paid the date of payment of the fine is to be shown; if unpaid, indicate that fact. Where the accused is committed to jail the date of the mittimus and the date of the marshal's return are both to be shown. Where a mittimus is issued by the commissioner and another by the judge of the district court, the date of issuance and return of each should be entered. Distinguish the date of the return of the marshal indorsed on the writ from the date upon which the physical document is returned to the clerk of the district court. The former should be taken.

Provision is made for a brief description of appeals to the circuit court of appeals and to the Supreme Court. If no appeal is taken to either tribunal, encircle 52 Y. Items 52 O to 52 7 presuppose the filing of an appeal to either or both tribunals. The proper item should be encircled to indicate the disposition of the appeal. It may be noted that this column is one of the few in which the encircling of more than one item is permissible. Thus, if there is an appeal to both the circuit court of appeals and to the Supreme Court, one of the items from 52 O to 52 3 and one from 52 4 to 52 7 should be encircled. If there is an appeal to but one of these courts, only one item need be encircled.

The interval between the date of disposition by the grand jury or prosecuting attorney and the date of disposition in the district court is to be shown in days in columns 53, 54, 55. The date of disposition by the grand jury or prosecuting attorney is the same as the date the indictment or information was filed, coded in columns 18, 19, 20. The date of disposition in the district court is coded in columns 33, 34, 35. The field worker need only subtract the former date from the latter date and convert years and

months into days. Where the case is disposed of on the same day that the indictment or information is filed, code 000. If the interval is more than 999 days, code 999 and record the exact number of days in the margin.

The interval from the beginning to the end of trial is to be coded in days in columns 56, 57. The length of this interval is determined by the date the trial began and the date the trial was ended.

Column 58 is designed as an evaluation of the records found in the clerk's office. This column takes for granted the presence of the usual papers concerning the transactions in the district court. If in addition to these only the commissioner's transcript or report of trial on the preliminary hearing is found, encircle 58 O. If only the documents with respect to bail either before the commissioner or in the district court are found, encircle 58 1. If both of these are present, encircle 58 2; if neither, 58 3.

Column 59 X refers to Form 7B, dealing with the preliminary hearing before the case comes into the district court or with data on arrest. It will be found that in some cases there is no preliminary hearing and in other cases that no records of the preliminary hearing are available. In either of these instances, encircle 59 X on Form 7A. The field worker should indicate wherever possible whether 59 X was encircled because of faulty records or the fact that there was no preliminary hearing.

VI

DIRECTIONS FOR TABULATION—SPECIAL— FORM 7B

General.—Form 7B is to be used generally in two instances:

- (a) For preliminary hearings before commissioners.

- (b) For arrest data where arrest is made on a bench warrant or where only arrest data appear.

It is clear, therefore, that even though there be no preliminary hearing, Form 7B should be used to present the arrest data. The form has been adapted to portray completely Federal offenses, beginning with the complaint stage and going through to disposition by the commissioner before whom the preliminary hearing is held. Use one form for each defendant and clip it to the back of Form 7A. Care should be taken to keep these two forms together.

Bench warrants; arrest data.—In those cases where no preliminary hearing is held but accused is apprehended on a bench warrant, 62 0 or 62 2 should be encircled to indicate whether the warrant was issued by a Federal or State court judge. The proper item in column 64 should be encircled to indicate by whom the warrant was served. Date of arrest should be noted and the offense charged on arrest. In addition the interval between the date of offense and the date of arrest should be shown in months in columns 72, 73. The interval between the date of arrest and the date of disposition in the district court should be recorded in days in columns 78, 79, 80. A more detailed description of the method of recording these intervals will be found below. In this group of cases all other columns, namely columns 59, 60, 61, 63, 68 to 71, 74 to 77, should be coded Y. No noncode data other than those mentioned need be shown. Form 7B may also be used to portray arrest data in cases other than those where a bench warrant was used. In this class of cases are those in which an arrest is made with or without a warrant and in which no preliminary hearing is held.

The information here sought will be found usually in the clerk's dockets and files and in the district attorney's files.

Preliminary hearings.—The source of the material for Form 7B with respect to preliminary hearings is the commissioner's transcript or report of trial. In some districts, such as the Southern District of New York, the commissioner's dockets and ledgers may be consulted for this information. In other districts the transcript or report of trial may be found in the clerk's files. The district attorney's records usually contain much of this information.

Columns 59, 61, and 63 are devoted to search ^{59, 61, 63.} data. Column 59 indicates who made the complaint or affidavit upon which the warrant was issued. Where the names of complainants are unfamiliar, the field worker should inquire as to their identity. Federal liquor, narcotic, immigration, customs agents, etc., are to be listed under "*Other Federal bureau specify*" (59 4). It may be of assistance to the field worker to make up a list of the various Federal enforcement agents who have worked in the district during the period of the study. Columns 60, 62, and ^{60, 62, 64.} 64 present the arrest data. Wherever possible both search and arrest data should be shown as fully as the records allow.

Where there has been an arrest (items 64 0 to ^{64.} 64 8) the date of arrest should be shown. If this is not available, the date of the first appearance before the commissioner may be used. In columns 65, 66, 67 record the offense charged on ^{65, 66, 67.} arrest or upon appearance before the commissioner in the same manner as instructed for columns 13, 14, 15.

The name of the commissioner before whom the preliminary hearing is held and the number of the case on his docket should be recorded. In column 68 the final plea of the accused should be ^{68.} recorded in the same manner as instructed for columns 21, 22. The continuances before the commissioner (column 69, 70) are to be treated ^{69, 70}

62.

64.

72, 73.

78, 79, 80.

59, 60, 61, 63,
68, 69, 70, 71,
74, 75, 76, 77.

in the same way as the continuances in columns 29, 30.

71.

The various dispositions by the commissioner are listed in column 71. Items 71 1 and 71 2 fit the cases where the commissioner holds the accused for the district court. In such cases the district attorney may file an information if he has not already done so. Items 71 3 and 71 4 cover those cases where the commissioner holds the accused for the grand jury. In those cases the grand jury may file an indictment if that has not already been done. Encircling item 71 0 indicates that the commissioner has discharged the case for want of probable cause. Such discharges are not conclusive. In many such cases the accused will be brought up before the district court to answer an indictment or information. It will be found, however, in some cases where there is more than one defendant on the same record that the district court records will show that some of the defendants have been discharged by the commissioner and that no further action has been taken against them. In these cases Form 7B should be filled out and as much data as possible should be recorded on Form 7A. In this type of case, item 12 3 will often be the focal point.

31, 32.

Where items 71 2 or 71 4 are encircled, columns 31, 32 on Form 7A should show the number of days which the accused spent in jail. In certain cases where 71 1 and 71 3 are encircled and for some reason the bond is forfeited later and the accused committed to jail, columns 31, 32 should show the period of detention. In some cases it will be found that the district attorney files an information or the grand jury returns an indictment before the case is disposed of by the commissioner. This should be specified and item 71 5 encircled. In these cases there will be no "Date of disposition before commissioner," and the

two intervals in columns 74, 75 and 76, 77 must ^{74, 75, 76, 77.} be coded Y.

To compute the interval in columns 72, 73, ^{72, 73.} reference must be had to the date of offense recorded on the first page of Form 7A. Where more than one date of offense is shown, select the earliest date and subtract that date from the "Date of arrest or first appearance before commissioner," which is recorded on Form 7B. The interval is to be shown in months, thirty days being taken as the unit and computed as follows:

Less than 30 days: 00

30 days to 59 days: 01

60 days to 89 days: 02

90 days to 119 days: 03, etc.

If either the date of offense or the date of arrest or first appearance before the commissioner is missing, code Y. In columns 74, 75 indicate in days ^{74, 75.} the duration of the case before the commissioner, i. e., the interval between the date of arrest or first appearance and the date of disposition before the commissioner. If the case was disposed of in one day, code 00. If more than 99 days are consumed, code 99 and specify the exact number of days in the margin. Columns 76, 77 are to ^{76, 77.} be handled in the same way with respect to the interval between the date of disposition before the commissioner (shown on Form 7B) and the date of the action of the grand jury or prosecuting attorney (columns 18, 19, 20 on Form 7A). Columns 78, 79, 80 are to be handled in the same ^{78, 79, 80.} way to represent the interval between the date of arrest or first appearance before the commissioner (from Form 7B) to the disposition in the district court (columns 33, 34, 35 on Form 7A). This interval calls for three digits. If the interval is more than 999 days, code 999 and specify the exact number of days marginally.

VII

DIRECTIONS FOR TABULATION—SPECIAL—
FORM 8

General.—Form 8 has been prepared in connection with a study of juvenile offenders separately conducted for the National Commission on Law Observance and Enforcement. This form is to be used for all criminal cases in the Federal district courts involving offenses by minors. Thus, every case in which 9 2 or 9 3 is encircled on Form 7A should be reported on Form 8. Form 8 is a composite of Forms 7A and 7B. Except for a few additions and subtractions of complete sections of data, the content is the same, with the column numbers changed in several instances.

