

Winter 1937

Editorial

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Editorial, 28 *Am. Inst. Crim. L. & Criminology* 471 (1937-1938)

This Editorial is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in *Journal of Criminal Law and Criminology* by an authorized editor of Northwestern University School of Law Scholarly Commons.

EDITORIAL

TRAGIC CONSEQUENCES FROM POOR CAUSES

JOSEPH SCHUSTER, 1907-1937

It hath ever been my convinced persuasion that, by an eternal and immutable counsel, God hath once and for all determined both whom he would admit to salvation and whom he would condemn to destruction. To those whom he devotes to condemnation, the gate of life seems closed by a judgment which must be just and irreprehensible, but is also completely incomprehensible.

Difficult indeed it is to understand why some are predestined to reprobation, and doubtless the explanation is wisely hidden from us. Perhaps in these more liberal days it may be possible for us to hope that those who are plainly damned in this world may nevertheless be destined for a happier fate hereafter. But, that the preterition of the reprobate follows a course of inevitability, so far as we can estimate it in this mundane sphere, will appear to be demonstrated irrefutably by the following circumstances:

Joseph Schuster was the eighth child of a family of eight. Before the conception of Joseph his father was a confirmed alcoholic, and the offspring of such are invariably impulsive and devoid of the ability to pause and think before reacting.

Joseph was plump. This implies that the desire for food was strong. The transformation of food into vital energy takes place at different rates in different bodies, and it therefore often happens that plump persons must eat often or be sick, whereas thin people as a rule store food so well that two meals a day will suffice.

Joseph stayed in school till the tenth grade. Thereafter he was an unskilled laborer, although he experimented for a time in office work and as a salesman. He was under the influence of his church till he was nineteen, but then church contact ceased.

In early adult life he fell in love, became engaged, was married, and in due time fathered a child—a boy, now twelve years old. His mother-in-law opposed the whole procedure, seeking to frustrate the engagement and prevent the marriage. In this she failed, but her antagonism was relentless, and in the long run she managed to get the couple divorced, although the girl professed that

she loved her husband. He felt this desertion very keenly, because he and she got on well together, and he liked home life and home cooking.

The mother-in-law succeeded in prevailing upon the judge of the divorce court to award alimony, but it was much too high for Joseph to pay, even when he was in steady work. (A judge should judge righteous judgments and, like a pharmacist, should make no mistakes. Especially should judges not make such mistakes as are due to shoddy thinking or prejudice, still less to the influence of interested parties.)

The time came, however, when the young man lost his job and was unable to find employment. When he lost his job he just "naturally had to steal or go to jail: the papers and the old lady talked a lot about alimony row."

What did he steal? Food, of course. Where did he get it? From the cafeteria of the high school he attended. Alone? No, he stole with two other boys. The cash register also was robbed. The school watchman came around, and it was this boy, so impulsive, who did the shooting—which was not fatal.

Already we can see the concatenation of circumstances following one after another. In personality he was one of the most pleasing of young men, smiling, eager to do the right thing, very obedient to his own mother. Hate was not an element in his makeup, though his irritability was explosive, sudden and entire. It would be difficult for anyone to conceive of Joseph as a vessel of wrath, doomed to destruction. Yet here he was plainly approaching an end which seems predestined.

Of course he was sent to a reformatory. There he got along splendidly, except that he had "naturally" a dozen fights. But he obeyed the rules, did as he was told to do, and believed all that was said to him.

When he left the institution the discharging official lied to him when he said, "If you commit another crime and are arrested, since you are an ex-con, you will be found guilty for sure, and that will make you a habitual offender under the new law; so you will be sent up for the rest of your life."

When he was paroled, his sponsor found him a job, but it only lasted two weeks. He tried office work, but the boss had a cousin who needed the job, so he was displaced. He tried canvassing, selling brushes. Then his aged mother became sick. Instead of

having her sent to an asylum, he stayed at home to take care of her, an older brother agreeing to support them.

