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## Editorials

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## EDITORIALS

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### EDWARD SHERMAN LINDSEY RETIRES

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The Honorable Edward Sherman Lindsey, of Warren, Pennsylvania, has long been associated with this Journal and with the American Institute of Criminal Law and Criminology. In fact he may be described as a charter member of the Journal's Editorial staff for his name appears in the list of Associate Editors on our number one of volume one.

In our number three of volume nineteen, November, 1928, he is first designated as Treasurer of the Institute, succeeding Mr. Bronson Winthrop of New York City who had held that office since the creation of the Institute in 1909.

He practiced law in Warren, Pa., from 1895 to 1920. In 1915 he was a member of the Pennsylvania House of Representatives and was Presiding Judge of the 37th Judicial District of Pennsylvania from 1920 to 1922.

In the files of this Journal Mr. Lindsey's name appears sixty times as author of committee reports, original articles and reviews: a record of which we are all properly proud.

During many years he was chairman of the Institute's Committee on Indeterminate Sentence, Release on Parole and Pardon. In that capacity he published six reports of the committee in this Journal in the course of a half dozen consecutive years. The last of these appeared in Volume XI, 1920-1921. In these reports Judge Lindsey supplied the readers of this Journal and the public generally with complete and accurate information concerning the program of legislation pertaining to the indeterminate sentence to release on parole and to pardon in every state in the Union. These reports alone have afforded a great advantage at the time and later to men and women everywhere who were interested in promoting legislation of this character. It is impossible to estimate the value of this work. Suffice it to say that it is of the highest constructive order.

Mr. Lindsey, in his profession, is a scholar of the first line. He is painstaking to a degree. A glance at the titles of books that he reviewed for this Journal during his active career affords an index to the language tools he has at his command for he has reviewed

books that are printed in the French, German, Spanish and Italian languages as well as in English. And, incidentally, the review editor could always be assured that if Mr. Lindsey promised a review his copy would be forthcoming in due time.

He is a man of catholic interests outside the limits of what strictly applies to his own profession. He is a member of the American Geographical Society, the American Society of Naturalists, American Folk Lore Society, the American Historical Association, the American Political Science Association, the American Society of International Law, the American Sociological Society, the American Anthropological Association and he is a member and Fellow of the American Association for the Advancement of Science, as well as of the Bar Associations of his state and nation. Not only is he a member of many learned societies that, from the viewpoint of the legal fraternity are non-professional, but he has been a frequent attendant at their annual conclaves and a genial and discriminating contributor to their current discussions.

ROBERT H. GAULT.

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### GAMBLER AND GAMBLEE

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The tendency to run a risk for unusual reward is not abnormal. It is regarded as heroic by society if the risk is the individual's and the reward is society's, witness the *brave* soldier who risks his life to save the regiment's battle flag—save it from the enemy, yes; save it for himself, no.

This risk-taking, especially if the profits would accrue to the individual, is a characteristic of youth, and normally in old age is replaced by conservatism. Neither is immoral, but if excessive it is bad as are all excesses. However, since age imposes its morals upon youth, risk-taking is regarded as bad. [The terms here used are the terms of the participants. The title is a coined word.—Ed.] But, conversely, by the perennially immature-minded persons risk-taking is regarded as not bad: deaf ears are particularly deaf in the immature and in them mature judgments and advice cannot be heeded.

There is something about the word "Gambler" which appeals as super-mature to the minds of persons who, perhaps from self-

unrecognized immaturity, have not achieved the varied successes in life which would give them well based and publicly acclaimed recognition. Persons are flattered to speak of themselves or be spoken of as gamblers. For this flattery there is a price: flattery reduces the ability of true self-evaluation, and loss of that diminishes the ability of true evaluation of the self in relation to the environment and its pleasant duties and unpleasant obligations.

What must not be lost sight of is the incontrovertible fact that persons of average maturity may gamble as a form of play. ("Play" here is used in the sense of oneself pro tem setting aside one's own dignity and lowering one's maturity like an uncle getting down on all fours to let his baby nephew play pick-a-pack or "horsie," and is not used in the athletic or sport sense of rules-abiding rivalry "non-fatal, so we may fight or contest again.") Being of average maturity, their occasional gambling is with money not needed for bread-and-butter existence. Being of average maturity, they do not have the delusional belief that their individual necessity will in some mystic way be an influential factor in bringing them success or luck.