New data.—The field worker should adopt from Form 7A and Form 7B all comparable data for Form 8 and should then obtain the additional material for columns 10 to 14. This material may be found in the clerk's records or in the district attorney's files. In some districts it has been found that the marshal's office keeps a record of juvenile offenders who have been committed. Since this involves an additional operation and furnishes only partial information, it need not be consulted. In columns 10, 11, the field worker should record the exact age of the accused in two digits. Column 12 is to be used to describe the police record of the accused regardless of whether Federal, State, or local offenses are involved. In column 13 describe the manner in which the attorney for the accused was employed, if there was an attorney. If no attorney appears on record, encircle 13 X. In cases where the offense is one against property, the field worker should indicate the value of the property involved by encircling the proper item. The only other additional matter is to be found

in columns 38, 39 where items 08 and 09 are added to the list of places of commitment.

These forms are to be forwarded to the New Haven office with Forms 7A and 7B used on the same case.

VIII

PENDING CASE RECORD

The pending case record is furnished to the field worker in sets of six pages. One page is to be used each day. The date is to be indicated in the space provided in the upper right-hand corner. A copy of this record properly filled out is set forth in the Appendix. With a slight variation in districts where prohibition cases are being sampled, the method of keeping this record is as follows:

If the entire case is still pending—that is, none of the defendants in the case have had their cases disposed of—indicate the serial number, the name of the first defendant named in the indictment or information, the number of defendants, the offense, briefly, and the term of court at which the case was entered. In the column headed "*Number of other defendants whose cases have been disposed of*" write 0. Where the cases of some of the defendants have been disposed of (after recording the case properly in columns 10, 11, on Form 7A and after listing the names of the defendants whose cases have not been disposed of on the "A" master sheet), write the serial number on the pending case record, the number of other defendants whose cases have been disposed of, the number of defendants whose cases are still pending, the nature of the offenses, and the term of court at which the case was entered.

Pending cases are those cases in which the indictment or information has been filed but which have not terminated during the selected years of the study.

10, 11, 12, 13,
14.

Where prohibition cases are being sampled, only the sampled cases which are partially pending should be kept on the pending case record. Prohibition cases in which none of the prosecutions have been disposed of should be recorded only on the record of omitted prohibition cases. All pending cases other than prohibition cases are to be handled as directed above.

IX

RECORD OF OMITTED PROHIBITION CASES

The plan for sampling only a specified percentage of prohibition cases in certain districts has been described. The record of omitted prohibition cases (a copy of which appears in the Appendix) was devised as a system for tabulating the total number of prohibition cases appearing in the docket. This record was necessary for interpretation of the prohibition cases that were sampled. The method of keeping this record is as follows:

Write the docket number of each omitted case in the space provided, and indicate the number of defendants whose cases are terminated and pending respectively in each of these cases. These records should be sent to New Haven at regular intervals.

PART II

CIVIL

Form 5, a copy of which properly filled out for a hypothetical case appears in the Appendix, is the work sheet to be used in the study of civil cases, with the exception of the three-judge court cases. This form covers civil cases from the initiation by service of process in the Federal court or by removal from the State court to the disposition of the appeal to the Supreme Court. Form 6, a copy of which filled out appears in the

Appendix, has been specially devised for the tabulation of civil cases wherein the three-judge court is resorted to under section 266 of the Judicial Code, which is section 380 of Title 28 of the United States Code. This form covers cases brought under section 266 from the commencement of the suit to the final proceedings subsequent to the disposition by the Supreme Court on appeal.

I

METHOD

The statistical system and the various types of code and noncode data are the same as in the criminal forms. (See Part I, Chapter I, *supra*.) A distinguishing feature is the "Pleadings" table, the use of which is fully explained below.

II

SCOPE

Scope of the study.—At present it is planned to study the cases disposed of during the fiscal year ending June 30, 1930. If the time is available another year will be added to the project. All civil cases will be reported with the exception of certain bankruptcy and naturalization matters, such as proceedings for voluntary or involuntary bankruptcy, and petitions for naturalization. These excepted cases generally are kept segregated in bankruptcy and naturalization dockets and files. Auxiliary actions by receivers and trustees in bankruptcy which are docketed on the law and equity dockets will be included, as well as suits to cancel naturalization certificates. In fact, the presence of the case in the law, equity, or admiralty docket brings it within the scope of the study.

General.—The present plans for the civil study may be changed. All instructions contained in letters or bulletins subsequent to the date of this manual supersede anything contained herein.

III

SOURCES OF INFORMATION

General.—The data desired for Form 5 and Form 6 are found in the clerk's dockets and files which are kept quite uniformly in the various districts.

Clerk's appearance docket.—The primary source of the data required in the study is the clerk's appearance docket. The dockets are found in the main office; they are kept in chronological sequence by volume number. The general practice is to keep separate law, equity, and admiralty dockets. In some jurisdictions, e. g., southern district of New York, a miscellaneous docket is kept. As noted, there are also separate bankruptcy and naturalization dockets which contain cases not included in the study. In a few districts the admiralty cases are kept in the same docket as the law cases, e. g., district of Connecticut. The equity dockets generally contain the patent and naturalization suits which come within the scope of the study. The cases are chronologically numbered, each case taking two pages. At present the loose-leaf system is being used. The dockets generally contain alphabetical indexes. The usual docket entries are the following:

- (a) Number of the case.
- (b) Title of the case.
- (c) Attorneys' names.
- (d) Filings and proceedings with dates and orders.
- (e) Clerk's fees.
- (f) Receipts and disbursements.
- (g) Abstract of costs in some cases.

Clerk's files.—A file is begun in every case just as soon as the case is entered into court. Each case is kept in a separate folder or the papers are so folded as to keep the cases separate. Generally the law, equity, and admiralty files

are kept separately and distinctly. The files contain a copy of all the proceedings in the case. The files must be consulted in every case in order to get the content of the complaint or declaration, etc., and of the various other papers filed. The material for the three-judge court cases will be found in the equity dockets and files.

Judgment docket.—As soon as a case goes to judgment it is entered in the judgment docket. Discontinued or withdrawn cases usually do not appear, only formal judgments being docketed. Some of the entries appearing in this docket are:

- (a) Date and amount of judgment.
- (b) Costs.
- (c) Name of judgment debtor.
- (d) Name of judgment creditor.
- (e) Payment and satisfaction.
- (f) Number of the case and the docket in which all other entries may be found.

Judgment files.—In the judgment files are kept certain papers filed in those cases which are entered in the judgment docket. The minimum content is a copy of the complaint or declaration and a copy of the judgment.

Card indexes.—It is a general practice for the clerk to keep an alphabetical card index of each case, listing the last name of the plaintiff and the defendant. This card index may be used as a convenient reference to the dockets and files where only the title of the case is noted. It shows in what docket and on what page the case may be found, and the date of filing of the case.

In most jurisdictions it will be found that it is sufficient to refer to the appearance docket and to the clerk's files. The judgment dockets and files do not contain much information for the form.

IV

DIRECTIONS FOR TABULATION—GENERAL

Selection of cases.—As soon as process is issued or the transcript of removal filed with the clerk, the clerk enters the case in the appearance docket. The various entries are then made until the conclusion of the case. There is no set rule to determine where terminated cases are to be found. This necessitates a survey of all dockets which may contain cases during the period being studied. In the civil case study it will be found that most of the cases are commenced at least a year or two before the date of termination of the case. It is necessary, therefore, to consult the appearance dockets for as much as five to ten years beyond the period being studied. As respects Form 6, it is left to the field worker to identify the three-judge court cases as they appear in the equity dockets and files.

Unit of tabulation.—The unit of tabulation in the civil case study is the proceeding, or cause of action, in the broader sense, without regard to the number of defendants. Under this method it is immaterial how many plaintiffs, defendants, or interveners are joined or dropped.

General.—Except as indicated above, follow the same directions with respect to the use of Form 5 and Form 6 as were given with respect to the criminal forms in Part I, Chapter IV, *supra*.

V

DIRECTIONS FOR TABULATION—SPECIAL—
FORM 5

I. Trial.

The method of selection of the cases has been outlined above. Having found the cases to be studied, the field worker should fill in the data on the top line in the same manner as on Form 7A.

Indicate here the style or title of the case as ^{Style of the case.} noted in the docket. Where there are too many parties to be included in the space provided, merely give the first-named plaintiff and the first-named defendant. In admiralty proceedings in rem where a claimant appears and raises an issue, give the name of such claimant.

It is very important to indicate in columns 9, 10, ^{9, 10, 11.} 11 the exact nature of the case being tabulated. The cause of action should be described fully and exactly, all statutes being cited. The field worker might outline when, where, why, and between whom the cause of action arose. The relief sought may also be shown here.

In column 12 a distinction is drawn between ^{12.} cases originating in the Federal court and cases removed from the State courts. 12 Y is to be encircled only to indicate incompleteness of record. It should be used rarely. Items 12 O and 12 1 cover the entire field, leaving very little use for item 12 2, which is added for doubtful cases.

