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Current Notes

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CURRENT NOTES

V. A. Leonard, Editor.

Downward Trend in Number of Executions—During 1948, 118 prisoners suffered the death penalty in the United States at the hands of civil authorities, according to figures released recently by James V Bennett, Director, Bureau of Prisons, Department of Justice. Of these prisoners, 94 were executed for murder, 22 for rape, and 2 for armed robbery. Thirty-five were white persons, 81 were Negroes, and 2 were American Indians. Except for the year 1945 when 117 prisoners were executed, the 118 in 1948 represents the smallest number executed by civil authorities in any year since the present series of statistics on executions was inaugurated by the Census Bureau in 1930. It will be noted in the following table that there seems to have been a general downward trend in the use of the death penalty but an upward trend in its use for rape. Executions per year, 1930 to 1939, averaged 166, with an average of 12 for rape; from 1940 to 1948 they averaged 130, of which an average of 21 were for rape. Besides the six states—Maine, Michigan, Minnesota, North Dakota, Rhode Island and Wisconsin which do not have the death penalty, no executions were reported in 19 other States. While executions occurred in 1948 in 23 States and in the District of Columbia, more than half of them took place in seven States: California, Florida, Georgia, Mississippi, North Carolina, Ohio and Texas.

**PRISONERS EXECUTED IN THE UNITED STATES BY RACE AND OFFENSE:
1930 to 1948 (a)**

YEAR	TOTAL	RACE			OFFENSE		
		White	Negro	Other	Murder	Rape	Other
Total.....	2,831	1,253	1,528	50	2,470	316	(b)45
Per cent..	100.0	44.3	54.0	1.7	87.2	11.2	1.6
1930.....	155	85	65	5	147	6	2
1931.....	153	72	72	9	137	15	1
1932.....	140	60	75	5	128	10	2
1933.....	159	76	80	3	151	6	2
1934.....	168	62	102	4	154	14	—
1935.....	199	119	77	3	184	13	2
1936.....	194	92	100	2	180	10	4
1937.....	147	69	74	4	133	13	1
1938.....	190	96	92	2	156	25	9
1939.....	159	80	77	2	144	12	3
1940.....	124	49	75	—	105	15	4
1941.....	123	59	63	1	102	20	1
1942.....	147	67	80	—	116	24	7
1943.....	135	56	76	3	118	17	—
1944.....	120	47	70	3	96	24	—
1945.....	117	41	75	1	90	26	1
1946.....	131	46	84	1	107	21	3
1947.....	152	42	110	—	128	23	1
1948.....	118	35	81	2	94	22	2

(a) Does not include executions in military installations. The Army, including the Air Force, carried out 146 executions, all during the period 1942 to 1948. 93 were for murder (including 18 which also involved rape), 52 were for rape, and 1 was for desertion. The Navy carried out no executions during the period.

(b) 14 armed robbery, 12 kidnapping, 8 burglary, 6 espionage (all in 1942), 3 assault with deadly weapon, 2 offense not reported.

U. S. Department of Justice, *Prisoners in State and Federal Prisons and Reformatories*, September 20, 1950, Number 2.

International Conferences—Making up for the lag in international conferences in the years following the war, no less than four such conferences of interest to readers of the JOURNAL have been held in Europe during the summer of 1950. In July occurred the International Conference of Juvenile Court Judges at Liege, Belgium. Juvenile courts are coming in for increased attention in Europe as well as in this country. Judges participated from most of the European countries this side of the "Iron Curtain," together with several from the United States representing our National Council of Juvenile Court Judges. In July also was held the Fifth International Conference of Social Work at Paris. The Twelfth International Penal and Penitentiary Congress met at The Hague, Holland, August 14-19. Previously meeting every five years in world capitals, this international prison congress last met in Berlin in 1935. At the Congress of The Hague this year, Sanford Bates of New Jersey, well-known penologist, served as president and Thorsten Sellin of the University of Pennsylvania as secretary general. Among the papers presented was one by Charles L. Chute on the importance of pre-sentence study of offenders. The extension of probation and parole and special agencies for the treatment of juvenile offenders were on the agenda. The findings of the Congress will be published in the fall. The Second Annual International Congress of Criminology was held in Paris, September 10-19. Paul W. Tappan, Professor of Sociology of New York University and Dr. Ralph S. Banay, psychiatrist of New York, were among the American participants—Focus, September, 1950.

