

1946

Questions and Answers

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Recommended Citation

Edwin J. Lukas, Questions and Answers, 36 J. Crim. L. & Criminology 271 (1945-1946)

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QUESTIONS AND ANSWERS

Edwin J. Lukas, Guest Editor

The Guest Editor of Questions and Answers in this number is a member of the New York Bar. During several years he has given his full time and energy to problems related to Juvenile delinquency. He is now Executive Director of the Society for the Prevention of Crime which has its headquarters at 122 East 22nd Street, New York 16.—EDITOR.

Question 1: With VE and VJ Days now recorded history, what of the delinquency trends?

Answer:

This query is insistent; it is not unnatural that some people—especially those who believe that war produces an upsurge of a unique type of antisocial behavior that stems from purely transient causes—heave audible sighs of relief with the advent of complete military victory. For the most part they subscribe to the notion that with that victory there will be a prompt and perceptible recession of the kind of behavior we have glibly called “delinquent”. There can be no doubt that casual or accidental delinquency may recede somewhat; the situational offender is frequently merged into the law-abiding population upon the improvement of the particular situation which is a proximate or precipitating cause. In most of those cases we find no symptomatology indicative of underlying or fixed antisocial behavior patterns.

Others, however, share the conviction that during the war a momentum of manifestations of patterns of behavior among children has been established which will elicit repercussions for many years, perhaps into the next generation. They feel that the dynamics of the social stresses provoked during war are of a stubbornly reverberant nature. The deeply entrenched origins (economic, social, psychological) of patterns of socially unacceptable behavior are not substantially modified merely on the happening of any such event as the cessation of hostilities. Instead, these people believe, those etiologic factors which were merely made more manifest as a result of the tensions of war conditions become suspended in the postwar atmosphere in much the same fashion that a soluble tablet is dissolved in a liquid; its visible-to-the-naked-eye elements only seem to disappear, but its essential chemical qualities still exist, assuming slightly different form.

The prevailing opinion strongly inclines to the latter view, not only because it makes infinitely more sense, but also because experience reinforces that thesis. Any other view entails the employment of many naive over-simplifications in the diagnosing of the causal relationship between behavior and the impact of war upon the *mores* of the community.

The superficial etiologic factors seem to appeal to many people in high places as explanatory of crime and as a clue to prevention, because they believe those factors offer the promise of being more remediable. The deeper roots elude them because what may be there revealed would call for efforts far beyond what is now being done in the name of prevention. For example: the police chief of a large northwestern city recently declared that we may expect an appreciable decrease in the incidence of crime after the war, since, upon

the return of the servicemen, criminals will be deterred from crime because they will fear having physical encounter with those who have been hardened in warfare. Ironically enough this comes from the chief of the law enforcement agency of the very city in the juvenile tank of whose improperly supervised county jail, only slightly more than six months ago, a 16-year old alleged delinquent was brutally killed by a few of his fellow inmates—also juveniles—when he refused to yield to their perverted sexual practices. Both the police chief's assertion and the county-jail episode are consistent with the generally prevalent archaic concept of crime causation and treatment in which punishment and deterrence are prominently featured, and individualized rehabilitation is constantly de-emphasized.

Question 2: What are the common beliefs concerning the role of the Negro in delinquency and crime?

Answer:

There is a myth, popular among uninformed people, that Negroes are criminalistic, and that they commit particularly vicious offenses. Like the equally fantastic notion that Negro blood has chemical qualities different from the blood of whites, this idea is so wholly erroneous that for most enlightened folk it probably requires no extended refutation. (See: Jess Spierer's *Negro Crime*; Johns Hopkins Press.)

While the generalization that Negroes are criminals is lurid fiction stemming from a compound of prejudice and misinformation, the statistical record of Negroes in crime is dismal enough. Misleading as they are, it might be profitable at this juncture to examine a few randomly selected figures:

Though arrests are not a valid measure of criminality (police often arrest indiscriminately), the F.B.I. reported that in 1944 of those arrested for all offenses throughout the country 27% were Negroes. They constitute only slightly less than 10% of the population. They preponderated over whites in arrests for gambling and possessing weapons, and nearly equalled the whites in arrests for criminal homicide, robbery, assault, and violation of liquor laws. In other categories: embezzlement, larceny, auto theft, prostitution, rape, etc., whites far outranked Negroes, as they did—and always do—in the area of elaborate rackets and gang-warfare.

Negroes constituted about 24% of the New York State prison population in 1944, though they represent but 4.5% of the population; they constituted 30% of the New York City prison population, while only 6.5% of the city's population are Negroes. In the same year Negroes represented 22% of all persons arrested in New York for all offenses; and they represented 27% of all persons convicted for all offenses.