The petition, bill, declaration, etc., will indicate the basis of jurisdiction, i. e., the grounds upon which suit is brought in the Federal court. An explicit statement of the basis of jurisdiction may be absent, however, in certain cases. In such cases the basis of jurisdiction usually is self-evident. However, where the petition, etc., does not disclose the basis of jurisdiction and it is not self-evident, encircle 13 Y. Items 13 X to 13 1 cover cases originally brought within the United States district court (item 12 O). Items 13 O ^{13.} and 13 1 are self-explanatory. The latter is generally evidenced by an allegation in the petition, etc.; the former is usually self-evident. Item 13 X ("Federal question") includes suits brought under the Constitution, laws, and treaties of the United States. Wherever this item is encircled, indicate under "Type of case" the nature of the question involved. This item

covers a wide range, e. g., from suits brought to test the constitutionality of State or Federal statutes to suits by a railroad for freight charges under a tariff fixed by the Interstate Commerce Commission. It is for this reason that the specification is requested. Where both Federal question and diversity of citizenship are alleged, encircle 13 2. If Federal question is alleged and diversity of citizenship appears but is not alleged, encircle 13 X; vice versa, encircle 13 1. Item 13 4 refers to cases in which there is complete diversity of citizenship between all the plaintiffs on one hand and all the defendants on the other. Where this is not so but the removal is based on the ground that the case presents a separable controversy between some of the plaintiffs and some of the defendants who are citizens of different States, encircle 13 5. Where there is not complete diversity as above stated and the removal is based on a nonresident's claim of local prejudice, encircle 13 6. Where the basis of jurisdiction is a combination of Federal question and diversity of citizenship, encircle 13 7, subject to the same rules that govern 13 2. Item 13 8 is to be used to cover cases which are not here listed.

Certain special situations should be noted. Where suit is brought by or against a receiver appointed by a Federal court, encircle 13 X. Be sure to specify this fact under "*Type of case.*" Where a receiver appointed by the Comptroller of Currency for a national bank is a party, encircle 13 0 and specify under "*Type of case.*" Whenever 13 1, 13 4, 13 5, or 13 6 is encircled, that is, wherever diversity of citizenship is coded as the basis of jurisdiction, if the party, upon whose citizenship jurisdiction depends, is an alien, be sure to specify the alienage marginally.

If no objection to jurisdiction is made, encircle 14 14 Y. Where an objection to jurisdiction is made, no matter what its nature may be, encircle one of the items from 14 0 to 14 2. If the objection is sustained as to certain parties, etc., encircle 14 3 and specify. It should be noted in this connection that wherever items 14 0 to 14 3 are encircled, the method of raising the objection should be shown in the "*Pleadings*" table on the back of Form 5, with a brief description of the modes of objection, the dates thereof, and the date of the ruling thereon.

Two columns are provided for the description^{15, 16} of the residence of the parties in diversity of citizenship cases, one for plaintiffs, and one for defendants. Where diversity of citizenship is not a basis of jurisdiction, encircle 15 X, 16 X. If diversity of citizenship is a basis, but there is no entry as to the residence of the parties, encircle 15 Y and/or 16 Y. Item 0 refers to all residents, including domestic corporations. Item 1 refers to private corporations incorporated in a State other than that in which the district is located, or in a foreign country. Item 2 refers to such private corporations which are also transacting business or are licensed to do business in the State in which the district is located. Item 3 includes all other foreign or alien nonresidents, such as individuals, partnerships and other unincorporated associations. Wherever there are more than one plaintiff and/or defendant, the proper combination should be selected from item 4 to item 6. Item 7 will be found to be of use in describing combinations not listed here.

From the classification in columns 17, 18 the^{17, 18} main termination of the case should be selected; that is, the termination of the case on the merits. In many cases intermediate rulings, orders, dispositions, terminations, hearings, etc., will be found. It is left to the field worker to exercise his discretion in selecting the main termination

of the case on the merits and to encircle the item most closely describing that termination. The fact that the case is discontinued or dismissed, etc., with respect to some defendants (not all) should be disregarded (except as to item 19 2). Indicate the final termination on the merits with respect to the other defendants.

Most of the terminations listed in columns 17, 18, are self-explanatory. The remaining few are described as follows:

YY. This should be encircled only in rare instances, e. g., where item 41 0 or 41 2 has been encircled, indicating that a new trial has been granted but not yet held. This is the only type of pending case (and here YY indicates a pending case) which should be recorded.

05. This termination occurs in cases only where there is no constitutional or statutory right to a jury trial, as, for example, *habeas corpus* proceedings, suits against the United States in contract, and the traditional admiralty suits.

06. Where judgment is given by the court independently of a jury verdict and in the manner other than those listed, encircle 06. This includes such terminations as judgment on the pleadings (e. g., after demurrer) and summary judgment under the various practice acts.

08. Note that this does not include *dismissals* by stipulation, consent, or compromise.

11. Encircle only where decree is given on a jury verdict.

12. If the jury verdict is disregarded, encircle.

13. If there is no entry as to the court's handling of the jury's verdict, but a decree is given, encircle.

30. This category includes dismissals, discontinuances, withdrawals, and nonsuits filed by stipulation or consent of the plaintiff. These may be had after settlement, or indeed, after any other *voluntary* action by the plaintiff or both parties.

31. This includes dismissals and nonsuits contrary to the desires of the plaintiff. An example of this is a dismissal for want of prosecution. Distinguish from this a dismissal of a bill in equity on the merits. In the equity cases if the bill was dismissed on the merits after an open hearing before the court, encircle item 10; if the bill was dismissed on the merits without such a hearing, encircle 18. In either of these two cases the fact of dismissal should be noted marginally.

In column 19 show in whose favor the case was ¹⁹ terminated. If the action was dismissed or discontinued, etc., as to some defendants and judgment or decree given against others, encircle 19 2. Wherever items 30 to 33 in columns 17, 18 are encircled, item 19 0 should be encircled. This is an arbitrary rule and must be consistently followed. In cases where there is a dismissal of the bill in equity on the merits, encircle 19 3. Where relief is given for plaintiff and intervener, encircle 19 5; for defendant and intervener, encircle 19 6. Other combinations may be specified against item 19 7.

In columns 20, 21, 22 indicate as instructed in ^{20, 21, 22} Form 7A (columns 18 to 20) the date of the termination shown in columns 17, 18. Write the full date in the margin.

If items 30 to 33 in columns 17, 18 are not encircled, encircle 23 X. If one of those items ²³ is encircled, select the proper item in column 23, other than 23 X. Item 23 X should be used for cases in equity where the bill is dismissed on the merits.

Indicate in columns 24, 25, 26 the amount ^{24, 25, 26} awarded to the plaintiff where the plaintiff obtains a money judgment. Indicate the exact amount, showing interest and costs separately in the margin. The amount awarded to the plaintiff is to be coded in thousand-dollar intervals as follows: If the plaintiff is awarded a judgment from \$0.01 to \$999.99, code 000; \$1,000 to

\$1,999.99, code 001, etc. If the plaintiff is not given a money judgment, or loses the case, code Y. The amount awarded to the defendant (columns 27, 28, 29), and the amount awarded to the intervenor (columns 30, 31, 32) are to be indicated and coded in the same manner as the amount awarded to the plaintiff. Coding a money judgment for one party does not preclude the possibility of a money judgment for another.

In the space provided in columns 33, 34 write briefly the relief other than money awarded to the plaintiffs in the judgment or decree. The same procedure is to be followed with respect to "*Other relief awarded to defendant*" (columns 35, 36) and to the intervenors (columns 37, 38). No coding is to be done by the field worker; this will be taken care of in the New Haven office.

In columns 39, 40 are listed various intermediate reliefs which may be sought by the parties during the course of litigation. Do not include here the reliefs awarded in judgment. These latter are fully taken care of in columns 33 to 38. Thus, it is desired that the field worker indicate here temporary receiverships, temporary restraining orders and injunctions only when they are sought as an incident to the suit. Where the suit is for a receivership or an injunction and a receivership or injunction is granted, these are not to be indicated here. However, in cases where a permanent injunction is sought and an interlocutory injunction or restraining order is granted pending the final termination of the suit, such restraining orders and interlocutory injunctions should be shown. Two columns are provided here in order to portray fully the cases where the parties seek more than one of the reliefs listed. If none of these reliefs is sought, encircle item Y.

Column 41 lists certain proceedings which may occur between the beginning and end of the case and which in and of themselves may not be final

dispositions. Thus, if a new trial is granted by the judge after a mistrial or disagreement of the jury, encircle 41 X, if the new trial is held; if a new trial is granted by the judge after setting aside a jury verdict, encircle 41 1. The termination on this new trial is to be deemed the final termination on the merits for the purposes of columns 17 to 38. If the new trial is not held, encircle 41 0 or 41 2. Where 41 0 or 41 2 have been encircled, encircle YY in columns 17, 18, and in columns 19 to 38 treat the case as if terminated upon the completion of the first trial. Code the date of the mistrial order or of the disagreement as the date of termination (columns 20 to 22). Where the new trial is granted, after a jury verdict, the date of the new verdict should be shown as the date of termination. For whom the verdict was given may be shown in column 19; the relief awarded in columns 24 to 38. Where the case has been reinstated after a default, dismissal, or discontinuance, encircle 41 3. If a new termination subsequent to reinstatement is reached, that termination should be adopted for columns 17 to 38. If the case is still pending after a reinstatement, it is not to be coded, being considered a pending case. Item 41 4 takes care of the case where there has been such a reinstatement in addition to new trial. The exact combination should be specified in the margin.

In columns 42, 43, 44 code the date process was served on the defendant first served. Show the date in full in the margin. Distinguish this date from the date process was issued or returned to the court by the officer making service. In cases where it is not certain on what date process was served, select the date which most properly indicates the beginning of the case so far as the defendant is concerned. This rule would eliminate such a date as the date upon which the petition, complaint, etc., was drawn by the

plaintiff's attorney. In many cases it will be found necessary to take the date upon which the first pleading of the plaintiff was filed in the clerk's office. In removal cases use the date upon which the transcript was filed. In every case where a date other than the date process was served is used, indicate in the margin what the date represents.