Only too soon did this older brother adjust himself to the mother's condition, became indifferent, and ceased his support. At this time, too, a new disappointment befell Joseph, for he "naturally fell in love—for a home where there is love. But her dad said she could do better—marry a lawyer or a doctor. We wanted to get married, but I had no decent job, not enough for a living."

Then came one of the inexplicable developments that seem so causeless, but have such dire consequences. One of his sisters missed some money and "naturally accused the ex-con." First she said it was \$450, then \$300, then \$200, then that she had found it, and then that she had never lost it. Against the protest of the family she reported it to the police, and at that time she was saying it was \$300, and so it is recorded. There was some fighting when she accused Joseph. He fled, fearing imprisonment for life as a habitual offender, because he had been told that if arrested he would as an "ex-con naturally be found guilty."

In a rooming-house near his home, he hid in a third floor room with a trap door in the floor. He hungered. Once every three days he crept home at night to fix the fire in his mother's house, and she gave him a meal. He was always hungry. He was not on relief. Who knew or cared for him? His girl deserted him and he was desolate. "No longer neat and regular, I did the natural thing, got a pistol and went out to get."

First he robbed the high school cafeteria of meat and food and money. The pistol was to make the robbery successful. Next he robbed the butcher shop where his family traded. Then he robbed the neighborhood drug store. He was recognized and identified.

On the elevated railroad station platform two days later a police officer came to him, semi-searched him for a gun, and told him to follow downstairs to be arrested. On the way down the steps the boy shot the policeman in the back—"for fear of being returned to prison and fright at the moment. . . . I lost my head. No, I do not hate the cops, though they kept me down when I came home an ex-con."

He was soon arrested, indicted, tried, pleaded guilty. He was defended by the public defender, but was sentenced to death by electrocution.

Thus we see the entail of sin. Each step of the way a very slight modification of the circumstances might well have produced

effects that would have been redemptive, but no one had wisdom adequate to meet the evil. Nor can the youth complain that the sentence was unjust or reprehensible. It is manifestly an illustration only too potent of the incomprehensible operations of God, by which he chooses some to be vessels of honor and some of dishonor. Those for whom life brings blessings and honor cannot truthfully claim that such is their due; it is all a matter of divine grace. Those that find themselves caught up in destruction cannot protest their innocence.

There remains, however, for all of us a great problem. Can we not be the means by which divine grace can come to such men as Joseph? Mayhap it is God's good will that the salvation of such a one as Joseph can only be accomplished when men have learned His secrets and cooperate with Him in the redemptive process.

Fortunately in this case some further understanding of Joseph did become available, though nothing of such nature as to prevent the machinery of law taking its destined course.

His other sister used to visit him in prison. On the first day he informed her that he had a sum of money amounting to \$9,990.00 hidden away in a cache beneath the trap door. She went in search, but found nothing. Upon his insistence she searched again. Next visiting day she reported that she could not find it, whereupon he said, "I do not know what you are talking about." This made her think that his mind was affected so she arranged to have him examined by a doctor of the mind.

The doctor found him plump and healthy and well nourished. Mentally he was free from delusions, and had only the faintest recollection of having said that he had some money hidden. Questioned as to what filled his mind while he was hiding in the third floor room, he said that when he was so hungry and faint, he thought about having a huge pile of foods stored away—roast beefs and beef steaks and cheeses and pot roasts and sausages. "It seemed real to me—and, oh yes, maybe some money, about nine or ten thousand maybe."

Otherwise he seemed normal except for one thing: his spirit was crushed. Ideas of initiative were totally ablated. His experience and management at the reformatory had rendered him void of spontaneity. He was a reactive organism; he was of himself totally passive. Things happened to him, and so he "naturally" did things. That was a great word with him.

Consciously and unconsciously he did things in obedience to

stresses in his environment, whether personal or impersonal. He initiated nothing. He had always been deserted and desolated. He had always been told what to do and what not to do by his mother—she was almost gone now. He had always been obedient to what others had told him. When he tried to do the “natural things” nothing had ever come of it.