There are five times more Negro juvenile delinquents arraigned in Children's Court in New York City than white delinquents, in proportion to their respective numbers in the population.

In Pittsburgh, during a 30 year period ending in 1935, the rate of commitment of Negroes to penal and correctional institutions was almost ten times that of whites. In 1942, Richmond, Virginia reported 44 homicides, of which 37 were the killings of Negroes by Negroes. Because "life is cheap" among Southern Negroes (the courts making it so) crimes of violence committed against each other are commonplace.

There is a tendency in some quarters to hold the Negro accountable for disturbances involving conflicts between Negro populations and white. Thus, the race riots occurring in June and August, 1943, in Detroit, Michigan; Los Angeles, California; Beaumont, Texas and in New York City's Harlem were featured in many of the country's newspapers as being traceable to behavioral incorrigibility on the part of Negroes. The "zoot-suit" riots in Los Angeles were, strangely enough, attributed by many to the penchant of some Negroes for that unusual regalia, while overlooking the fact that the aggressors in that episode were white hoodlums, soldiers and sailors.

The role of journalism in perpetuating the myth of Negro crime is not insignificant. Newspapers invariably describe an accused Negro offender as "Negro" or "colored", and they exaggeratedly high-light the stories of criminal episodes where Negroes are involved; much more so than in comparable episodes (rape, mugging, homicide) where whites are involved. "Crime waves" are largely the products of editors; in Philadelphia almost 75% of all Negro news in four newspapers during a six-year period was devoted to crime.

Any statistical evaluation of crime incidences, particularly one that purports to relate to a racial group or to the people in a specific geographical area, must be measured against the incidence of crime among groups possessing similar social and economic backgrounds; it cannot be contrasted with general crime rates attributable to all ethnic groups or to those more favorably situated. Moreover, the foregoing statistics, insofar as they may be said to be at all significant, necessarily reveal only the amount and character of crime among people who live in economically underprivileged areas. Negroes notoriously are confined to those crime breeding communities, and we would be justified in assuming that other racial groups, similarly situated, would be likewise affected.

Hence, these and other available data are not truly representative. It is not realistic to contrast the relationship between Negroes and general rates of crime, but rather between rates of crime and the position of Negroes in disorganized areas, against a background of restrictions and the other destructive forces which condition the lives and personalities of Negroes.

The roots of crime among Negroes are the same as in any other group; they are embedded in the social, economic and psychological histories of the offenders. The physical characteristics of Negroes are not sufficient in themselves to explain any differences in criminal behavior. There is no credible evidence to ascribe to the Negro a biological inferiority. However, the fact that Negro is insecure because his race has been denied ethnic democracy; the fact that most Negro youths are usually compelled to live in slum areas; the fact that there exists discrimination against Negroes in employment, education, and in the use of facilities for wholesome and constructive recreation; finally, the fact that the Negroes are exposed to a cruel unevenness in the administration of criminal justice—all of these circumstances assist in interpreting the implications of the large percentage of Negroes in the total roster of criminal offenders.

It is obvious that the economic factor plays a greater role in anti-social behavior among Negroes than among any other group in the population; their average income is but a fraction of the income of the average of the white population. Moreover, as the Negro cannot

live where he pleases he is relegated to a "ghetto" existence on a more or less permanent basis. The Negro is our greatest slum dweller, and his slums have persisted with little change. Most Negro adolescents and young adults experience their quota of feelings of inferiority, resentment and aggression; the frustration and persistent subordination to which Negroes are exposed give rise to emotional disturbances which largely determine their behavior, as they would the behavior of any people similarly situated.

Additionally, in most communities in which appreciable numbers of Negroes are found, police activity is greater in relation to the Negro than to the white. In the south, particularly, the Negro often is blamed for crimes committed by whites, and he frequently becomes the victim of a frame-up. Everywhere—in the north and south—police arrest Negroes on slight suspicion, and do not hesitate to use force against Negroes.

Courts and juries more readily convict the Negro on charges as to which a white man might have been acquitted. The Negro in court does not have equal access to bail, nor the funds with which to employ efficient counsel, to pay fines, to finance appeals, and to avail himself of other legal advantages. In most places the courtroom is entirely staffed by whites: the judge, jurors, attorneys, guards, witnesses, spectators.

Because of deep-seated prejudices and the false taboos concerning Negro criminalistic tendencies, facilities for the rehabilitation of Negro offenders are universally inadequate. Appropriate correctional institutions or other enlightened forms of social control for Negroes are totally lacking. The Negro offender is penalized more frequently and is given more severe punishment than his counterpart in the white population. Prison experiences, frequently harmful to most offenders, are especially damaging for Negroes. Non-segregation of youthful offenders from the hardened variety; brutalizing treatment; solitary confinement; and the day-to-day incidents that stem from an uncompromising hatred by white guards toward their colored charges—these conditions, plus a conspicuous inadequacy in vocational and academic educational programs in most institutions, conspire to embitter the Negro offender and produce in him a greater tendency to repeat his offenses.