45, 46, 47, 48.

For the purpose of the intervals in columns 45 to 48 the date upon which issue is joined is normally the date of the last pleading on the merits before trial. However, it is not necessary that there be a trial in order that there be a joinder of issue on the merits. The best rule to follow is to select the last pleading on the merits (this may be the answer, reply or replication, rejoinder, etc.), note its contents and if issue is joined therein, select that as the date. In those cases where there are no pleadings on the merits to the petition, complaint, etc., there will be no joinder of issue and columns 45 to 48 should be coded Y. Indicate in the "*Pleadings*" table by which pleading issue was joined, writing parenthetically beside that pleading "*Issue joined.*"

49, 50.

In columns 49 and 50 code in monthly intervals the period between the date process was served (columns 42, 43, 44) and the date of termination (columns 20, 21, 22). The month interval should be computed in thirty-day units as follows: Less than thirty days, 00; thirty days to fifty-nine days, 01, etc. Years should be considered twelve months. Periods of less than one month are to be disregarded except where the total interval is less than thirty days, in which event such intervals are to be coded 00, as indicated above.

Use the left-hand columns (51, 53) for appeals to the circuit court of appeals, the right-hand columns (52, 54) for appeals to the Supreme Court. Wherever 53 7 and/or 54 7 are encircled, fill out a Form 5 card for the proceedings on the

new trial. This is in accord with the rule to treat the case as terminated for the purpose of this study when a final termination has been reached in the trial court. As much information as possible should be shown on the new Form 5 card. It should be plainly marked to indicate that it is a *new trial* schedule and the second form should be attached to the first. Where there is an appeal to the circuit court of appeals, the grounds therefor should be briefly but fully described; if there is a reversal, the grounds for the reversal likewise should be stated. The same procedure should be followed with respect to appeals to the Supreme Court. Space is provided for indicating the date of disposition by the circuit court of appeals and by the Supreme Court.

PLEADINGS

The "*Pleadings*" table is designed to portray in a shorthand fashion the major proceedings in the district court. With respect to removed cases no proceedings in the State courts before removal to the Federal courts should be indicated. In handling the removed cases the transcript is to be considered the complaint. The top table in the "*Pleadings*" table is to be used to indicate briefly pleadings on the merits which usually appear; thus complaint (includes complaint, petition, declaration, bill, transcript, etc.), answer (responsive pleading on the merits), counterclaim, reply and rejoinder are listed. Show the presence of these pleadings by listing a number on the line when they appear. Thus if the pleadings in the case are complaint—answer and counterclaim—reply, they will be represented as follows:

1 Complaint. 2 Answer. 2 Counterclaim.
3 Reply.

Note that the same number is used for answer and counterclaim because they are part of the same pleading. Where more than one of each of these

II. Appeal. 53
51, 52, 53, 54.

types of pleading appear, indicate it by using numbers as follows:

1 Complaint. 2 and 3 Answer. 4 Reply.

Thus any number of issue pleadings may be shown. These pleadings should all be listed in the chronological order of their appearance.

Wherever the presence of pleadings on the merits is indicated by number, write the date of the filing of each of the pleadings immediately above the number as follows:

29-1-11

29-2-4

29-2-4

1 Complaint, etc. 2 Answer. 2 Counterclaim.

29-3-24

3 Reply.

If the pleadings indicated in this table contain matter not on the merits, indicate the contents of the pleadings in the box below. In such instances the pleading should be described in the lower box so as to set forth its contents. It may be done by running an arrow to the proper number in the upper table. This box is to be used also to list pleadings in cases containing a more complicated pleading set-up than illustrated in the upper table. Formal papers which have nothing to do with pleadings are to be omitted. Among these papers are those dealing with the præcipe, issuance and return to court of process, issuance of subpoenas, appearance and substitution of attorneys, depositions, formal notices and continuances of hearings, executions and other enforcement process (except in "padlock" cases), and other formal steps in perfecting appeals.

In omitting this immaterial matter much will have to be left to the judgment of the field worker. In any case, if any of the matters, the omission of which is directed, were contested, it is important to include them. However, in the ordinary cases these and many other similar matters of a formal nature may be omitted.

Special cases.—In receivership cases do not include any pleadings subsequent to the order ap-

pointing a receiver. In "padlock" cases show contempt and other enforcement proceedings.

The method of handling the lower table is as follows: Indicate by whom the pleading was filed (*P* for plaintiff; *D* for defendant; *I* for intervener); the date the pleading, etc., was filed; the nature of the pleading and a brief description of its contents; the ruling of the court on the pleading, etc. (*S* for sustained or allowed; *OR* for overruled; *Y* for no entry; if the ruling is partial, indicate). The date of the ruling of the court is to be shown in the last box.

A supply of 5×8 blank cards will be furnished to the field workers to be used wherever more space is needed, e. g., to indicate such information as type of case and pleadings. These cards are to be used only where absolutely necessary and should be clipped to the back of Form 5 when used.

VI

DIRECTIONS FOR TABULATION—SPECIAL— FORM 6

General.—As noted above, Form 6 has been ^{I. General.} prepared for a special study of those cases in which the statutory three-judge court is invoked under section 266 of the Judicial Code (United States Code, Title 28, section 380). This form is to be filled out for the three-judge type of case in addition to the report on Form 5. Clip the two forms together in submitting them to the central office. The method of handling Form 6 is the same as that for handling Form 5 except for the changes in the type of material. These are described below in full. Where the content of this form is the same as the content of Form 5, no explanation or directions will be given.

Special data.—In column 11 are listed the various matters which are properly subject under section 266 for jurisdiction of a three-judge court. Select the correct classification and encircle.

12. Column 12 is to be treated in the same way as column 14 on Form 5. Note that the grounds of the objection are to be shown in the space provided under column 13 on Form 6, rather than in the "Pleading" table as in Form 5.

13. On the lines provided in columns 14, 15, 16, respectively, indicate the nature of the parties plaintiff, defendant, and intervener. Some of the classifications which should appear here are as follows: railroad company, electric-light company, pipe-line company, public-utilities commission (show state), railroad commission (show state), Interstate Commerce Commission, etc. Where individuals are involved rather than boards, commissions, or corporations indicate their official or legal capacity or the business in which they are engaged.

11. Temporary restraining orders.
17.

18, 19, 20.

In column 17 there are listed five possibilities with respect to temporary restraining orders. Please note that this section does not refer to interlocutory or temporary injunctions. Encircle the item best describing the restraining orders in the particular case being tabulated. Where items 17 O or 17 S are encircled, show the number of days during which the restraining order was in effect, in columns 18, 19, 20. In the space provided, indicate the time originally set by the court for the duration of the restraining order and the extension of such time, if any. The date of the application for the restraining order and the date of the ruling thereon should be shown in the space provided. Where the date the order or statute was to take effect is called for, the date referred to is the date upon which the state statute or order of the state or Federal board or commission, which is being objected to in the suit, was to take effect.

21, 22, 23.

In columns 21, 22, 23 code the date of the commencement of the suit in the same manner as instructed in columns 18 to 20 of Form 7A.

Show in days in columns 24, 25, 26 the interval^{24, 25, 26.} between the date of the commencement of the suit and the date the order or statute objected to was to take effect; in columns 30, 31, 32 the^{30, 31, 32.} interval between the date of the ruling on the application for the restraining order and the date the contested order or suit was to take effect. Where the suit is commenced or the ruling on the application for the restraining order is made after the statute or order took effect, code these intervals Y and specify the intervals marginally.

Columns 33 to 63 are devoted to injunctions. ^{III. Injunctions: Rulings. 33-63.} Distinguish the injunctions from the restraining orders dealt with above. In column 33 indicate^{33.} whether the interlocutory injunction was granted or denied. In column 34 indicate whether the^{34.} permanent injunction was sought or not sought; if sought, the ruling thereon. In column 35 show^{35.} briefly but fully the differences, if any, between the scope of the permanent injunction and that of the interlocutory injunction. It is not sufficient to indicate that one was more or less comprehensive than the other; the actual difference in terms should be listed. The dates of the rulings of the court on the application for the interlocutory and/or permanent injunctions are to be shown. In columns 36, 37 indicate in^{36, 37.} months the actual duration of the interlocutory injunction. This interval and all intervals in months are to be coded in the same manner as is prescribed for columns 49, 50 of Form 5, in Chapter 5 of Part II. The intervals called for in columns 38 to 41 are to be coded in the same^{38-41.} manner. Where an interlocutory injunction is granted and no bond is required, encircle 42 O.^{42.} Where a bond is required, 42 I should be encircled if it is filed; 42 2 if it is not filed. Under this heading specify the nature of the terms of the bond. In column 43, in those cases where an^{43.} interlocutory injunction is granted, if conditions

are imposed upon the granting of such an injunction, these conditions should be specified. If no other conditions are set down, this should be stated.

44-57. Columns 44 to 57 deal with hearings with respect to interlocutory and permanent injunctions. Where such injunctions are not sought or where no hearings are held, code Y. The field workers' attention is directed to item 45 3, which is to be encircled when the hearing on the interlocutory injunction is treated as a hearing on the permanent injunction and no separate or additional hearing is held for the latter.

52, 53. Columns 52, 53 are set up to indicate whether or not hearings were held before the court on a master's report in those cases where reference to a master was had. Columns 54 to 57 deal with the number of days consumed by the hearings in the court on these reports.

