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NEWSPAPER OPINION AND CRIME IN BOSTON

LOGAN WILSON¹

Among the barometers of public opinion, the press is undoubtedly one of the oldest and most widely used. Though a private enterprise, the newspaper is looked upon as a quasi-public institution and is vested with many of the characteristics of a public utility. It exercises the dual function of mirroring and moulding public opinion. The amount of space given to crime news is indicative of the tremendous popular interest in such accounts. This study does not purpose to go into the relationship between the reporting of crime news and crime itself, but it is interesting to note that there has been within the past few years considerable reaction to the manner in which the press handles crime. Indeed, the role of the press has become so involved in criminal justice that the American Bar Association has seen it as a threat to the functions of the criminal courts, and the whole matter has been widely debated in bar association meetings and in the various law journals.

A number of investigations² have been made of the treatment of crime as news, from both the qualitative and the quantitative point of view, but these have been confined to news items and did not include editorials. News items are presumably expressions of fact, however, and not of opinion. Though a newspaper may editorialize to a certain extent in its selection of news and in the prominence and treatment which it gives to various news items, its opinions are usually reserved for the editorial page. If the accounts are a reflection of public interest, then the editorials themselves are likewise a reflection of readers' opinions and sentiments. It is true that the press often gives a conflicting, clouded, and even unreliable picture of the true nature of public sentiment, but faulty though it may be it is one of the best indexes that are available.

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² Outstanding among these are the two articles by Professor Joseph L. Holmes. "Crime and the Press." which appeared in *The Journal of Criminal Law and Criminology*, May and August, 1929. For a full list of material on the subject, the reader may refer to "The Press and the Administration of Justice," in Augustus F. Kuhlman's *A Guide to Material on Crime and Criminal Justice*, New York, The H. W. Wilson Company, 1929.

It should be of interest to observe empirically public opinion in the actual process of formation and expression in one of America's most important cities. For this purpose the complete files of all Boston newspapers for the year 1935 were examined and from them were abstracted all the editorials on crime. That Boston or any other American city is typical of conditions found in all metropolitan areas may be open to question, and that the year 1935 is representative may also be doubted. Regarding the former consideration, one may be surprised at this statement:

"If you live in Boston, or in any other part of the world which has been accustomed to think that the city bred in the traditions of Puritanism is, and naturally would be, composed of a body of relatively law-abiding citizens, you will probably be astonished to hear that Boston has more criminal prosecutions per population than New York or Chicago or, with very few exceptions, any American, Canadian, or English city—this apparently high rate of crime for Boston has existed for over fifty years . . . that the Boston courts show a comparatively high rate of convictions, and that Boston has also the highest ratio of policemen to population."³

Boston's apparently bad record, Mr. Warner further shows, is due to the fact that drunkenness and traffic offenses comprise over seventy per cent of the total number of prosecutions and that serious offenses account for only eight per cent of the total.

Mr. Warner also raises numerous objections to an indiscriminating comparison of criminal statistics for metropolitan areas and concludes that "whether or not Boston appears to be a crime center depends largely upon whether the figures taken are those of Suffolk County or Metropolitan Boston." Though it is hazardous to make comparisons of Boston and other cities, it is probably true that criminality shows similar manifestations in most comparable eastern cities.

That the year 1935 was representative of the five years immediately preceding it is seen in the comparative statement of police criminal work in Boston in the Commissioner's report for that year. As measured by the number of persons arrested, the percentage of the population arrested, the amount of fines and years of imprisonment imposed, criminality was much the same in 1935 as in other comparable years.

One may next question the selection of newspaper editorials as representing a fair cross-section of public sentiment. Better

³Sam Bass Warner, *Crime and Criminal Statistics in Boston*, Cambridge, Harvard University Press, 1934 (Vol. II of Survey), p. 8.

indexes could be devised, but the editorial is certainly one of the best available means of checking general sentiment, and is commonly utilized for this purpose. Boston newspapers are especially close to mass sentiment, for the city's press on the whole is notoriously mediocre. With the exception of *The Christian Science Monitor*, which prints no references to crime, the city is without a single distinguished newspaper.

