

1943

The Press and Crime

John Newton Baker

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

John Newton Baker, *The Press and Crime*, 33 *J. Crim. L. & Criminology* 463 (1942-1943)

This Article 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.

THE PRESS AND CRIME

John Newton Baker¹

It was the year 1927. Edward Hickman had just committed a vicious crime. He had killed and dismembered a 12-year old girl. Somewhere—on some copy desk of some newspaper—a headline writer labored over a word. There! He had it! Hickman was “The Fox”! The story was big news and big time reporters from all sections of the country dramatized the murder, the murderer, the trial and execution. Hickman’s death cell was a popular hang-out for newspaper reporters. “Eddie” became a public hero. He was “daring” and “cunning.” His “bravery under fire” on the stand and in the death cell was constantly praised.

In the months which followed Hickman’s capture and trial there appeared throughout America a number of crimes bearing unmistakable resemblance to the Hickman case. Add to this the fact that the killers voluntarily confessed that they had been trying to imitate Hickman, and the power of the press to incite crime was well established.

* * *

It was November 1874. A New York City judge rapped for order. Boss Tweed of Tammany Hall was on trial. The sentence—imprisonment which death finally shortened. How achieved? The press. Had it not been for the pitiless publicity of several New York papers, activities of this ring would doubtless have continued unchecked. There are many similar cases in which the judicious fulfillment of E. W. Howe’s famous epigram, “The wages of sin is publicity,” has curbed criminal activities. Apprehension, trial, conviction, and imprisonment of criminals are definitely related to politics. As the press operates to keep politics clean, it operates to the disadvantage of crime.

An excellent example of the way the press operates to protect the public and at the same time to defeat criminal activities is the article “So You Lost Your Pocketbook,” condensed in the February, 1937, *Reader’s Digest*. This article gives in detail many of the *modus operandi* of pickpockets, pointing out precautions to take when in crowds—if you value your money.

A concise, yet complete, summary of the advantages and disadvantages of publication of crime news is found in G. M. Hyde’s “*Handbook for Newspaper Workers*.” He says:

The legitimate reasons for the publication of news of crime are: (1) to warn the public of the activities of criminals; (2) to inform the public of the effectiveness of police and court action to curb crime; (3) to aid in the punishment of crime; (4) to discourage crime through giving publicity to wrongdoers.

¹ Assistant Professor of Sociology, Virginia Polytechnic Institute, Blacksburg, Virginia. Author of several articles and a book “*Sex Education In High Schools*,” Emerson Books, Inc., 1942.

The dangers in crime news are: (1) to make crime news an amusement; (2) to sensationalize or exaggerate the importance of crime news; (3) to make crime appear interesting and easy to the person of low mentality; (4) to make it appear thrilling to the young; (5) to misrepresent officers of the law and the courts; (6) to aid the escape of criminals; (7) to fail to stress the punishment; (8) to demoralize the young and mentally unstable.²

But before we condemn the newspapers too severely, let us look at the other side of the question. Arthur T. Robb, executive editor of *Editor and Publisher*, asks:

Can the orderly, safe life of the community continue if newspapers do not regard crime as news, if offenses against life and property, involving as they often do, the complicity of public officials, are to be regarded as of no public interest?³

Certainly it is not to be denied that there is much significance in this statement.

A Nation-Wide Survey

In 1935 Floyd G. Arpan, School of Journalism, Northwestern University, reported on a nation-wide survey made by his institution in that year, and pointed out:

1. Of those surveyed—

47% believed the printing of crime news acted as a check on further crime.

13% believed the printing of crime news incited further crime.

40% were doubtful.

71% believed the present amount of crime news, or even more, would prove beneficial to the public.

59% agreed that sex crimes, juvenile offenses, criminal insanity, indecencies and suicides should be excluded from the newspapers.⁴

This survey included opinions of newspapermen, prison wardens, psychologists, sociologists, and police chiefs. It was interesting to note that among all the groups there was nothing like a majority approving the excluding of crime news from papers.