58. In column 58 the action of the court on the master's report is to be indicated with respect to the interlocutory injunction. Column 59 is to be handled in the same manner with respect to permanent injunctions. The rest of this section on injunctions calls for the dates of the various occurrences and the intervals. The latter are to be coded in days.

Please note that wherever the term "master" is used in this section it is defined as including masters in chancery, referees, and committees of reference, or any other body to whom questions about injunctions are referred.

IV. Appeal.
64, 68. Columns 64 and 68 dealing with appeals on interlocutory injunctions are to be handled in the same manner as columns 51 and 53 of Form 5; columns 65 and 69, dealing with permanent injunctions, in the same manner as columns 52 and 54 of Form 5. Columns 66 and 67 are set up to show the data on restraining orders pending appeal from the order granting or denying interlocutory or permanent injunctions. In the

space provided, specify the grounds for dismissal or reversal, or the nature of the modification of the three-judge court ruling, if any. In columns 70 to 73, code in months the interval from the commencement of the suit to the disposition of the various appeals. In column 74 specify the proceeding subsequent to disposition by the Supreme Court of the appeal as to the granting or denying of the permanent injunction. In columns 75, 76, code the interval between the commencement of the suit and the final order terminating the suit.

Column 77 refers to the provision in section 266 of the Judicial Code that, if, before final hearing in a three-judge case involving the constitutionality of a state statute or order, a suit to enforce the statute or order is brought in a state court under certain conditions, then all proceedings in the Federal courts are to be stayed pending termination of the state court action. Encircle 77 1 when the suit scheduled is stayed; 77 2 when the stay is denied; 77 0 when such stay is applied for, but no entry appears as to the ruling; 77 Y when such stay is not requested or no entry appears with reference thereto.

PART III

SUMMARY

The instructions hereinbefore set forth must be followed with precision. The statistical system adopted allows for no variations.

It is important that all schedules and forms submitted by the field workers be as complete as possible in view of the records available. All records possible must be consulted. The field worker should report any difficulties in obtaining information. Incomplete reports obtained from the clerk's dockets and files should be held for reference to other available sources (such as the district attorney's and commissioner's records in the criminal cases).

It will be necessary for the field workers in some of the districts to transfer to various cities where records are kept. Since the general outline of the terminated case study has been described rather definitely, the field workers should be able to map out their own itineraries. This should be done and the proposed plans should be submitted to the district supervisors and to the New Haven office immediately. Wherever requested, advice will be given on this matter. In every case the field worker should report his location at all times both to the district supervisor and to the New Haven office.

It is important that all questions or problems arising in connection with the study be presented to the district supervisors and the New Haven office as soon as they arise.

APPENDIX

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Form 7A (front).
Form 7A (reverse).
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Hollerith Punch Card.
Pending Case Record.
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Form 8 (reverse).
Form 5 (front).
Form 5 (reverse).
Form 6 (front).
Form 6 (reverse).

Serial No. 079-397 (1-6) TERM OF COURT MAY 1930 YEAR OF TERMINATION '30 OFFICE NY DISTRICT SDNY (7,8)

"A"

ANALYSIS OF CRIMINAL CASE RECORDS IN THE UNITED STATES DISTRICT COURTS: FORM 7A-9-30

A. DISTRICT COURT

PARTIES

Name: Accused LANG, AUGUST
His attorney PETERS, W.M.
District Attorney WATTS/T
Judge COXE
Res. Accused 239 MATHEWS EX
Accused's attorney 50 CENTRE ST.

SEX, etc.

Male: adult 9 0
Female: adult 9 1
Male: minor 9 2
Female: minor 9 3
Male: age not stated 9 4
Female: age not stated 9 5
Public official: male 9 6
Public official: female 9 7
Company or corporation 9 8
Other specify 9 9

OFFENSE: DATE 30-5-1 PLACE 239 Mathews Ex

OTHER DEFENDANTS

10, 11. 02

State number of other defendants disposed of 2

List names of those not disposed of _____

OFFENSE CHARGED IN INDICTMENT OR INFORMATION 13, 14, 15

Describe each count; cite statute.

VIO. N.P.A. TIT. II. §3
I. POSS. I.L.
II MAINTAINING COMMON
NUISANCE

NUMBER OF COUNTS

16, 17. 02

DATE INDICTMENT OR INFORMATION FILED

30-5-29 Year 18, 1930
Code month as indicated Month 20 5
January 1 May 5 September 9
February 2 June 6 October 0
March 3 July 7 November X
April 4 August 8 December Y

DATE OF ARRAIGNMENT IN DISTRICT COURT 30-6-23

ACCUSED'S PLEAS

	First	Last
No entry	21 Y	22 Y
No pleading: not guilty entered	21 0	22 0
Nolo contendere	21 1	22 1
Guilty as charged	21 2	22 2
Guilty to part	21 3	22 3
Not guilty	21 4	22 4
Other specify	21 5	22 5

DATE OF LAST PLEA 30-6-30

ACCUSED'S PLEADINGS

	I	II	III
No entry	23 Y	24 Y	25 Y
Other conviction, acquittal, pardon	23 X	24 X	25 X
Motion to quash indictment or information	23 0	24 0	25 0
Motion to quash evidence or warrant	23 1	24 1	25 1
Demurrer	23 2	24 2	25 2
Plea in abatement	23 3	24 3	25 3
Motion to elect	23 4	24 4	25 4
Motion to dismiss	23 5	24 5	25 5
Motion for bill of particulars	23 6	24 6	25 6
Motion in arrest of judgment	23 7	24 7	25 7
Motion for new trial	23 8	24 8	25 8
Other specify	23 9	24 9	25 9

RULINGS ON ACCUSED'S PLEADINGS

	I	II	III
No entry	26 Y	26 2	26 6
For United States	26 X	26 3	26 7
For accused	26 0	26 4	26 8
Other specify	26 1	26 5	26 9

TOTAL PLEADINGS OF ACCUSED Number 27 1

List those not above designated _____

TOTAL PLEADINGS OF U. S. Number 28 0

List _____

DATE OF PLEADINGS: FIRST 30-4-24 LAST Y

DATE TRIAL BEGAN Y ENDED Y

NEW TRIAL: Describe Y

CONTINUANCES IN DISTRICT COURT

Total number 1 Days 29, 30 07
Number for accused 1
Number for U. S. 0
Number during trial 0 Days Y

GRAND JURY OR PROSECUTING ATTORNEY

No entry 12 Y
No true bill by Grand Jury 12 0
Indictment 12 1
Information 12 2
Information refused 12 3
Presentation to Grand Jury refused 12 4
Other specify 12 5

GRAND JURY DOCKET NO. Y

DISTRICT ATTORNEY DOCKET NO. 84261

TIME SPENT IN JAIL AWAITING TRIAL

(No bond) Days 31, 32 01
Deducted from sentence 31X

DATE DISPOSITION DISTRICT COURT

30-6-30 Year 33, 34 30
(Indicate month as in col. 20) Month 35 6

DISPOSITION IN DISTRICT COURT

36, 37 11

- yy. No entry
00. Discharged on plea in bar
01. Discharged on pleadings
02. Discharged after jury trial
03. Discharged after court trial
04. Discharged: directed verdict
05. Information or indictment dismissed
06. Nolle prosequi
07. Nolle account other indictment or information
08. Convicted as charged: guilty plea
09. Convicted as charged: jury
10. Convicted as charged: court
11. Convicted part: guilty plea
12. Convicted part: jury
13. Convicted part: court
14. Convicted after consolidation of indictments
15. Mistrial
16. Removal to another District Court
17. Pending: never apprehended
18. Pending: bond forfeited, at large
19. Pending: sick or insane
20. Pending: witnesses unavailable
21. Pending: awaiting outcome state trial
22. Pending: awaiting further investigation
23. Pending: confined elsewhere
24. Pending: awaiting removal to another district
25. Pending: continued, United States
26. Pending: continued, defendant
27. Other specify _____

OFFENSE OF WHICH CONVICTED 38, 39, 40

(List each count; cite statute)

(I. Nolled)II. Maintaining nuisance

SENTENCE

No entry 41 Y
Fine and probation 41 X
Fine without costs 41 0
Fine and costs 41 1
Fine and imprisonment 41 2
Fine and suspended sentence 41 3
Imprisonment 41 4
Suspended sentence 41 5
Suspended sentence and probation 41 6
Probation 41 7
Death 41 8
Other specify 41 9

PROBATION

No entry 42 Y
Local probation officer 42 0
State probation officer 42 1
Federal probation officer 42 2
Private individual 42 3
Other specify 42 4

PLACE OF COMMITMENT

No entry 43 Y
State prison specify 43 X
Local jail specify N.Y. Co. 43 0
Fort Leavenworth 43 1
Atlanta 43 2
McNeil's Island 43 3
Federal Industrial Institution for Women 43 4
U. S. Industrial Reformatory 43 5
National Training School for Boys 43 6
State reformatory specify 43 7
Insane asylum specify 43 8
Other specify 43 9

AMOUNT OF FINE Intervals of \$25. 44, 45, 46 002TERM OF SENTENCE 6 mos Months 47, 48, 49 006