There are six daily newspapers in Boston (excluding the tabloid *Record*, which has no editorial page), whose circulations are confined largely to the metropolitan area and to bordering New England states. Approximate daily circulation figures for all Boston newspapers during 1935 totalled 1,352,920, ranging from 30,000 for the *Evening Transcript* to 320,000 for the *Post*. It would be presuming too much to say that the 800 editorials tabulated in this study were read by more than a million people, for there are many newspaper readers who never look at the editorial page, but that the editorials express the sentiments of and must have had some influence upon thousands of persons can hardly be disputed. All of the readers represent completely the populace of Boston, though each newspaper may appeal to a special class of readers. Thus, the *Transcript* has a limited circulation, largely in an upper stratum, whereas Hearst's *American* is edited for mass circulation. But be the Boston newspapers good, bad, or indifferent, all together they reflect the dominant attitudes of the various publics to which they appeal.

The distribution of the 800 editorials among the six newspapers and the ratio of crime commentaries to the total number of editorials are given in the table below:

TABLE I
DISTRIBUTION OF EDITORIALS ON CRIME

<i>Newspaper</i>	<i>Number of Editorials on All Subjects</i>	<i>Number of Editorials on Crime</i>	<i>Per Cent of Total Editorials on Crime</i>
<i>American</i>	1,460	49	3.2
<i>Globe</i>	1,825	78	4.2
<i>Herald</i>	2,190	133	6.0
<i>Post</i>	2,920	256	8.7
<i>Transcript</i>	1,878	123	6.5
<i>Traveler</i>	1,565	161	10.2

These figures show that the *Traveler* led in the proportionate

amount of editorial space given over to crime, and the *Post* in the total number of editorials on crime. No study was made of the amount of space taken up by crime news, but the lead in this respect would probably go to the *Globe* or the *American*. Accordingly then, the editorial stress on crime is not necessarily proportionate to the news emphasis given it.

The total number of editorials on crime in all the newspapers was distributed throughout the year as follows:

TABLE II
MONTHLY DISTRIBUTION OF EDITORIALS

January	78	July	63
February	81	August	59
March	60	September	42
April	73	October	71
May	56	November	61
June	79	December	77

There is apparently no seasonal significance in the time series as no consistent trend or fluctuation is manifested. A study covering a longer period of time than one year, however, might show definite fluctuation by months or seasons in the reaction of newspaper opinion to crime. That the phenomena of crime are of almost constant interest to the public other than as a source of morbid curiosity is evidenced in the fact that there were only forty-three days during the entire year in which no Boston newspaper had an editorial on the subject.

Although place or locale is of much less importance in the content of an editorial than in the body of a news story, an attempt was made to classify the editorials according to the incident, pronouncement, or what not that provoked the opinion. As one might suppose, most of the editorials (243) in any one group were prompted by incidents or situations within the metropolitan area of Boston. The next largest number was concerned with criminality within the state as a whole or in places other than Boston but in Massachusetts. The frequency distribution, nonetheless, was not in inverse ratio to the distance from Boston. Incidents or situations in Illinois, California, and the state of Washington all occasioned more editorials than any of the New England states (other than Massachusetts). Only sixty-nine of the editorials were of such a nature that the classification of place was irrelevant or unfixed.

In the selection of editorials everything was included which related directly to the phenomena of crime, but no system of classification according to subject matter could be found which would provide compartments into which all of the abstracts readily fitted without any overlapping. Several bases of classification were considered and the following one proved the most practicable: (1) causation, (2) commission, (3) detection and apprehension, (4) prosecution, (5) penology and treatment, and (6) prevention. No duplicate entries were made and each of the 800 editorials was placed under one of these six main headings, the placement being determined by the topic of major prominence.