And so—*does* the press cause crime? Influence of anything upon the human mind is debatable. Psychologists are at variance as to how much response can be attributed to given stimuli. Education, for example, is an influence. So is the movie. So is the newspaper. But some movies and newspapers are more attractive than school programs and less subject to control.

Accepting the influence of newspaper stories upon certain criminal activities, we might well ask what there is in the treatment of crime news that tends to incite further crime? Headlines? Total space? Page one copy? Punch and color in the story? As much as anything else it is the style of writing. Of this style, Fulton Oursler, Editor of *Liberty*, has said:

A word frequently misused in the daily newspapers is 'daring.' Now, daring is a word which holds magic for youth. Every boy likes to be thought of as daring.

² Hyde, G. M., *Handbook For Newspaper Workers*, D. Appleton-Century, New York, 1926, p. 208.

³ Emmet Richards, "Take Crime News Off The Front Page?—No!", *Rotarian*, February, 1937.

⁴ *Ibid.*

When headline writers and reporters use that word in connection with a holdup, they are dignifying the crime with a term that implies some element of the heroic. They are imparting to crime the color of romance. If words like atrocious and cowardly were used there would be created the exactly opposite idea.⁵

Two Experiments

Perhaps the final, and certainly the best, test of any theory is the way it works in practice. Here are two experiments with the curbing of crime news:

In 1909 Judge Henry S. Hulbert, Head of the Wayne County, Detroit, Juvenile Court, went to the managing editors of *The Evening News*, *The Journal*, *The Times*, and *The Free Press*. Upon the assumption that the boy under 17 was imaginative, hero-worshipping, imitative, and most susceptible to the bad influences of the "little Eddie" story, with plenty of "kid art," Judge Hulbert persuaded the editors of these four papers either to cut out entirely all crime stories in which juveniles played a part, or else, where it was felt absolutely necessary to include a notice, to tone it down. Delinquency was reduced so much that the court practically went out of business.

We also have a more recent experiment dealing with crime news in the adult field. In an article in the February, 1937, *Rotarian*, Curtis H. Clay, Managing Editor, *Daily Post Tribune*, LaSalle, Illinois, interestingly relates reasons for beginning an experiment in toning down crime news.

Believing that big type inflames and excites, and that publicity is an aid to the intelligent criminal and an injury to the accidental lawbreaker, Mr. Clay restricted all crime news to inside pages and toned it down for presentation. As to the results, he comments:

When crime went to the inside pages, usually with small headlines, the reporters expected an instantaneous reaction from the public. They believed then, as many still do, that the newspaper readers want lurid, gory, sexy news.

Yet, not once has a request been received to 'put the murders back on page one.' Not once has a complaint been received because of the subjugation of crime. But the publisher *has* received numerous letters from citizens commending his act.

Since crime was banned from our page one, offenses committed by local residents have been few and of a minor nature—and that's something in this community. Of undeniable worth in an analysis of local social conditions is the fact that we have had no boy bandits in the last two yers. while in the first three years of my service here the officers rounded up at least half a dozen gangs of young outlaws. If our newspaper has contributed to this state of affairs its policy is indeed blessed.⁶

Continuing this experiment for three years, The Editor says:

After studying the entire problem, as a newspaperman and a citizen, I have concluded that we accord crime an unwarranted importance when we open page one to it. Crime is a menace, an enemy of every nation. We should do nothing to encourage it; we should not popularize it. The criminal, instead of seeing his name and exploits played up on a par with presidents and kings, should be made to realize

⁵ Fulton Oursler, "Newspaper Editors, Please Note!", *Reader's Digest*, March, 1935.

⁶ Curtis H. Clay, "Take Crime News Off the Front Page?—Yes!", *Rotarian*, February, 1937.

that he is an outlaw. Let the public understand that crime is crime and that its perpetrators are to be shunned, ungloried, unwept, and unsung.⁷

There is yet another field in which newspaper publicity hinders the proper course of law. This is in the "trial by newspaper" instead of "trial by jury" situation. Time and again, prospective jurors have been prejudiced by reading newspaper stories and editorials about a case. Consequently, it is often necessary to seek a change of venue—costly and hampering.