Describe if concurrent _____

COSTS. Intervals of \$10. 50

CHANGES IN DISPOSITION

No entry 51 Y
Fine remitted 51 0
Suspension revoked 51 1
Jail sentence commuted to fine 51 2
Jail sentence commuted on payment of costs 51 3
Released from jail: sickness 51 4
Committed to jail for failure to pay fine 51 5
Same: released: fine paid 51 6
Same: released: poor convict 51 7
Stay pending appeal 51 8
Other specify 51 9

DATE OF CHANGE IN DISPOSITION 30-8-11DATE OF PAYMENT OF FINE 30-6-30DATE OF MITTIMUS 30-8-11 RETURNED 30-8-14

* * *

APPEAL OR CERTIORARI

No entry 52 Y
C. C. A.: no entry on disposition 52 0
C. C. A.: no error 52 1
C. C. A.: error 52 2
C. C. A.: error: new trial ordered 52 3
Sup. Ct.: no entry on disposition 52 4
Sup. Ct.: no error 52 5
Sup. Ct.: error 52 6
Sup. Ct.: error: new trial ordered 52 7
Other specify 52 8

* * *

INTERVAL DISPOSITION GRAND JURY OR PROSECUTING ATTORNEY TO DISPOSITION DISTRICT COURT

Days 53, 54, 55 032

(Code 999 if over 999 days)

INTERVAL BEGINNING TO END OF TRIAL

Days 56, 57 Y

* * *

Only Commissioner's Transcript in file 58 0
Only bond data in file 58 1
Both in file 58 2
Neither in file 58 3

* * *

NO DATA CODED ON FORM B 59X

* * *

Tabulated by JLSDate 31-1-14Checked by CVS

Punched by _____

Verified by _____

REMARKS:

Defendant committed to Federal
Detention Headquarters for
Six Months on Revocation
of Suspension.

[31, 32.01: overnight detention: 30-5-10]

SERIAL NO. 079-397 YEAR OF TERMINATION 30 OFFICE N.Y. DISTRICT S.O.N.Y.

ANALYSIS OF CRIMINAL CASE RECORDS IN THE UNITED STATES DISTRICT COURTS

A B. PRELIMINARY HEARING

Form 7B-9-30

NAME OF ACCUSED LANG, AUGUST

NAME OF COMMISSIONER O'Neil

WARRANT ISSUED ON AFFIDAVIT OF

Search Arrest

No entry	59 Y	60 Y
Private individual	59 0	60 0
State police officer	59 1	60 1
Local police officer	59 2	60 2
Federal Bureau of Investigation	59 3	60 3
Other Federal Bureau specify	59 4	60 4
Other specify	59 5	60 5

WARRANT ISSUED BY

Search Arrest

No entry	61 Y	62 Y
United States judge	61 0	62 0
United States commissioner	61 1	62 1
State court judge	61 2	62 2
Other specify	61 3	62 3

SERVICE AND ARREST

Search Arrest

No entry	63 Y	64 Y
Warrant: U. S. marshal	63 0	64 0
Warrant: state police	63 1	64 1
Warrant: local police	63 2	64 2
Warrant: other specify <u>F.P.A.</u>	63 3	64 3
No warrant: U. S. Marshal	63 4	64 4
No warrant: state police	63 5	64 5
No warrant: local police	63 6	64 6
No warrant: private individual	63 7	64 7
No warrant: other specify <u>F.P.A.</u>	63 8	64 8
Voluntary appearance: no arrest	64 9	
Formal arrest waived	64 X	

DATE OF ARREST OR FIRST APPEARANCE BEFORE COMMISSIONER 30-5-10

OFFENSE CHARGED ON ARREST OR BEFORE COMMISSIONER 65, 66, 67—

Describe Vio. N.P.A. : Poss.
and nuisance

COMMISSIONER'S DOCKET NO. I-3-432

PLEA BEFORE COMMISSIONER

No entry	68 Y
Not guilty	68 0
Examination waived	68 1
Not guilty: examination waived	68 2
Guilty	68 3
Other specify	68 4

CONTINUANCES BEFORE COMMISSIONER

Interval in days
No. for accused Y for U. S. Y Total 2 69, 70 11

DISPOSITION BEFORE COMMISSIONER

No entry	71 Y
Released: no probable cause	71 0
Bonded to appear in District Court	71 1
Committed to jail pending trial	71 2
Bonded to appear before Grand Jury	71 3
Committed to jail for Grand Jury	71 4
Other specify	71 5

DATE OF DISPOSITION BEFORE COMMISSIONER

30-5-21

INTERVAL BETWEEN DATE OF OFFENCE AND DATE OF ARREST OR FIRST APPEARANCE BEFORE COMMISSIONER
Months 72, 73 00

INTERVAL ARREST OR FIRST APPEARANCE BEFORE COMMISSIONER TO DISPOSITION COMMISSIONER
Days 74, 75 11

INTERVAL DISPOSITION COMMISSIONER TO DISPOSITION GRAND JURY OR PROSECUTING ATTORNEY
Days 76, 77 08

INTERVAL ARREST OR FIRST APPEARANCE BEFORE COMMISSIONER TO DISPOSITION DISTRICT COURT
Days 78, 79, 80 051

Tabulated by JLS

Checked by CUS

HOLLERITH PUNCH CARD

[illegible]

Pending case record

D. KANSAS TOPEKA

DECEMBER 10, 1930.

Serial No.	Defendant's name	Number of other defendants whose cases have been disposed of	Number of other defendants undisposed of	Offense (very briefly)	Term of court at which case was entered
005203.....	Cordwell, A.....	0	0	\$211 Penal Code...	Oct., 1927
005213.....	Carro, J.....	0	0	N. P. A.....	Oct., 1927
005232.....	Penny, P.....	0	0	Dyer Act.....	Dec., 1927
005231.....	Browning, A.....	1	0	do.....	April, 1927
005237.....	Holliman, O.....	0	1	\$211 Penal Code...	April, 1928
005270.....	Lister, C. A.....	2	1	\$37 Penal Code....	April, 1928

Record of omitted prohibition cases

31-3-12 SAN FRAN. N. D. CALIF.

Docket No.	Number of defendants		Docket No.	Number of defendants	
	Terminated	Pending		Terminated	Pending
018968.....	3	0	018913.....	1	0
018967.....	1	0	018912.....	1	0
018966.....	2	0	018911.....	1	0
018965.....	2	0	018907.....	1	0
018961.....	2	0	018906.....	2	0
018948.....	1	0	018905.....	6	0
018947.....	1	0	018904.....	1	0

Serial No. 008472 (1-6) TERM OF COURT Jan. 1927 YEAR OF TERMINATION 28 OFFICE Denver DISTRICT Colorado (7, 8)

ANALYSIS OF CRIMINAL CASE RECORDS IN THE UNITED STATES DISTRICT COURTS: JUVENILE OFFENDERS

Form 8 11-30

A. DISTRICT COURT

PARTIES

Name: Accused DODGE, WM.
His attorney ROLLS, PH.
District Attorney RANDALL
Judge AUSTIN
Res. Accused DEARBORN, MICH.
Accused's attorney DENVER, COLO.

SEX

Male 9 0
Female 9 1

AGE

Describe exactly 10, 11 19

HISTORY OF ACCUSED

No entry 12 Y
No prior arrest or offense 12 X
One prior arrest, no conviction 12 0
More than one prior arrest, no conviction 12 1
One prior conviction, no detention 12 2
One prior conviction, detention 12 3
Two prior convictions, no detention 12 4
Two prior convictions, detention 12 5
Three prior convictions, no detention 12 6
Three prior convictions, detention 12 7
More than three prior convictions, detention 12 8
Other specify 12 9

Specify (where shown) each prior arrest, the offense for which arrested, conviction, fine and/or detention, and probation.

26-4-8: Arrested in
Dearborn for taking
car without owner's
permission; nolle.

ATTORNEY FOR ACCUSED

No entry 13 Y
No attorney 13 X
Employed 13 0
Assigned by court 13 1
Guardian ad litem 13 2
Other specify 13 3

VALUE OF PROPERTY (Offenses against Prop.)

No entry 14 Y
\$0 to \$10 14 X
\$11 to \$25 14 0
\$26 to \$50 14 1
\$51 to \$100 14 2
\$101 to \$250 14 3
\$251 to \$500 14 4
\$501 to \$1000 14 5
\$1001 to \$2500 14 6
\$2501 to \$5000 14 7
\$5001 to \$10,000 14 8
Over \$10,000 specify 14 9

GRAND JURY OR PROSECUTING ATTORNEY

No entry 15 Y
No true bill by Grand Jury 15 0
Indictment 15 1
Information 15 2
Information refused 15 3
Presentation to Grand Jury refused 15 4
Other specify 15 5

GRAND JURY DOCKET NO. 843

DISTRICT ATTORNEY DOCKET NO. 6271

OFFENSE CHARGED IN INDICTMENT OR INFORMATION 16, 17, 18

Describe each count; cite statute.

