

1951

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Recommended Citation

Camille Faris Hoyek, Criminal Incendiarism, 41 J. Crim. L. & Criminology 836 (1950-1951)

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CRIMINAL INCENDIARISM*

Camille Faris Hoyek

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In research studies concerning fires, statistics show a relatively large number of cases in which the causes and motives of fire are unknown or not definitely determined. Without exaggeration one may say that many of these cases are of incendiary origin and that the criminals responsible for them escape justice, perhaps, because they are never apprehended, and perhaps because even if they are suspected of being incendiaries, they succeed in gaining acquittal through insufficient evidence against them. The crime of deliberate incendiarism is, without a doubt, the one which most often goes unpunished and the one for which there is the greatest diversity of causes. On the other hand, it is seen that the investigators, in spite of their prevailing ignorance of technical procedures, too often delay in consulting the specialists until they are forced to admit that their investigations have failed. We note that their investigations are almost always belated and that they completely lack data acquired during the fire and minute observations of the actual outbreak of the fire. In questions of incendiarism more than in any other crime, the investigator must reject circumstantial evidence, the testimony of informers, and other purely accessory material. Unfortunately, one too often notes that investigations are based entirely on testimony of this kind, perhaps even on that of an individual financially interested in the incendiary fire. It is not strange that courts and juries consistently refuse to convict on such unsubstantiated evidence. Furthermore, the fact that most legal statutes provide rigid penalties for incendiarism strongly influences juries to prefer absolving the guilty to passing a severe sentence on one whose guilt has not been absolutely proven. The establishment of the motive is not absolutely necessary for the prosecution. The general underlying motives that inspire the commission of this crime naturally vary, but the most common may be

* The author wishes to acknowledge the cooperation of L. J. Hilbert, Chief of Police, Oklahoma City, and his assistants, particularly Captain Myler and his assistants in the Bureau of Identification and Records in making this study. Most of the cases cited and commented on in this paper are taken from the files of the Oklahoma City Police Department, which were kindly placed at the author's disposal by these officers.

said to be the desire to defraud the insurer, vengeance, jealousy, profit, credit, vanity, and revenge. There are, however, many other motives for committing arson, such as concealing crimes, destroying the evidence of another crime, preventing verification of a theft, abuse of confidence, criminal negligence, and many others.

Arson is the most difficult of crimes from the viewpoint of the investigator. In most cases the fire will have destroyed all traces of the arson, so that the prosecution is compelled to build the case almost entirely on circumstantial evidence.

Definitions of the crime of incendiarism and of what constitutes arson differ in different countries, and this lack of uniformity makes it difficult to give any definite limit to the investigator as to the methods of prosecution. Also, a successful investigator of criminal incendiarism must have sufficient knowledge of the legal aspects of the problem. The difference in the arson laws of the various states and countries extends not only to the methods of trial but also to the nature of the evidence which may be introduced.¹ There are, however, three things that must always be established in order to conduct a successful prosecution:

1. The existence of the fire
2. Incendiary origin.
3. The proof of the guilt of the accused

The establishment of the motive is also important, from the viewpoint of the investigation.

THE FIRE

Proof must be introduced that the fire actually occurred. There must be some actual burning or ignition of some part of the building to constitute the offense.

ORIGIN OF THE FIRE

To constitute arson there must be an intent to willfully or unlawfully set on fire the lands of another or to start fire on one's own land, lease, etc., with intent to let the fire spread to the land of another. By "intent" here is meant it could be inferred that a reasonable man could foresee the probable result of his act. The intent need not be to destroy. If a pyromaniac or "firebug" sets the fire, he is also guilty of criminal incendiarism regardless of motives defined by criminal law. It has been further held that if a person while engaged in the commission of a felony sets fire to a building, his act is arson, even though

1. H. Soderman and J. J. O'Connell, *Modern Criminal Investigation*, Funk & Wagnalls Co., New York, p. 377.

there was no intent in the mind of the accused to start the fire. To accuse such a person of arson it is only necessary to establish that he committed or aided and abetted the crime, which resulted in a fire. However, when the committing of arson has been established, every fact and circumstance which may throw light on the case is usually admissible as evidence. Finally, the establishment of the motive, on the contrary, is not absolutely necessary for the prosecution because motives naturally vary.²

In short, criminal incendiarism still is one of the most mysterious crimes in the world, and most statistics show a relatively large number of cases in which the causes and motives of fire are unknown or not definitely determined. This study is designed to throw light on the causes of fires with the purpose of reducing criminal incendiarism in general.