A relatively small proportion of the editorials dealt with causation, as may be ascertained from the next table:

TABLE III
CAUSATION

Early influences	10
Complex causation	3
Environmental factors	3
Public carelessness	4
Miscellaneous	19
Total	39

Ten of the editorials focused interest on juvenile delinquency and early formative influences in the development of criminals. Three gave a complexity of factors at the base of crimogenesis, such as cheap literature, neglectful parents, and so on. Poor environment, occupational influences, public apathy, unemployment, lax law enforcement, climatic conditions, and numerous other causative factors were discussed. The comparatively small number of editorials on causation shows that newspaper interest in causation is less intense in this phase than in other aspects of criminality. Evidently the public mind has few positive theories regarding crimogenesis, but it is skeptical of assigning too much significance to non-volitional factors even though it recognizes the force of environment.

Some few editorials could not be classified under causation, detection, etc., as they were simply commentaries on the individual criminal act. The atrocity, heinousness, reprehensibility, and other features of particular offenses were pointed out without an ex-

pression of other opinion or the development of any implication beyond the fact that the crime was to be regretted. The type of crime which draws attention to the act of commission may be ascertained from the table below:

TABLE IV
COMMISSION

Murder	16
Graft	8 ⁴
Banditry, burglary, etc.	6
Vandalism	4
Petty theft	4
Libel and indecency	3
Racketeering	2
Swindling	1
Mob violence	1
Assault	1
Total	46

Several selections called attention to unusual crimes of the type which detective story writers concoct. Most of the editorials in this section were expository or descriptive rather than argumentative in nature.⁴

No little interest, as evidenced in the 183 editorials on the subject, was shown in the detection and apprehension of criminals. These comments centered about the work of the local and the state police and the agents of the Department of Justice of the United States. The editorials formed the following sub-categories:

TABLE V
DETECTION AND APPREHENSION

Directing official attention to crime.....	8
Police "drives" and campaigns.....	10
Organization and activities of the local police.....	46
Unfavorable criticism of police work.....	29
Favorable criticism of police work.....	35
Activities of "G-men".....	38
Miscellaneous (fingerprinting, "lie detectors," etc.).....	17
Total	183

⁴For a comparison of the above findings with the percentage distribution of crime news according to the type of crime, the reader may consult Morris G. Caldwell's article, "Sensational News in Modern Newspapers," *Journal of Criminal Law and Criminology*, No. 23, 1932, p. 198.

A number of editorials reminded the police of cases unsolved, or brought official attention to situations needing police intervention. Throughout the year all of the papers editorialized extensively on appointments, policies, and the general administration of the Boston Police Department. Twenty-nine selections criticized adversely certain activities of the police, such as political corruption within the department, unwarranted arrests, the assumption of too much authority, brutality, and undue interference in private affairs. An even larger number, however, commended the police in general or individual policemen in particular for performance of unusual duties, celerity in the apprehension of criminals, facing dangers, and making personal sacrifices. Throughout most of the editorials connected in any way with the common "cop" he was not made the butt of ridicule.

Many column inches were devoted to the activities of the much-publicized "G-men." All but seven of these thirty-eight editorials were unstinting in their praise of this law enforcement group. It was remarked sarcastically on one occasion that the task of J. Edgar Hoover is to catch criminals and not make speeches, with the additional advice that his department might "imitate the silent effectiveness of Scotland Yard and dispense with some of the 'G-man' ballyhoo." Alarm was expressed in certain quarters that the activities of federal agents were encroaching upon state and local authority. Concerning the occasionally drastic tactics of officers of the Department of Justice, one of the papers remarked, "G-men get great credit for getting their men. Fair enough! But let's be sure we do not develop a force who shoot first and ask questions afterward." Nonetheless, most of the sentiment favored making heroes of government agents, praised their quick and effective tactics, their scientific techniques of detection, the caliber of the personnel, the general pronouncements of J. Edgar Hoover, and advocated the extension of their general activities and the imitation of their methods by local law enforcement bodies.

Miscellaneous subjects complete the list on detection and police work. There were eight editorials on finger printing; four of these were opposed to a national or even a local system of compulsory finger printing for all civilians, and four hailed the suggestion favorably. Opinion was divided on the value of the "lie detector." A typical American attitude toward experimental tech-

niques in court room procedure is revealed in the *Traveler's* comments in the issue of October 10:

"No, we are not yokels looking at a giraffe, and saying there is no such animal. We are American freemen unimpressed by the scientific lingo and pseudo-scientific dogmatism of men who are too quick to rush their experiments from the laboratory. When they presume to play with human lives the public should be warned against the experimenters."