Vio. Nat. Motor Vehicle
Theft (Oyer) Act

I. Transporting stolen
automobile from
Detroit, Mich. to
Denver, Colo. (27-3-1)

NUMBER OF COUNTS 19, 20 01

DATE INDICTMENT OR INFORMATION FILED

27-3-10 Year 21, 22 27
Code month as indicated Month 23-3
January -1 May -5 September -9
February -2 June -6 October -0
March -3 July -7 November -X
April -4 August -8 December -Y

ACCUSED'S PLEAS

	First	Last
No entry	24 Y	<u>25 Y</u>
No pleading; not guilty entered	24 0	25 0
Nolo contendere	24 1	25 1
Guilty as charged	<u>24 2</u>	25 2
Guilty to part	24 3	25 3
No guilty	24 4	25 4
Other specify	24 5	25 5

TIME SPENT IN JAIL AWAITING TRIAL
(No bond) 325 Days 26, 27 99
Deducted from sentence 26X

DATE DISPOSITION DISTRICT COURT
28-1-20 Year 28, 29 28
(Indicate months as in col. 23) Month 30 1

DISPOSITION IN DISTRICT COURT 31, 32 08

yy. No entry
00. Discharged on plea in bar
01. Discharged on pleadings
02. Discharged after jury trial
03. Discharged after court trial
04. Discharged: directed verdict
05. Information or indictment dismissed
06. Nolle prosequi
07. Nolle account other indictment or information
08. Convicted as charged: guilty plea
09. Convicted as charged: jury
10. Convicted as charged: court
11. Convicted part: guilty plea
12. Convicted part: jury
13. Convicted part: court
14. Convicted after consolidation of indictments
15. Mistrial
16. Removal to another District Court
17. Pending: never apprehended
18. Pending: bond forfeited, at large
19. Pending: sick or insane
20. Pending: witnesses unavailable
21. Pending: awaiting outcome state trial
22. Pending: awaiting further investigation
23. Pending: confined elsewhere
24. Pending: awaiting removal to another district
25. Pending: continued, United States
26. Pending: continued, defendant
27. Other specify

OFFENSE OF WHICH CONVICTED 33, 34, 35
(List each count; cite statute)

Same as charged

SENTENCE

No entry 36 Y
 Fine and probation 36 X
 Fine without costs 36 0
 Fine and costs 36 1
 Fine and imprisonment 36 2
 Fine and suspended sentence 36 3
 Imprisonment 36 4
 Suspended sentence 36 5
 Suspended sentence and probation 36 6
 Probation 36 7
 Death 36 8
 Other specify 36 9

PROBATION

No entry 37 Y
 Local probation officer, specify 37 0
 State probation officer, specify 37 1
 Federal probation officer, specify 37 2
 Private individual, specify 37 3
 Other specify 37 4

PLACE OF COMMITMENT

38, 39 07

yy. No entry
 00. State prison specify
 01. Local (city, county, etc.) jail
 specify
 02. Fort Leavenworth
 03. Atlanta
 04. McNeil's Island
 05. Federal Industrial Institution for Women
 06. United States Industrial Reformatory
 07. National Training School for Boys
 08. Saint Anthony's; Idaho
 09. Golden, Colo.
 10. Chillicothe
 11. State reformatory or industrial school
 specify
 12. Insane asylum specify
 13. Other specify

AMOUNT OF FINE Intervals of \$25. 40, 41, 42 Y

TERM OF SENTENCE OR PROBATION

1 year and 1 day Months 43, 44, 45 012

Describe if concurrent

DATE OF PAYMENT OF FINE Y

DATE OF MITTIMUS 28-1-20 RETURNED 28-1-22

CHANGES IN DISPOSITION

No entry 46 Y
 Fine remitted 46 0
 Suspension revoked 46 1
 Jail sentence commuted to fine 46 2
 Jail sentence commuted on payment of costs 46 3
 Released from jail: sickness 46 4
 Committed to jail for failure to pay fine 46 5
 Same: released: fine paid 46 6
 Same: released: poor convict 46 7
 Stay pending appeal 46 8
 Other specify 46 9

DATE OF CHANGE IN DISPOSITION 28-1-31

INTERVAL DISPOSITION GRAND JURY OR PROSECUTING ATTORNEY TO DISPOSITION DISTRICT COURT

Days 47, 48, 49 316

(Code 999 if over 999 days)

Commissioner's Transcript in file 50 0
 Commissioner's Transcript not in file 50 1

NO DATA CODED IN COLUMNS 51-66. 51 X

* * *

WARRANT ISSUED ON AFFIDAVIT OF

	Search	Arrest
No entry	51 Y	52 Y
Private individual	51 0	52 0
State police officer	51 1	52 1
Local police officer	51 2	52 2
Federal Bureau of Investigation	51 3	52 3
Other Federal Bureau specify	51 4	52 4
Other specify	51 5	52 5

WARRANT ISSUED BY

	Search	Arrest
No entry	53 Y	54 Y
United States judge	53 0	54 0
United States commissioner	53 1	54 1
State court judge	53 2	54 2
Other specify	53 3	54 3

SERVICE AND ARREST

	Search	Arrest
No entry	55 Y	56 Y
Warrant: U. S. marshal	55 0	56 0
Warrant: state police	55 1	56 1
Warrant: local police	55 2	56 2
Warrant: other specify	55 3	56 3
No warrant: U. S. marshal	55 4	56 4
No warrant: state police	55 5	56 5
No warrant: local police	55 6	56 6
No warrant: private individual	55 7	56 7
No warrant: other specify	55 8	56 8
Voluntary appearance: no arrest		56 9
Formal arrest waived		56 X

DATE OF ARREST OR FIRST APPEARANCE
 BEFORE COMMISSIONER 27-3-1

NAME OF COMMISSIONER Hardt

COMMISSIONER'S DOCKET NO. 4-123

OFFENSE CHARGED ON ARREST OR BEFORE
 COMMISSIONER 57, 58, 59

Describe

Vio. Dyer Act

PLEA BEFORE COMMISSIONER

No entry 60 Y
 Not guilty 60 0
 Examination waived 60 1
 Not guilty: examination waived 60 2
 Guilty 60 3
 Other specify 60 4

DISPOSITION BEFORE COMMISSIONER

No entry 61 Y
 Released: no probable cause 61 0
 Bonded to appear in District Court 61 1
 Committed to jail pending trial 61 2
 Bonded to appear before Grand Jury 61 3
 Committed to jail for Grand Jury 61 4
 Other specify 61 5

DATE OF DISPOSITION BEFORE
 COMMISSIONER 27-3-1

INTERVAL BETWEEN DATE OF OFFENSE
 AND DATE OF ARREST OR FIRST APPEAR-
 ANCE BEFORE COMMISSIONER

Months 62, 63 00

INTERVAL ARREST OR FIRST APPEARANCE
 BEFORE COMMISSIONER TO DISPOSITION
 DISTRICT COURT Days 64, 65, 66 32

Tabulated by SWB

Date 30-12-8

Checked by CUS

Punched by

Verified by

REMARKS:

I

TRIAL

STYLE OF THE CASE (the named parties) _____

Harold Kamble

vs.

Michigan Central R.R.

TYPE OF CASE _____ 9, 10, 11 _____

Describe fully LAW: TORT: NEG.

Plaintiff sues to recover
for personal injuries
sustained while passenger
in car struck at grade
crossing near Toledo, Ohio
on June 7, 1929. No
warning signs. Seeks
\$25,000.

ORIGIN OF CASE

No entry 12 Y
Original proceeding 12 0
Removed from State Court 12 1
Other specify 12 2

BASIS OF JURISDICTION

No entry 13 Y
Federal question 13 X
United States, federal official, board, com-
mission or corporation a party 13 0
Diversity of citizenship 13 1
Combination of X and 1 13 2
Removal cases: federal question 13 3
Same: diversity of citizenship 13 4
Same: diversity of citizenship: separable
controversy 13 5
Same: diversity of citizenship: local
prejudice 13 6
Combination of 3 and 4 to 6 13 7
Other specify 13 8

OBJECTIONS TO JURISDICTION

No objection made 14 Y
Made: no entry as to ruling 14 0
Made: objection overruled 14 1
Made: objection sustained 14 2
Other specify 14 3

RESIDENCE OF PARTIES: DIVERSITY OF

CITIZENSHIP CASES ONLY	Pl.	Def.
No entry on residence	15 Y	16 Y
Diversity of citizenship not involved	15 X	16 X
In State in which District is located	<u>15 0</u>	16 0
Outside State: private corporation (foreign or alien)	15 1	16 1
Same: doing business in State	15 2	<u>16 2</u>
Outside State: other foreign or alien party	15 3	16 3
Combination of 0 and 1 or 3	15 4	16 4
Combination of 0 and 2	15 5	16 5
Combination of 0 and 2 and 1 or 3	15 6	16 6
Other specify	15 7	16 7

TERMINATION

YY. No entry 17, 18 08
LAW AND ADMIRALTY
00. Judgment on jury verdict
01. Judgment after directed verdict
02. Judgment notwithstanding verdict
03. Judgment by court: jury waived formally
04. Judgment by court: other waiver
05. Judgment by court: non jury case
06. Judgment by court: other
07. Judgment by default
08. Judgment by stipulation, consent, confession
or compromise

EQUITY

10. Decree: after trial to the court
11. Decree after jury trial: verdict accepted
12. Same: verdict disregarded
13. Same: no entry as to court's handling of
verdict
14. Decree after reference: report confirmed
15. Same: report rejected
16. Same: report rejected in part
17. Same: no entry as to report
18. Decree: other
19. Default decree (final decree pro confesso)
20. Decree by consent, stipulation or compromise

ALL CASES

30. Voluntary dismissal, discontinuance, with-
drawal or nonsuit
31. Involuntary dismissal or nonsuit
32. Dismissed: no jurisdiction
33. Remanded to State Court
40. Other specify

TERMINATED FOR

No entry 19 Y
Neither party 19 0
Plaintiff 19 1
Plaintiff: against some defendants 19 2
Defendant 19 3
Intervener 19 4
Combination of 1 and/or 2 and 4 19 5
Combination of 3 and 4 19 6
Other specify 19 7

DATE OF TERMINATION -30 Year 20, 21 30
Code month as instructed Month 22 X

DISMISSALS, DISCONTINUANCES, WITH-
DRAWALS, NONSUITS AND REMANDS:
TIME

No entry as to time 23 Y
No dismissal, etc. 23 X
Before trial 23 0
During or after trial to court 23 1
During or after trial to jury 23 2
During or after hearings by referee, or
master 23 3
Other specify 23 4

AMOUNT AWARDED TO PLAINTIFF

Intervals of \$1000. 24, 25, 26 002
Specify exact amount \$2,250.

