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## Editors' Page

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## EDITORS' PAGE

There can be little doubt that the concepts of criminal justice are changing—too fast for most prosecutors, and not fast enough for some libertarians. The ultimate goal of the entire administration of criminal justice is, or at least should be, the control and reduction of crime. Much has been said and much more is in the offing dealing with pre-conviction procedures. Throughout this part of the criminal law the basic issue is the best method of detecting and convicting criminals, in a society based on fundamental rights. But this is only half the battle. The detection of the offender is only defining the problem. Once detected and convicted, the criminal must be dealt with by society. It is in this post-conviction area that the fight to reduce crime will be won or lost.

James V. Bennett, former director of the Federal Bureau of Prisons said in 1960: “[O]ne of the anomalies of our present legal folklore is the fact that the overwhelming majority of lawyers, including those who are elevated to the bench, have never seen with their own eyes how the kind of medicine they prescribe is actually administered.” In light of this anomaly, three issues of the *Nebraska Law Review* will be devoted primarily to a discussion of post-conviction institutions and procedures under the title, “The Tasks of Penology: A Symposium on Prisons and Correctional Law.” The word “tasks” is used advisedly. Merriam-Webster defines it as (a) a usually assigned piece of work often to be finished within a certain time, and (b) something hard or unpleasant that has to be done.

The Preface by Senator Roman L. Hruska marks his first appearance in the *Review*. His membership on the Senate Judiciary Committee includes an assignment on its subcommittee on National Penitentiaries. Over the years the Senator has visited numerous prisons, youth centers, and half-way houses to see for himself how well these correctional facilities are working. His reports and recommendations have been instrumental in winning support in the Congress for new legislation and needed funds to improve their operations. This past year the Senator played an active part in the passage of the Work Release Bill, which is described in his Preface and discussed further in the article by Mr. Alexander.

Mr. Myrl E. Alexander assumed the position of Director of the Federal Bureau of Prisons in 1964 after more than thirty years in prison service. He presents in his article, “Corrections in Transition,” a panoramic view of the corrections of the past, the prob-

lems confronting the prison system today, and a glimpse of the outlook for the future. His prophecy that in the field of corrections there are "new, exciting, and challenging things to come" can be regarded as more than mere speculation since Mr. Alexander and his department will undoubtedly be instrumental in bringing it about.

Little need be said by way of introduction of Dr. Karl Menninger. His work and that of the Menninger Foundation are well known. In his article, "The Criminal Law System", Dr. Menninger critically evaluates the present role of the psychiatrist, the judge, the prison, and the parole board in the administration of the criminal law, and develops what their role should be in the future.

Mr. Nathan Leopold begins from the premise that the present penal philosophy is an "odd melange of a number of different points of view" resulting in a "confused, inconsistent, and demonstrably ineffective" administration of prisons. Mr. Leopold discusses and evaluates these differing viewpoints coming to the conclusion that rehabilitation of the offender is the only one "worthy of adoption by an enlightened society." Several suggestions for improving the present system are proposed.

Professor Gerhard O. W. Mueller of New York University has taken an active role in the development of correctional law as indicated by the biographical footnote to his article, "Punishment, Corrections and the Law". Professor Mueller analyzes the numerous aims of punishment in this country with numerous references throughout the article to the practices in other countries. The article also discusses the role of "the law" in the correctional process.

The Editors of the *Nebraska Law Review* hope that this symposium and the ones to follow will stimulate thinking concerning correctional systems. Although most of the articles will deal with the practice in the Federal penal system, these concepts are easily adapted to the problems of corrections in Nebraska.

We are also happy to welcome back a frequent contributor to the *Review*, Professor Dale W. Broeder, now Professor of Law at the University of Toledo. His article on the vicinage requirement in jury selections is a compilation of some of the material uncovered by the University of Chicago Jury Project. This article as well as others by Professor Broeder in other law reviews concerning the Jury Project should provide the practicing attorney not only with useful information for selecting jurors but also information necessary for an evaluation of the jury system itself.

THE EDITORS



*An attorney and his client meet with Thomas Quinlan  
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