CRIMINAL INTENT AND INCENDIARISM

Fires caused with criminal intent are deliberately set by man, and the fact is well known that it is much easier to investigate a fire of incendiary origin than one started unintentionally, for it is extremely difficult to make a man admit that he has been guilty of an indiscretion or of gross neglect.

In dealing with the criminal incendiary it is of supreme importance to know the motives, social and moral, which can drive a man to set fires deliberately. Certain ones of these motives are well known and of frequent application; others are more rare and more obscure. They are, however, more interesting to study than are the more obvious motives.

Vengeance. Frequently criminals set fires for vengeance and in such cases we note a strange parallelism. Almost always vengeance wreaked in incendiarism has a petty origin, some insignificant grievance which does not justify exacting normal retribution by violence, by blows, by injury, etc.

Mrs. P. M. was brought to the Police Station charged with setting fire to an apartment. The author talked with Lieutenant H., who stated that they had answered a fire call about 4:00 P.M. to North Eastern City, Apartment A. He stated also that they had received information from neighbors that the above subject had set this apartment on fire.

The author talked to M.D., North Eastern City, Apartment C, who stated that evening she had heard a disturbance in Apartment A. She saw the above

2. *Op. cit.*, note 1 at p. 381.

subject lying on the ground in front of this apartment, and she thought that B. R. had thrown her out of his apartment. This subject stayed on the ground about ten or fifteen minutes and B.R. left. M.D. stated that M. came to her apartment and asked her for a match. She gave her two matches and she noticed that M. went to the west side of the house and tried to enter. When she asked M. what she was trying to do, M. told her it was none of her business. Then M. went to the back window and tore the screen off and went inside. A short while later M.D. noticed the house was burning whereupon she called the fire department. The above subject P.M. was brought to the police station and on being questioned she admitted setting fire to that apartment for vengeance against the landowner who had thrown her out of his apartment.³

Revenge also is a common motive for arson. This case shows us that the movements of persons having a grievance against the owner of the burned property should be investigated.

Racketeers also resort to the torch in their extortion rackets when they want to intimidate contractors, firms or individuals in various building or other trades and thus force the victims to meet their demands.⁴

In another case Miss R. had made a report to the Detective Bureau, that she left her home at approximately 9:00 p.m. one night and on her return at approximately 2:30 a.m. she found her bed on fire. Miss R. stated that she had been keeping company with Mr. McC. for approximately three months and that he had choked and struck her several times and she had ordered him to stay away from her house. She stated that she suspected him of setting fire to the bed as he had made the threat to burn her out if she did not continue to see him.⁵

Intimidation too is a principal motive. It is not only that the arsonist sets the fire to force the victim to meet his demands, but also the fire may be set to intimidate a witness, a defendant, or a landowner.

Jealousy. Jealousy, too, can drive an individual to incendiarism, especially in the country. A farm neighbor's more bountiful harvest and his winning the red ribbon in a county fair are sometimes sufficient causes of jealousy to make some individuals, in piqued pride, set fire to the neighbor's property.

As an example, Mr. S. at 1:39 p.m. committed the act of arson by pouring a liquid over the floor and on the walls of a trailer located in a southern city, and then igniting it with a match. He was seen to run away from the scene after he had set fire to the trailer.

Mrs. M. testified that she is a manager of the trailer court and that about 1:00 a.m. on the morning of the fire Mr. S. came to the trailer court and asked her where his wife was. Mrs. M. told him that his wife had gone to a dance. She

3. Bureau of Identification and Records, Oklahoma City Police Department, Oklahoma City, Oklahoma.

4. *Op. cit.* at note 1, p. 382. Also see Clayton C. Ettinger, *Problem of Crime*, Roy Long and Richard R. Smith, Inc., New York (1932), pp. 127-28.