AMOUNT AWARDED TO DEFENDANT

Intervals of \$1000. 27, 28, 29 Y
Specify exact amount

AMOUNT AWARDED TO INTERVENERS

Intervals of \$1000. 30, 31, 32 Y
Specify exact amount

OTHER RELIEF AWARDED TO PLAINTIFF

Specify 33, 34 Y

OTHER RELIEF AWARDED TO DEFENDANT

Specify 35, 36 Y

OTHER RELIEF AWARDED TO INTERVENERS

Specify 37, 38 Y

SPECIAL INTERMEDIATE RELIEFS I

No entry	39 Y	40 Y
Receiver appointed	39 X	40 X
Receiver denied	39 0	40 0
Restraining order granted	39 1	40 1
Restraining order denied	39 2	40 2
Interlocutory injunction granted	39 3	40 3
Interlocutory injunction denied	39 4	40 4

INTERMEDIATE DISPOSITIONS

No entry	41 Y
New trial granted by judge after mistrial or disagreement: held	41 X
Same: not held	41 0
New trial granted by judge after verdict: held	41 1
Same: not held	41 2
Reinstatement after default, dismissal, dis- continuance, etc.	41 3
Combination of 3 and X to 2	41 4

DATE PROCESS SERVED -5 Year 42, 43 30
Code month as instructed Month 44 3

INTERVAL PROCESS SERVED TO DATE
ISSUE JOINED Months 45. 46 01

INTERVAL ISSUE JOINED TO TERMINATION
Months 47, 48 07

INTERVAL PROCESS SERVED TO
TERMINATION Months 49. 50 08

II APPEAL

C.C.A.	SUP.CT.
51 Y No entry	52 V
51 0 Plaintiff appeals	52 0
51 1 Defendant appeals	52 1
51 2 Intervenor appeals	52 2
51 3 Plaintiff and defendant and/or intervener appeal	52 3
51 4 Plaintiff brings certiorari	52 4
51 5 Defendant brings certiorari	52 5
51 6 Intervenor brings certiorari	52 6
51 7 Other specify	52 7

• GROUNDS FOR APPEAL: C.C.A.

SUP. CT.

APPEAL RESULTS

C.C.A.		SUP.CT.
53 Y	No entry	54 Y
53 X	Certiorari denied	54 X
53 0	Withdrawn	54 0
53 1	Dismissed	54 1
53 2	Affirmed	54 2
53 3	Affirmed: modified	54 3
53 4	Reversed	54 4
53 5	Reversed: some parties	54 5
53 6	Reversed: part	54 6
53 7	Reversed: new trial ordered	54 7
53 8	Same: held	54 8
53 9	Other specify	54 9

1 GROUND FOR REVERSAL: C.C.A.

SUP.CT.

DATE OF DISPOSITION C.C.A.

DATE OF DISPOSITION SUP.CT.

PLEADINGS

Indicate by number on the lines provided below the order in which these pleadings (if any) were filed. Other pleadings and motions addressed to pleadings are to be indicated below as instructed.

1 Complaint, etc. 2 ³⁸⁻⁷⁻⁶ Answer _____ Counterclaim _____ Reply _____ Rejoinder

[illegible]

Tab. by WCH Date 30-11-19 Checked by LS

Serial No. 069-106 (6 cols.)

YEAR OF TERMINATION '29

OFFICE Chicago

DISTRICT N.D.Ill (7, 8)

ANALYSIS OF CIVIL CASE RECORDS, IN THE UNITED STATES DISTRICT COURTS:

Form 6 3-31

Three Judge Cases

I
GENERAL
STYLE OF THE CASE GATT BROS.
VS.
UNITED STATES

TYPE OF CASE 9, 10
Specify Equity Suit by market
agencies at stockyards
under Packers and Stockyards
Act, Aug. 15, 1921
(7 U.S.C. §§ 201-217) to
enjoin enforcement of
order of Secretary of
Agriculture prescribing
a tariff of maximum
charges for services of
market agencies at
Chicago stockyards.

NAMES OF JUDGES (Specify whether District or
Circuit Court) Evans, C.J.
Wilkerson, D.J.
Smith, D.J.

BASIS OF JURISDICTION
No entry 11 Y
To enjoin enforcement of state statute 11 0
To enjoin enforcement of order of state
board or commission 11 1
To enjoin enforcement of order of federal
board or commission 11 2
Other specify 11 3

OBJECTIONS TO JURISDICTION OF THREE
JUDGE COURT
Not made 12 0
Made: sustained 12 1
Made: not sustained 12 2
Made: no entry as to ruling 12 3

GROUND OF OBJECTION
Specify None 13 Y

DESCRIPTION OF PARTIES
Plaintiff Market agency 14
Defendant Secy Agric. and U.S. 15
Intervener None 16 X

II
TEMPORARY RESTRAINING ORDERS
NOTICE, HEARINGS AND RULINGS
No entry 17 Y
Not applied for 17 X
Applied for: ex parte, defendants not noti-
fied or heard: restraining order granted .. 17 0
Same: no entry as to order 17 1
Same: restraining order denied 17 2
Applied for: defendant heard: restraining
order granted 17 3
Same: restraining order denied 17 4
Same: no entry as to order 17 5
Other specify 17 6

DURATION OF RESTRAINING ORDER
Days 18, 19, 20 045
Specify original limitation and ex-
tensions (if any)
45 days: no extension

DATE OF APPLICATION FOR RESTRAINING
ORDER 27-12-16

DATE OF RULING ON APPLICATION 27-12-20

DATE ORDER OR STATUTE TO TAKE
EFFECT 28-1-2

DATE OF COMMENCEMENT OF SUIT
27-12-15 Year 21, 22 27
Code month as instructed Month 23 4

INTERVAL DATE OF COMMENCEMENT OF
SUIT TO DATE ORDER OR STATUTE
EFFECTIVE Days 24, 25, 26 018

INTERVAL COMMENCEMENT OF SUIT TO
RULING ON RESTRAINING ORDER
Days 27, 28, 29 005

INTERVAL DATE OF RULING ON APPLICA-
TION FOR RESTRAINING ORDER TO
DATE ORDER OR STATUTE EFFECTIVE
Days 30, 31, 32 013

III
INJUNCTIONS: RULINGS
Interlocutory Injunction Permanent Injunction
33 Y.....No entry 34 Y
33 0.....Granted 34 0
33 1.....Denied 34 1
33 -2.....Sought: no entry as to
ruling 34 2
Not sought 34 3

COMPARE SCOPE OF PERMANENT INJUNC-
TION WITH THAT OF INTERLOCUTORY
INJUNCTION 35
No permanent injunction.

DATE OF RULING ON INTERLOCUTORY
INJUNCTION 28-3-1

DATE OF RULING ON PERMANENT
INJUNCTION 29-7-2

DURATION OF INTERLOCUTORY
INJUNCTION Months 36, 37 16

INTERVAL COMMENCEMENT OF SUIT TO
RULING ON INTERLOCUTORY
INJUNCTION Months 38, 39 02

INTERVAL COMMENCEMENT OF SUIT TO
RULING ON PERMANENT INJUNCTION
Months 40, 41 18

BOND: INTERLOCUTORY INJUNCTION
No entry 42 Y
None required 42 0
Required and filed 42 1
Required but not filed 42 2

Specify nature and terms of bond To secure
repayment of excess charges if suit
dismissed

CONDITIONS OTHER THAN BOND:
INTERLOCUTORY INJUNCTION 43

Specify Plaintiffs required to
furnish each client with
slips showing in every
transaction charges in
excess of those fixed in
the order.

HEARINGS
Interlocutory Injunction Permanent Injunction
44 Y.....No entry 45 Y
44 1.....Hearing before court 45 1
44 2.....Referred to master 45 2
Hearing on interlocutory injunc-
tion treated as hearing on per-
manent injunction 45 3
44 3.....Other specify 45 4

TIME CONSUMED BY HEARINGS BEFORE
MASTER (in case of reference) OR BE-
FORE COURT (in case of no reference)
Interlocutory Injunction Days 46, 47, 48 003
Permanent Injunction Days 49, 50, 51 046

HEARINGS BEFORE COURT ON MASTER'S
REPORT
(In case of reference)

Interlocutory Injunction Permanent Injunction
52 Y.....No entry 53 Y
52 1.....None held 53 1
52 2.....Held 53 2

TIME CONSUMED BY HEARINGS ON
MASTER'S REPORT
Interlocutory Injunction Days 54, 55 Y
Permanent Injunction Days 56, 57 006

END