



1934

## Specific Recommendations

North Dakota Law Review Associate Editors

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### Recommended Citation

North Dakota Law Review Associate Editors (1934) "Specific Recommendations," *North Dakota Law Review*: Vol. 10 : No. 5 , Article 3.

Available at: <https://commons.und.edu/ndlr/vol10/iss5/3>

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### CRIMINAL LAW AND ITS ENFORCEMENT

Criminal Law and Its Enforcement was one of four subjects selected by the American Bar Association for special attention and study by local, district and state associations during the year.

One phase of this subject is being considered by our association. A majority of the Committee on Criminal Law and Its Enforcement submitted for consideration a proposed enactment, simplifying the procedure pertaining to informations and indictments, eliminating technical formalities and permitting the charging of criminal acts by simple and direct language.

Action on the report was delayed until the 1934 meeting to afford the members of the association an opportunity to study and discuss the proposed measure at the district meetings. The report of the committee will be considered at the meeting to be held in Bismarck this year. It is published in full in Bar Briefs for December, 1933.

The district associations will meet soon. The proposed bill should be considered at those meetings. Resolutions approving or rejecting the measure should be adopted by the district associations and forwarded to the secretary of the State Association, that they may be presented at the annual state meeting.

The increase of major crimes throughout the country challenges the ability, not only of our organization and like organizations, but society as a whole, to cope with organized violation of law. It may be said that our state is free from evils that prevail in other sections of the country. If that be true, should not the lawyers of the state take the initiative to keep organized crime without our borders? We should be the first to suggest and advocate the enactment of laws that would make prosecution speedier, simpler and more certain, because speedy and certain prosecution is a crime deterrent.—*President Cain*.

### SPECIFIC RECOMMENDATIONS

The Association of Grand Jurors of New York County, (N. Y.) present the following as a working program for improving criminal law and procedure:

1. Simplification perjury prosecutions, perjury not to be misdemeanor.
2. Pass a false swearing law, making it a misdemeanor.
3. Accused offering alibi shall file bill of particulars of alibi defense five days before trial.
4. Simplify prosecutions of receivers of stolen goods.
5. Deny bail to persons caught with strong prima facie cases against them.
6. Permit defendant to waive jury trial in criminal cases.
7. Allow each side to impeach its own witnesses.
8. Reduce number of mandatory jury exemptions.
9. Reduce number of peremptory challenges to jury.
10. Strengthen anti-slot machine law.
11. Allow conviction by five-sixths of jury, except in capital cases.
12. Uniform act for extradition.
13. Pass Uniform Narcotics Act and Machine Gun Act.
14. Make jumping of bail a felony.
15. Establish in every State a State Department of Justice, to have disciplinary power over police, prosecutors and judges, and to set standards of fitness and accomplishment.

16. Speed up all criminal procedure, so as to remove basic cause for lynchings.
17. Substitute procedural rules by Court for legislative enactments.
18. Retain the grand jury.
19. Enact constitutional amendment removing the right against self-incrimination.
20. Extend the mail threat law by making maximum penalty 20 years.
21. Extend Federal mail fraud act to cover fraud by any interstate communication.
22. Extend Dyer act to cover interstate transfer of any stolen goods.

Except as to some details, there is nothing particularly new in this program. It represents what has been in the minds of public-spirited citizens for years. We'll venture the assertion, however, that any attempt to put over a program of this kind in North Dakota could and would be blocked by a few individuals, who would talk, as some did last year, about the "fundamental changes, revolutionary changes" sought to be made; and so we remind you that we quoted Judge Thatcher of the Boston Bar last month, and Judge Thatcher said, "We need action."

SALARIES OF CITY ATTORNEYS

This is not a very appropriate heading, for the result of our survey places the members of our profession in a pitiful position compared with \$1.20-per-hour carpenters and painters and \$2,500-per-year beer inspectors. We sent questionnaires to 130 towns and cities, 70 of which replied. The analysis indicates that we need to develop a little more pride in our profession. At any rate, we insist that the showing is shocking.

Under 1,000 Population

City	Population	Salary
Belfield .....	600	\$ 40
Berthold .....	500	.....
Beulah .....	912	.....
Bowbells .....	700	50
Cavalier .....	852	50
Center .....	300	10
Drake .....	700	.....
Drayton .....	504	50
Edgeley .....	821	100
Fessenden .....	800	50
Forman .....	500	.....
Glen Ullin .....	950	120
Golden Valley .....	275	.....
Goodrich .....	469	25
Granville .....	450	.....
Killdeer .....	495	50
Kulm .....	750	50
LaMoure .....	900	150
Lansford .....	353	..... *
Litchville .....	415	.....
Max .....	432	.....
McClusky .....	712	25 **
McVile .....	523	.....
Medora .....	210	.....
Minnewaukan .....	480	25