If these editorials were at all symptomatic of the broader situation, then public opinion is very much concerned with the process of prosecution, for the largest number of comments pertained to this phase of criminal justice. The following table sets forth the aspects of procedure which were of most interest:

TABLE VI
PROSECUTION

General courtroom procedure, manner of prosecution, etc.	57
The sentence	39
Lack of celerity, court delays, inefficiency, etc.	30
The penal code, additions and reinforcements to.....	30
Psychiatrists	22
Jury system	20
Abuse of protective devices, shyster lawyers, technicalities, etc.	15
Total	213

In January the Committee on Judicial Procedure of the Boston Chamber of Commerce brought out a report. This was immediately hailed by most Boston newspapers as striking at the heart of inefficiency in the Suffolk County judiciary. The sentiment was echoed that the taxpayer had been on the spot long enough and that it was past time for a prompt reform. Thrusts were made at antiquated methods, delayed justice, and red tape. It was advocated that judges be given more authority. A particular sore spot was high jury costs, and the whole machinery of criminal justice was condemned as being cumbersome and often ineffective. Invidious comparisons were made between the celerity and certainty of justice in England and the lack of it in America. The abuse of technicalities, legal tricks, postponements, execution stays and other hindrances to celerity were criticized. It was generally felt that the rights of the defendant are too zealously safeguarded and give him a distinct advantage over the right of society to protect itself.

Regarding a crime conference sponsored by Governor Lehman, of New York, during the summer, the *American* (July 26) had this to say:

"The criminal can always count on the aid of some shyster to show him a legal loophole through which he can crawl, or a political friend to furnish valuable 'pull' somewhere along the line, or a sweetly sentimental parole board to let him out of prison if by some miracle he gets in.

"The Lehman commission, we trust, will concentrate on these points of weakness rather than on some such crime cures as a golf course, air-conditioned cells or private baths and radios for lawbreakers."

These editorials seem to indicate also that the public is highly suspicious of the psychiatrist or alienist in criminal trials. Most of the comments were provoked by the appearance of alienists in various sensational criminal trials, and the standards of "old fashioned justice" proved more popular than the individualized consideration of the defendant by mental experts. One paper even advocated keeping insanity testimony from the jury (*Herald*, September 21); others stressed the fact that society should have protection which is not afforded by the introduction of psychiatric testimony. It was considered that there should be "some check on the exuberance of learned men to prove the murderer not responsible for his acts." Thus, the public is loathe to part from the old doctrine of individual responsibility. Another source of irritation was the conflicting testimony offered by "insanity experts," as they were dubbed.

Typical of the general reactions to the role of the psychiatrist is this comment from the *Traveler* (October 26), which was made during a trial in which alienists played a prominent part:

"The cocksureness of psychiatry is being dealt a blow. The dogmatism of mental experts becomes a bit confusing.

". . . Why should psychiatrists decide upon the degree of punishment? We have judges and juries for that."

Sensational trials created varied types of comment pertaining to procedure, testimony, witnesses, and the conduct of prosecution. An interesting study in "trial by newspaper" could be made of the editorials alone, aside from the thousands of column inches of straight news material, which appeared on the Hauptmann case. Almost every step in the whole affair, from first to last, was the inspiration of debate or expression of conviction on the part of at least one newspaper. Following the circus atmosphere surround-

ing the trial there was an adverse sentiment built up toward the undignified conduct of the processes of justice. Newspapers, however, were quick to absolve themselves of any blame for contributing to sensationalism and interference with the due process of law. Several editorials justified publicity given to criminal trials on the basis of meeting public demand for such news, and a proposal of the County Lawyers Association of New York to curtail freedom in reporting and picturing court proceedings drew forth howls of protest from Boston newspapers about interference with the freedom of the press and "the potential dynamite in such a proposal."