The Social Responsibility of Psychiatry—The Committee on Social Issues, since the beginning of its functions as a unit of the Group for the Advancement of Psychiatry, has faced the need to define its purposes more clearly and to establish a frame of reference within which those purposes could be effectively pursued. The establishment by GAP of a Committee on Social Issues carried with it the tacit admission of the principle that the psychiatrist has a pertinent role in the study of social problems. Beyond this, however, no more specific definition of this role was provided. Here and there, individual psychiatrists and other social scientists offered conjectures on the significance of that role, but no standard had as yet been formulated. Additional impetus toward clarification came from a series of discussions in the general meetings of the parent organization. These discussions reinforced the conviction of the Committee on Social Issues that the mission of GAP itself in large part was a social one; that the very birth of GAP was motivated not only by the pressing need for study of mental health problems, but also by a sense of urgency in the application of valid psychiatric knowledge to the critical problems of a changing society. All the issues raised in GAP had an immediate bearing on problems of mental health but also had a wider relevancy to problems of human welfare as shaped by the patterns of our own social organization.

Accordingly, it seemed important for GAP to take a valid and explicit position on the social responsibility of psychiatry. At one pole, psychiatry is linked to biology and medicine; at the other pole, it is linked to the social sciences. The fluidity of the interaction of the individual with society tends to broaden the concepts of mental illness and mental health. It necessitates a more elastic view of illness as a qualitative and quantitative deviation from a hypothetical norm of bio-social adaptation. Such a concept of mental illness differs from previous definitions in that the earlier tendency was to make a dichotomy between biological and social causation. The biological and social components of causation were dissociated, whereas in the present concept these

elements represent partial facets of a continuous unified process. These and other related considerations led the Committee to suggest that concepts of psychiatry should be broadened in the following directions:

1. Redefinition of the concept of mental illness, emphasizing those dynamic principles which pertain to the person's interaction with society.
2. Examination of the social factors which contribute to the causation of mental illness and also influence its course and outcome.
3. Consideration of the dynamic processes in intra- and inter- group relations.
4. Consideration of the specific group-psychological phenomena which are relevant, in a positive sense, to community mental health.
5. The development of criteria for healthy and pathological patterns of social organization.
6. The development of criteria for social action relevant to the promotion of individual and communal mental health.

Perhaps the most problematic aspect of this whole question is the implementation of such social-psychiatric concepts in the field of social action. The Committee on Social Issues has the conviction that social action, in this context, implies a conscious and deliberate wish to foster those social developments which could promote mental health on a community-wide scale. Specifically, it favors the most intensive study of the psycho-social factors influencing human welfare. This includes the application of psychiatric principles to all those problems which have to do with family welfare, child rearing, child and adult education, social and economic factors which influence the community status of individuals and families, inter-group tensions, civil rights and personal liberty. "This," states the Committee, "in a true sense, carries psychiatry out of the hospitals and clinics and into the community."—Committee on Social Issues of the Group for the Advancement of Psychiatry, 3617 W. 6th Ave., Topeka, Kansas, *The Social Responsibility of Psychiatry, a Statement of Orientation*, Report No. 13, July, 1950.

American Academy of Forensic Sciences Now Firmly Established—The first meeting of the American Medico-Legal Congress was held in St. Louis, January 17-19, 1948, under the guidance of Dr. R. B. H. Gradwohl. A second meeting was held in Chicago, January 27-29, 1950, at which time a constitution was adopted and the organization became known as the American Academy of Forensic Sciences. The following officers were elected unanimously: President: Dr. R. B. H. Gradwohl, 3514 Lucas Avenue, St. Louis; Vice-President: Dr. Samuel Levinson, University of Illinois College of Medicine, 808 South Wood Street, Chicago; Secretary-Treasurer: Professor Ralph F. Turner, Department of Police Administration, Michigan State College, East Lansing; Executive Board: Dr. Milton Helpert, 106 East 85th Street, New York City, and Dr. Louis J. Regan, 1925 Wilshire Boulevard, Los Angeles. The Academy was divided into the following sections in order to best serve the needs of the members: Forensic Pathology, Forensic Psychiatry, Forensic Toxicology, Forensic Immunology, Jurisprudence, Police Science and Questioned Documents. The Publications Committee is considering several possibilities for the publication of the proceedings of the Academy. Further announcements will appear in the JOURNAL. The third meeting of the Academy is tentatively set for the early part of 1951 in Chicago. All persons interested in presenting papers should contact Dr. A. W. Freireich, 180 Hempstead Avenue, Malverne,