5. Bureau of Identification and Records, Oklahoma City Police Department, Oklahoma City, Oklahoma.

further testified that Mr. S. became very angry, broke the lock of the door of the trailer belonging to his wife F. S., because she was going out with other men; Mrs. M. saw him come out the door, strike a match, and toss the lighted match into the trailer. She testified that she saw a flash like an explosion and saw Mr. S. run west towards Robinson Street after the trailer became enveloped in flames.⁶

Profit. Without doubt the most frequent motive of deliberate incendiarism is profit, profit clothed in numerous guises. Most often it is a matter of flagrant fraud as in the case of the individual who insures his property in excess of its value. The insurance companies who without verifying the true values close their eyes to this practice for the sake of the premiums paid them are morally responsible for this sort of crime. In certain countries, or regions, this abuse amounts to such a veritable scandal that the insurance companies dare not complain lest they themselves become fire victims. The only way to avoid abuses of this kind is to enforce honest and exact valuations of insurable property such as are rendered in a number of countries. In certain cases fraud is perpetrated by merchants who insure stocks actually existent at the time the insurance policy is issued, but they hasten to sell or store the stocks elsewhere as soon as they have set the fire with the intent of proving that the stocks were destroyed in the flames. As an example, Mr. A. B. T. made the following statement before the Lieutenant of the Detective Bureau:

About 2:00 p.m. E. H. of Northwestern Avenue, who operates the T. service station at the same address loaned Y. a model A Ford truck, and told him to do as he pleased with it. After using the car some time, and repairing it, he finally disposed of it without Mr. H.'s knowledge. Some time later, Mr. H. asked Y. what he had done with this automobile, and was told that it was at Y.'s home. Later on he questioned Y. again, and Y. told him the truth about it, that he had disposed of the car at B.'s automobile salvage, in Southern City. After advising Y. to keep it quiet, H. had some other boys dispose of the truck so he could collect its price from the insurance company.⁷

In most states, leases are terminated if the building is destroyed by fire or rendered otherwise uninhabitable.

For example R. W. rented a shoe store from E. S. The rent was much higher than the prevailing rents in the neighborhood, and the lease had a long time to run. A fire broke out in the store and the store could not be used for several weeks; a building may so be rendered "uninhabitable."⁸

The tenant can then break the lease and move out. Also, a prisoner may set a fire in jail in order to escape.

6. *Ibid.*

7. *Ibid.*

8. *Ibid.*

The insurance angle of arson cases is, however, most important and is to be carefully investigated. It goes without saying that the financial status of the suspect, as well as dates of embarrassing payments due about the time of the fire, are also to be ascertained.

Also the above subject continued: E. C. H. where Y. was employed at Lincoln, about this time, or a little later told him if he would burn his 1937 Chrysler, he would forget all about the truck, and there would be \$10.00 waiting for him in either the seat or the glove compartment of the car. He had a key to this car made for him two or three weeks before the car was taken. He also examined his safe to make sure before Y. should dispose of this car just what kind of insurance he had; he called the insurance company to find out all about the insurance. This was one and one-half or two months before the car was taken and burned. At this time Y. was getting only \$10.00 to \$12.00 a week, as H. was letting him work only part of the time. Mr. H. called G. N. and tried to get Y. a job with him so he would not be liable; Y. would have just stolen this car, if he were ever caught, and H. would not be involved in it. This case shows also that the unsuccessful or fraudulent merchant, commissioner or agent may employ a professional arsonist to apply the plan. On the other hand, he may secure an intermediary, in order to avoid having what is known as a fire record. Mr. A. B. F. further testifies that: Some time later, about a month after Christmas, Mr. H. had a party at his house, at which time he parked the car that he wanted to dispose of, on a side road; Y. drove this car off, taking it to B. H.'s. . . . The car sat at B. H.'s for about two weeks; then B. H. and Y. drove it to a rock quarry between Jones and Luther, Oklahoma, where they finished stripping it; some of the parts had been taken off while it was parked at B. H.'s; then they burned it.