Many editorial judgments were pronounced on court decisions. Aside from the publicity given in the news columns, editors did not hesitate to pass on the merits and demerits of decisions and sentences. It is interesting to note that in only one of thirty-nine instances was the sentence considered too heavy. Also, denials of new trials on the part of higher courts generally met with approval. Prompt decisions were always applauded, again illustrating a predominant interest in celerity rather than in meticulous avoidance of the possibilities of a miscarriage of justice. Suspended sentences for adult prisoners were not usually condoned, the demand being for punishment rather than the opportunity for special treatment under supervision.

Thirty editorials included under prosecution relate directly to the formal aspects of the penal code. Here was found considerable expression of the American belief in reforming human nature by legislative enactment. Though the predominant editorial opinion expressed doubt concerning the efficacy of many proposed measures for individualized treatment, there was little diminution of faith in statutory measures. Not fewer than a dozen of the selections included the phrase, "There ought to be a law."

There is much popular interest in penology and treatment. While the number of editorials on this subject was not so great as that on prosecution, it was still above the average, as one may ascertain from the following table:

As was the case concerning court sentences, a severity of attitudes is again noticed in penology and treatment. The gravity of the offense was considered the determining element, though it should be noted that crimes editorialized upon were usually of a more serious type. Contrary to the notion that mild treatment makes for reformation, it was held by one of the papers that "coddling the young offender often loses him beyond social redemp-

TABLE VII
PENOLOGY AND TREATMENT

General attitudes toward the criminal and his treatment.....	36
Parole	25
Punishment and prisons.....	21
Special treatment, reform measures, etc.....	22
Death penalty	19
Prison riots and escapes.....	17
The ex-convict	9
Pardons	7
Prison labor	6
Prison officials and personnel.....	6
Probation	4
Total	166

tion." The general attitude toward chronic offenders was that little sympathy should be wasted upon them, but rather that their victims should be considered.

A common reaction toward the criminal is found in the following quotation (*Traveler*, June 12):

"Cold, cruel comment by those of us who have been lucky enough to keep out of trouble has no place in the penological picture.

"The eye does not always demand an eye, nor a tooth a tooth.

"Both vengeful and sentimental should stay out of prison work.

"Consider the accused Weyerhauser kidnapers. What is their story? Parole, suspended sentence, parole, suspended sentence.

"Crime is made seemingly attractive by the fact that the criminal considers that he is not going to be caught. If caught, he hopes to escape conviction. If found guilty his sentence may be suspended. If sentenced, the term may be light. He may get a transfer to a soft palatial prison. He may get a parole.

"These are obstacles that stand between a guilty person and just punishment.

"Nobody wins. . . . But the worst offender in the whole process is the person who insists that prison reform and parole be carried to the lengths which make justice a mockery and the victims of criminals just so many forgotten men, women, and children."

Much the same sentiment is found in a *Transcript* editorial (June 26) entitled, "The Price of Leniency." A reaction to coddling is also found in a *Post* opinion (July 7) which calls attention to the English proposal to establish a "Devil's Island," and considers it an excellent plan for dealing with the worst criminals. Quoting J. Edgar Hoover (a favorite with the newspapers), who denounced "the great American farce of coddling criminals and of turning them

loose to commit more crimes," the *American* (July 13) said that the greatest enemies of law enforcement are "the sob-sister official, the uninformed know-it-all, and the alleged criminologists who believe that the individual is greater than society."

The newspapers inevitably played up instances of probation or parole violation, and any criminal who committed a violation of his freedom brought blame upon the whole system. The most appealing argument to the editorial mind was that it costs \$450 a year to keep a man in prison and only \$22 to supervise his freedom. Again a tangential consideration is placed to the fore!

However much they were opposed to coddling, all of the papers were in favor of humane treatment of prisoners. The treatment of prisoners on chain gangs in the South, brutalization on convict farms, and similar abuses were deplored. Alcatraz was approved, but not as a model for all American prisons. All comments favored the death penalty, regarded it as a positive deterrent, and called all arguments against it "sentimental." Various prison breaks, riots, and escapes placed the blame on officials and insecure prisons. Wholesale pardoning was condemned as was prison labor "which competes with free labor on the open market." Likewise, the press keeps a watchful eye on the appointment of prison officials and other aspects of personnel.