New York, Chairman of the 1951 Program Committee.—*From a release by Professor Ralph F. Turner, Secretary of the Academy.*

The Penitentiary at the Crossroads—Following the year 1930 we saw bold experimentation within the prison which crystallized in the classification procedure and the introduction of professionally-trained personnel. This was a new development and one concerning which all progressive penologists are well informed. The question presents itself today: what has the next half century to contribute to the perplexing problem of crime and penal treatment? It has been the conviction of many persons that the prison, as we have known it, simply is not the answer for the treatment of criminals. And there is nothing new in that conviction. As early as 1868 the Frenchman Desprez made the first thoroughgoing argument against cellular confinement. The Philadelphia reformers in 1820 regretfully stated that their "dream" system of separate confinement was failing. Reports through the years from such astute men as Enoch C. Wines, Theodore Dwight, and others, recognized the failure of the prison to reform. Said these men: "There is not a state prison in America in which the reformation of the convict is the supreme object of the discipline." The Attorney General's SURVEY OF RELEASE PROCEDURES, in 1940, came to the same conclusion. Yet penologists still have faith in the prison and go on "whistling in the dark" in the belief and hope that this sterile institution can be made into a reforming device. They believe this because the classification or diagnostic clinic with its overworked and institutionalized personnel is the last resort of the cellular prison.

With the foregoing introductory statement, Negley K. Teeters, noted sociologist, suggests possible substitutes for cellular confinement, including a) *Indemnity or restitution*: Restitution may sound fantastic yet it has a venerable past in the old Anglo-Saxon *bot* or *wergild*. The International Penal and Penitentiary Congress discussed restitution at Brussels in 1900. The subject was assiduously explored by scholarly experts, one of whom was the distinguished Yale professor of law, Simeon Baldwin. He reviewed this technique through Roman, English and Continental precedents with also an exposition of American precedents. He agreed to the principle of restitution with the offender paying the victim plus court costs. Another who wrote widely on this subject was the Italian jurist, Raffaele Garofalo. He held that the restitution exacted from a convicted criminal was a far more restraining force than imprisonment. He took little stock in imprisonment except for the hopeless or dangerous. This intriguing question of restitution has not been discussed by the International Penal Congress since 1900. In fact, one rarely sees the matter mentioned in any of the modern penal literature. Merely because we have not recently explored the possibilities inherent in this substitute for imprisonment, it does not follow that the idea is not sound or expedient. b) *Fines based on capacity to pay*: Impinging on restitution we may explore another possible scheme, the practice of invoking a fine based on the capacity of the convicted person to pay. It is one of the glaring injustices of our system of jurisprudence that money fines are pronounced by a judge without his knowledge of the hardship imposed on the culprit. Thus a twenty-five dollar fine may be vastly more formidable for one person to assume than for another. Invoking a fine based on the individual's ability to pay would have considerable merit. If such a system is regarded as unconstitutional, legislation could be passed to make it legal on the grounds that a person, by virtue of education, training and accumulation of wealth, should be held more liable than others less fortunate. But again there is nothing radical

or new in the proposal. Montesquieu advocated it by stating, "A graduation should be established between different penalties corresponding to the resources of the offender" and the idea was also supported by Jeremy Bentham as well as Dr. Emmanuel du Monceau of France.

The suggestion made some years ago by Howard B. Gill—that the prison be, in reality, a diagnostic center only—has considerable merit. In any event, a substitute for imprisonment must envisage some type of restraint within the community otherwise it would have little meaning. It does seem, however, that community resources are as rich and fruitful as those already established in the prison. It is up to a society as intelligent as ours to chart new trails and exercise its latent imagination in solving the problem of treatment. The prison has failed. It is time to try something else.—Negley K. Teeters, Chairman, Department of Sociology, Temple University, *Substitutes for Cellular Confinement*, THE PRISON JOURNAL, Pennsylvania Prison Society, Vol. XXX No. 3, July 1950.

International View of Probation—The Department of Social Affairs of the United Nations has issued a preliminary report on Probation and Related Measures, with information from many countries but with special emphasis on probation development in the United States, the United Kingdom and the British Commonwealths. Submitted as an appendix is a special report on probation in the United States prepared by a sub-committee on probation, appointed by the United Nations Secretariat, made up of representative leaders of probation in this country with Joseph P. Murphy, Chief Probation Officer at Newark, chairman. The entire report has been sent out for review and corrections to the various committees and to others interested in probation development. It is promised that it will be published and available for distribution throughout the world during the latter part of this year. Model laws and minimum standards for legislation and administration will be added. As the first international report on probation and as a step toward the development of the service in all countries, this publication is a notable achievement.—Focus, September, 1950.