His nights now were good or bad according to his dreams—whether they were of escape or of *The Chair*. He was well-treated and well-fed.

Starvation Delirium was the scientific explanation of his hunger-engendered delusions of stores of food: starvation and exhaustion in the wilderness with delirium is well recognized in science and in literature, and is often complicated with mirage illusion. Men in polar expeditions at times of short rations invariably think and talk of food all the time.

In jail, as soon as he was again well-nourished and the body functions restored, the mind was cleared and the delusions disappeared as a morning twilight fog disappears before the rising sun. With returned clarity of mind, the heretofore needed delusion of wealth evaporated.

Thus the presumptive diagnosis of *Dementia Praecox* was no longer tenable. There were no grounds on which his sister or his lawyer could base a plea of insanity.

He was executed.

In presenting this brief account of the tragic life of a pleasant and attractive boy who was peculiarly constituted I do depart from the argumentative plan of John Calvin of the sixteenth century, who refused to deal with any other cases than those recorded in holy scripture. It is one thing to be dogmatic when dealing with lay figures, but quite another when one is face to face with human lives. And yet, just as distinctly and definitely as in the case of John Calvin of old, we must assert the principle of election.

There was something predetermined in the whole life story of Joseph Schuster. Perhaps it is too much to say “predetermined from all eternity,” but no one who is familiar with facts of heredity will cavil at the phrase. Let us list the determining factors so far as this brief survey brings them out:

- The distillers and saloon-keepers of his father's time.
- His own falling away from church.
- The companions of the boy's own youth.

The bad management and hurtful dismissal from the reformatory.

The interfering mother-in-law.

The poor judgment of the divorce judge in awarding alimony and fixing the amount of it.

The falsely accusing sister.

The business man who dismissed Joseph to fill the vacancy with a cousin.

The failing mother who, because of age and sickness, could no longer advise and supervise.

The unusual physical constitution which could not store food any more than the body of a diabetic could store fluids.

The last of these factors was undoubtedly the most decisive of all, and for this there is no human responsibility that can be charged to the account of anybody.

Two things stand out. (1) The failure of supposedly normal people in the home and neighborhood and in business and official positions to do the proper thing by this boy. (2) His peculiar abnormal physical constitution which could carry him comfortably through an ordinary life, but which collapsed under stress and deprivation.

A review of this life history illustrates in striking way the inevitable tendency of individuals to follow repeatedly the same pattern of reaction and to get themselves into similar situations in which they react badly repeatedly.

It is plain that the conduct of normal personalities is generally predictable. We can reasonably foretell the behavior of most men under given stimuli. But where one has to deal with the abnormal it is impossible to predict what will happen. After the tragedy has taken place, after the criminal is condemned, it becomes possible to trace the chain of events and to discern in the sequence that same inevitability that prevails in normal conduct.

But what is this except to express in twentieth century terms the very same position that was taken by John Calvin in the sixteenth century, by Saint Augustine in the fifth, and by Paul in the first—Hath not the potter a right over the clay, from the same lump to make one part a vessel unto honor, and another unto dishonor?

Meanwhile, and just for academic reasons, one would like to ask whether it is more wrong for a criminal to shoot an armed man

like a policeman than it is to shoot an unarmed man such as a milkman?

Also, and equally just for academic reasons, one would enquire where does the stigma belong in the case of an ex-convict—on the convict himself, or on the institution which should have met properly and foreseen adequately his problems, but failed so to do?

JOHN CALVIN OF 1937.*

* In this day and age of child guidance, mental hygiene, social service, parole supervision, and the practice of the humanities; of modern medicine with its rapid growth of knowledge of endocrine gland disorders; of psychiatric understanding and interpretation and understanding of delinquents and offenders, it is surprising to encounter a case handled amateurishly and in a medieval manner. In fact the purpose of the paper written in medieval style is to record an example of contrast, "the deadly parallel." Cases like this probably will be extremely rare as the fruits of our civilization are brought to bear more and more on persons who are failures in social adaptation.

The author, Calvin of 1937, is known to the Editor.