Editorial sentiment was strong for "clean-up" and prison reforms, but not when they cost money. Modernization and construction programs were always met by the argument that society should first "provide for the crippled, unemployed, and needy among the innocent."

That the public is interested in forestalling criminal activity is seen in the 153 editorials on prevention. The various preventive measures commented on were classified as follows:

TABLE VIII
PREVENTION

Legislative enactment	50
Drives and "clean-up" campaigns.....	30
Special protective devices.....	22
Establishing boys' clubs, playgrounds, etc.....	18
More firearms regulations.....	13
General preventive measures.....	7
Stressing that "crime doesn't pay".....	7
Urging public cooperation.....	6
Total	153

Prominent among the miscellaneous ideas for the prevention of crime was the notion that it can be accomplished through the enactment of legislative prohibition or else making more drastic certain laws already in the statutes. This belief was present in fifty editorials. Following a widely publicized kidnapping, for example, one editor proposed an anti-ransom law to end the evil. To curb a wave of bicycle thefts, a more drastic law was urged. The underlying assumption, of course, was that instead of creating additional possibilities for illegal conduct, such measures would have a deterrent effect.

A minor crusade against the loose regulations of firearms was carried on throughout the year. The campaign began in January and by May the Massachusetts Legislature had got around to a bill providing life imprisonment for the illegal possession of machine guns. It is pertinent to observe that in a democracy, even such a widely approved measure as this one, in which there could hardly be any dissent, was slow in becoming an actual sanction. Thus, reform has as often to overcome apathy and indifference as overt hostility. Editorials on varied types of prevention impossible of any coherent classification totalled twenty-two. These were not concerned so much with genuine prevention at the source, but rather with foiling the criminal in the first stage of the act and thus warding off further consequences. Included among others were the following topics: protective apparatus such as burglar alarms, warning the public against swindle schemes, advising armed protection for payroll carriers, moving suspicious characters on to the next town, and so on. Public cooperation with the police was called for on several occasions to prevent further vandalism in parks, public buildings, and school property.

Perhaps as compensation for their own publicizing of crime, two of the more sensational Boston newspapers had editorials from time to time under the set heading, "Crime Doesn't Pay." These moralizing pieces of exposition went to great lengths to sermonize over the sudden end of some desperado, and frequently added a picture as a further contribution to "deterrence." Only seven editorials dealt with the work of educators, criminologists, and conferences on crime. Bursts of civic consciousness were always displayed, however, in backing so-called "drives" and "clean-up campaigns" on the part of the police and other public agencies of law enforcement. While indignation ran high for a time, it was usually

short-lived and satisfied by superficial efforts rather than any real attempts to eliminate basic causes of criminality.

Juvenile delinquency prevention was the central topic in eighteen editorials. Most judicial efforts at individualized sentences rather than punishment for juveniles were considered effective preventive and deterrent measures. For the greatest part the editorials had praise for individuals working in the field and lauded boy scout organizations, boys clubs, playgrounds, recreation centers, junior police, making heroes of "G-men" rather than criminals, and so on as being well worth their cost as anti-crime measures. In fact, this was one of the few sections in which opinion seemed to approve (without any reservation) individualization activities.

From the rather incoherent and often conflicting opinions synthesized in the preceding pages one notices many comments of a trivial and inconsequential nature, but among them are certain expressions of sentiments which are deeply rooted in the consciousness of the masses. These more fundamental attitudes become of great significance when they are considered in the light of what modern criminology proposes to do about crime. That the public mind (the term is used in a figurative rather than in an organic sense) is often apathetic, ignorant, unscientific, and even opposed to rational means may scarcely be questioned. Popular attitudes are tendencies to act in a definite manner, nonetheless, and if the social reformer wishes to make headway he must utilize them as they are, or else manipulate them into other channels. It is not implied here that criminology must become reactionary in compliance with prevailing attitudes among laymen. Rather, it is suggested that the criminologist recognize these variables as factors to be reckoned with and proceed with more expediency.