The Commercial Angle

Back of this entire question of the influence of the press upon crime is the commercial angle—a side ever present in our capitalistic economy. Is the policy of most newspapers dictated by commercial considerations? Yes and no. To quote from the January 18, 1941, issue of *Editor and Publisher*:

Max Peter Haas, founder-manager of European Picture Service swept into action with a loaded Leica at the sound of pistol shots outside his New York office Jan. 14, 1941, and won photographic fame and fortune as he snapped the unfolding scenes of a noonday midtown holdup melodrama in which two persons were slain and three were wounded.

Late Wednesday Haas had netted \$725 (now up to \$2800) from five minutes of quick-witted action among the throngs that witnessed the thrilling capture of the bandit brothers Esposito and the slaying of Patrolman Edward Maher by "the shooting corpse" of William Esposito, who had been wounded by the policeman.⁸

Now, why will people buy this? Because it deals in basic—if base—human instincts, and will *sell* newspapers and magazines.

Practical Suggestions

Having discussed the scope of the influence of the press upon criminal activities, citing testimony from criminals, newspaper editors, police officers, and others, we would like to editorialize.

There are three standard suggestions for the minimizing of anti-social treatment of crime news and the emphasizing of the social treatment of such news. These are: (1) a state controlled press; (2) an endowed press, and (3) state licensing of journalists. We think a state controlled press would be subject to a bureaucracy which might just as well be harmful as beneficial; we believe the endowed press almost too Utopian to be considered, and the state licensing of journalists has failed in two state legislatures.

We would like to suggest that newspapers which scout decency and ignore the consequences of featuring sensational crime news and which insist upon "trial by newspaper" instead of "trial by jury" should be first warned to discontinue such practices and then upon the next occasion indefinitely lose their license to publish.

Immediately there will be the cry of *freedom of speech*, but what is the difference between clamping the bit of forceful restraint upon such newspapers and in excluding unclean literature from the

⁷ *Ibid.*

⁸ Walter E. Schneider, "Photog Cleans Up On Exclusives Of Bandit's Capture," *Editor & Publisher*, Jan. 18, 1941.

mails? As a matter of fact, precedent has already been set by English courts which some years ago discontinued publication of two newspapers for the very reasons listed above.

We think there may be a tendency to blame *all* newspapers for the sins of a few, and if this be so, the censoring of several of the gravest offenders would reveal this fact and act as a deterrent to other newspapers bordering on the same policy.

One of the soundest approaches to the improvement of crime reporting lies in the training of tomorrow's journalists. Today, more than half of the active desk men of big city dailies are college trained. School policies should be to teach journalism students constructive handling of crime news. Journalism teachers should stress omission of lurid details and descriptive adjectives which so often influence suggestible minds. Through building up this approach to the treatment of crime news in the minds of future reporters and editors, a contribution will be made to the social handling of crime news.

A third suggestion is promotion of a systematic effort to discuss with newspaper editors and owners the reasons for more careful editing of anti-social news. The two examples cited earlier show that the public welcomes a newspaper that tells the truth but exercises judgment in presentation and display. Crime news is played up because it is sensational and because it packs a punch. At the same time, we would like to ask what would happen if equal effort and talent were used to present the dramatic angles of stories representing years of struggle for the advance of civilization? Might we not come to regard such material as far more dramatic than the anti-social activities of an unbalanced individual?

The writer has worked on the reportorial staff of a daily newspaper. He has observed and felt the undeniable forces of excitement and sensation which often stir editors and reporters when a crime story "breaks". Undeniably the story is big news. Undeniably, also, other papers in the town are in competition and are racing for street edition sales. And unless the paper is well established, these street sales often mean the margin in circulation which guarantees advertisements, which, in turn, guarantee the life of the paper. These forces are compelling; they are actual; they must be reckoned with, and they are not easily changed.

One way to change them is through constant discussion with newspaper editors and owners—discussion designed to indicate the public good which would come from "social" treatment of anti-social news. In certain cities agreements might be reached with editors of competing newspapers, to soft-pedal crime news.

Teaching, discussions, and actual experiments should have but one aim: to change crime reporting from feature number one to copy as routine as the weather.