Question 3: Is custody the most important function of a temporary detention shelter for juveniles?

Answer:

In probably no other area of institutional care has there been more evidence of planlessness than in the temporary detention of children under the age of 18 years—neglected, mildly delinquent, and the recalcitrant variety.

Most detention places for children today provide only the barest custodial care; that is, security against escape. Investigation of a case consumes a minimum of a week, and sometimes as long as a month. If a child is one whose home situation calls for foster-home placement it has been known that the child may languish in a shelter for as long as five or six months before that difficult disposition can be consummated. If the child is one whose case has been disposed of by commitment to a Training School, but whose transfer to that institution cannot promptly be effectuated because the Training

School is overcrowded, the youngster may be confined to a shelter for as long as four months.

Whether shelter care continues for but one week or six months, it is clear that infinitely more is necessary for the rehabilitation of the child (neglected or delinquent) than mere custody, however temporary. The detention period can be most significant experience for a youngster. He requires and deserves constructive recreational activities, educational opportunities, a warm and wholesome environment resembling as nearly as possible the atmosphere of a home.

But, perhaps even more importantly, the child in a shelter should be routinely examined physically, and tested psychologically. The shelter facility, because it is in a strategic position to perform such function, should be a study clinic. The personality of the child should be investigated for the purpose of discovering any nervous or mental disorder which may have contributed to the child's behavior. The findings of a physical and mental examination in addition to what is disclosed in the social and economic history of the child, may furnish a clue to the treatment procedure which ought to be inaugurated. The results of such examination, at the hands of skilled professionals, should be embodied in a report to be rendered to the court to assist it in disposing of the case.

Question 4: Have the programs of correctional institutions kept pace with newer concepts of treatment?

Answer:

Error, sometimes gross error, lurks in every generalization. But it is almost the safest risk within one's privilege to take to assert that on the whole correctional institutions, particularly those devoted to the care of the younger age groups, have lagged shamefully in adopting the recommendations of responsible criminological and sociological investigators.

The value of institutional care for the rehabilitation of the anti-social has been overestimated. Historically, it has been resorted to as the easiest way of ridding the community of its disturbing elements; historically, it has utterly failed as a deterrent, as a protection to society, or as a means of reformation. To be sure there are some habitual offenders for the correction of whose behavior society has not now any other known remedy. Certainly, the offenders with deep psychological disorders probably require the care that can only be provided while they are in close custody. But it is believed that most of those now in institutions would be greatly benefitted by other, more versatile, forms of social control; for them, custody—especially of the maximum security variety—will be regarded in a more enlightened era as the last resort of an imaginatively impoverished culture.

However, so long as we continue to resort to institutionalization as a major solution to the problem of controlling antisocial behavior, institutions should be dominated by a spirit of scientific inquiry.

An institution utterly fails to fulfill its purpose if it resorts to the ancient and luxurious futility of negative controls which permeate the punitive system. And, so long as the institution accents restraint in respect to its youthful charges, it is correctional in name only, punitive in reality and result, and productive of an infinite variety of recidivist behavior.

It seems trite to assert that treatment—by which is meant *rehabilitation*—is successful only when it is related to *cause*. Cause cannot be presumed; it must be found. It cannot be found, for example, by identifying every auto-thief with other auto-thieves, etc.; it can be found only by the most painstaking investigation of every facet of the offender's background and by the systematic application of every diagnostic technique developed by modern research.

Each state should create a central reception and classification unit, to which those for whom the court cannot fashion an extramural program should be committed for study and disposition. The recommendations of that unit, adequately staffed with personnel of the highest obtainable order, should be followed faithfully by the widely diversified treatment institutions which, under such a system, would be available. Each treatment unit would have population capacities small enough to insure effectuating every feasible detail of the recommendations which accompanied the youth entrusted to its care.

In so doing, the unique organizing talents which the American people possess should be mobilized. Academic and vocational education; readjustment of the youngster's familial environment and social climate; redirection of his reactive apparatus; relaxation of tensions and redistribution of his emotional energies—these are but a few of the many aspects of the future life of a juvenile or youthful offender which require the most fastidious kind of individualized attention before an institution can be said to have discharged its primary responsibility to the public. In short, the youngster must be reoriented on economic, social and psychological levels so that his life in this precarious world can be lived with an irreducible minimum of conflict, internal and external. An institution or system which falls short of making this effort is an extravagance; one that performs this service might find itself to be indispensable.