However, those are the fallacies of the "gamblees," those immature personalities who are exploited by "career gamblers." Because the rewards, if any, would accrue to them as individuals and not to society, gamblees take risks where the rewards are not proportional to the risk. They are flattered by the appellation of the title "Gambler." They lose their already limited (immature) sense of proportion. They lose appreciation of normal pleasures and of duty. Losing caste, they find caste in lower and ever lower strata of society with lower and lower standards of industry, conduct, and ethics, until they sink to a sub-standard level known as degradation of personality, mind, body, and estate. They are not happy but serious. They have a vague delusion that necessity influences result. "Come seben; baby needs a new pair of shoes," which restated to show the fallacy would sound like, "Because the baby needs a new pair of shoes, seven should—will—must come" irrespective of physical laws as gravity and momentum. They risk reserves needed for sustenance and content themselves with fantastic thoughts of future, unascertained or uncertain, great but unearned rewards. They seek to gain at the hurt or loss of another, of anyone. Their combined efforts and investment are non-constructive, and unlike business, industry, research, or education, do not increase the wealth or value of society. They leave themselves thoroughly exposed to

danger with only limited hope of disproportionate gain. Such judgment is immature.

The mental deviation and decline of gamblees appears to be allied to a psychosis.<sup>1</sup> It resembles the well recognized syndrome or combination of symptoms in the equally incurable mental state known as Dementia Praecox, whose victims need their delusions of compensation (the ugly girl believing that somehow she is beautiful or the crippled boy believing he is straight and strong) but meanwhile ignore realities and ignore "noblesse oblige" or other obligations and opportunities, eventuating in mental and social deterioration and degradation until emotionally and in estate they are ablated or washed out.

The gambler is both like and unlike his exploited victim, the so-called gamblee. The gambler makes his living from the gambling efforts of the gamblees much as an employer makes his living from the employing (working) of his employees. He has been a gamblee and has become degraded in his sense of right and wrong, in his sense of restraint, in his choice of companions. However he has added cunning and ruthlessness and a delusion that he is unconquerable for some mystic reason, whereby aided and abetted by his relatively greater skill he can exploit and live off the less mature. Next in his mental evolution he reaches the conclusion that it is right for him to do so, no matter how, and that morally he should alter the odds or the laws of chance so that he must always or eventually win and all others lose.<sup>2</sup> In order to maintain caste, he degrades all others; in his mind he regards all others as degraded and in fact he attempts to degrade others by bribery, by glamor, by unwholesome sexual opportunities, and by criminalism. An illustration of the contempt in which he holds his suckers or victims is his name for them; "Horse nuts" is what the gambler calls the habitués of the bookie dumps. He expects and provides opportunities for the women players to get gonorrhoea and syphilis and narcotics realizing that their panic and greater need will make them more reckless, all to their loss and his gain.<sup>3</sup>

<sup>1</sup> The vicarious excitements of gambling exhausts emotions as much as delusions exhaust the emotional life of cases in insanity; the intensity and frequency of them in actuality and in anticipation are the milestones of the mental and emotional delapidation.

<sup>2</sup> At heart he too remains a gamblee, betting his own money with other bookies "when the fix is in" and explains his losses by claiming that he was "double-crossed."

<sup>3</sup> Blackmail gets them more firmly within his clutches.

He aids and abets predatory criminals in and between their criminal activities, and he profits enormously from their past crimes. The gambler is the criminal's haven and refuge: neither could flourish without the other.

It is interesting to see a forest fire extinguished. The firemen go back again and again to remove burning embers until every single one is put out. They not only chop down smoldering trees and roll over fallen logs but they chop to pieces smoldering stumps.

Where petty gambling is permitted petty crimes flourish: where major gambling is permitted major crimes flourish. It is not so much that gamblers become petty or major criminals but that predatory crime and gambling go hand in hand which is the menace to both individuals and to society.

HAROLD S. HULBERT.