The Work of Bates and Bennett—One of the most notable efforts to build institutions for convicted delinquents which will enable wardens and superintendents to operate within a setting suitable to a reform program for inmates has been that worked out by the Federal Bureau of Prisons of the Department of Justice, directed from 1930 to 1937 by Sanford Bates and since 1937 by James V. Bennett. The system operated by the Federal Bureau of Prisons is considered by many to be the most complete and enlightened to be found anywhere in the world today, even though federal laws have not permitted the Bureau to go as far as the State of California is treating delinquents outside of institutions. The Bureau has based its operations upon reformatory treatment and has adopted as the foundation of its treatment program the idea of classifying prisoners and then sending them to the proper type of institution as indicated by the diagnosis. The variety of treatment facilities required in such a program has led to the planning and building of many different types of institutions—all the way from a new Alcatraz to cottage detention homes for accused children. Included in this constellation of institutional facilities are: Alcatraz in San Francisco Bay for the most dangerous inmates; three secure prisons at Leavenworth, Atlanta and McNeil Island; two new mixed custody penitentiaries at Lewisburg, Pennsylvania, and Terre Haute, Indiana; eight medium security correctional institutions scattered logically

over the country; and one minimum security correctional institution at Seagoville, near Dallas, Texas. The Bureau also operates four reformatories, two training schools for boys, and some prison camps. In this way, it has a suitable form of institution for every conceivable type of inmate—even mentally diseased inmates can be handled at the Medical Center, in Springfield, Missouri.

Out-of-date prisons at Alcatraz, Leavenworth, Atlanta and McNeil Island will continue to be used until new substitutes can be built, but in all of its new construction the Bureau has followed a rational plan. Even in its new penitentiaries, not over 12 per cent of the inmates are housed in maximum security inside cells. The eight medium security institutions are built without walls, a high wire fence having proved a sufficient safeguard against escape. The most remarkable results have been obtained at the minimum security institution at Seagoville. Here there are no cells—only rooms. The plant looks like a college campus and there is not even a secure fence around it. Yet there are kept here what are usually regarded as dangerous criminals—even youthful murderers. Nevertheless, due to a good program of treatment, there seems to be no inclination to escape.—Harry Schwartz, *New Vistas in Prison Planning*, THE PRISON WORLD, July-August, 1950.

Social Work in India—*The Prevention of Crime and Treatment of Offenders* is the title of an 83 page brochure issued recently containing the proceedings of the Indian Conference of Social Work, United Provinces Branch, Lucknow. The foreword is by Girdhari Lal, Minister for Jails and Excise, United Provinces, Lucknow, who states, "This brochure is the result of the Presidential Address and Papers presented to the Conference by Officers of the United Provinces Jails Department. Our efforts shall be amply rewarded if public opinion, in some measure, is focused on these vital social problems." The papers presented in the brochure are written in scholarly fashion and give the distinct impression of workers who have been carefully trained for the job. The Presidential Address is by Col. G. R. Oberai, Inspector General of Prisons, United Provinces and serves as a general introduction to the theme of the Conference. One is impressed with the emphasis placed upon the necessity for integral relationship with the field of social work in general. There is a paper on the Adolescent Offender and the Borstal, which explains fully and thoroughly the philosophy of Borstal Institutions in England and touches upon plans for a similar development in India. "From Crime to the Criminal" is the title of a paper by the Superintendent of a District Jail, which is a technical criminological approach to the subject of crime and its treatment. A paper on the role of "Child Guidance Clinics in the Prevention of Delinquency" is descriptive and emphasizes the essential elements of a professional staff.

A final paper on training in the prevention of crime and the treatment of offenders describes in some detail a plan for training jail officials. A school described in this article was set up in 1940. The curriculum covers in addition to prison administration, office routine, accounts, audit and budgeting, factory work, probation, first aid and hygiene, physical training, such subjects as Sociology, Criminology, Penology, Juvenile Delinquency, Psychology, Social Psychiatry and Social Casework. This training school is a residential institution with two hostels, one for the officers and the other for warder trainees. The period of training is nine months for officers and four months for warders. There is also a short term curriculum for probation officers.—THE PRISON JOURNAL, April 1950.