Some time later, Mr. H. collected his insurance on this car, and at that time, when he collected it, he gave Y. \$10.00. Several days before Y. took this, H. had the radio and the heater taken out by some radio shop or garage.⁹

It should be noted also that there are arson fires that are indirectly the result of trade conditions. These are commonly referred to as trade or business fires. A change in the fashion of wearing apparel finds the merchant overstocked. A financial loss confronts him. If he is unscrupulous, he may resort to arson and sell his unwanted goods to the fire insurance company after arranging for the incendiary fire or he may surreptitiously remove the most valuable goods from the premises during a bogus sale, leaving the unwanted goods to be damaged or destroyed by the fire.

The desire to defraud the insurer may not always be manifested by the raising of the insurance just before the commission of the crime. Many cases are known where the insurance has been reduced to some extent before setting the fire, in order to avoid suspicion.

In cases involving credit the advantage gained by the incendiary is not immediately apparent, but the knowledge that he will receive only

9. *Ibid.*

benefits of lesser value than that of his destroyed property can, however, bring profit to the incendiary. In many cases also arson will be the outlet for a desire for "quick sale" and there, too, the insurance fraud is not so manifest. The matter is one involving his credit; if an individual in difficult financial straits tries to liquidate his assets quickly by public auction, for example, he will never receive full value; his loss will be appreciable, and worse still, his credit will be impaired; even the law protects him by extending to him moratoriums. His credit remains sound, and public opinion is in his favor.

So it is that in certain instances, even when it seems that the fire is an unfortunate thing, the incendiary can have calculated exactly to make it serve his interests. In consideration of putting an end to quarrels, instances have been noted when the incentive to profit is very niggardly; fires have been set to force a recalcitrant landlord to make repairs or to repaint a kitchen. In other cases, people have resorted to incendiarism to settle the division of property; when the heirs can not reach an agreement, fire is a rapid solution for bringing about a settlement. Also the fraudulent merchant sometimes arranges a fire to start on the floor above that of his occupancy where another business is conducted, so that he will sustain a water loss and collect insurance fraudulently. There are also fires set in cases of trade rivalry in which one competitor burns out another in order to get the latter's business.

Vanity. Strange as it may seem, even vanity can motivate incendiarism. There are cases on record, for example, of proud members of a voluntary fire brigade or company who set fire to different kinds of buildings in order to be able to wear their uniform and operate as firemen. There is also the case, for instance, of an old fire sergeant who set several fires because he was going to be retired; he was going to have to leave his company very soon and he needed a record of service in three or four more fires requisite to receiving a citation or a medal.

Destroying the Evidence of Another Crime. Yet another motive for incendiarism challenges the interest of the investigator; there are cases in which fires have been set with the express purpose of destroying the evidence of another crime.

There are records of numerous cases of murders in which attempts have been made to dispose of the body by fire; even if the fire does not completely destroy the body, it makes the investigation of the crime very difficult, often rendering it almost impossible to determine the nature of the wounds or injuries inflicted in the murder.

It should be pointed out that when persons have been burned to death accidentally, the charred bodies—owing to the contraction of the tissues caused by the heat—will often assume the most peculiar positions, sometimes indicating that the person has died defending himself; only an autopsy can give any basic foundation for such a suspicion.

Setting Fire to Commit Burglary in the Neighborhood. There is another motive for committing incendiarism. The arsonist puts the fire in a definite place in order to get all the people out of their houses so he may commit burglary.

For instance, Mr. T. H. made a statement admitting responsibility for five different fires in the southwestern part of the city over a period of one week; when the author asked him what his motive was, he stated that it was not for excitement and told him about an organized gang in which a mysterious "Don" that the police have never been able to locate, was the leader of the gang. T. stated that they called themselves the "twelve cut throats." In his statement to the police, T. stated, "Don is the leader of the gang." He said that they would call him and tell him the address where he was to burn a garage, or any other place, at a certain time that night in order to get all the people out of the front of the house so that they could burglarize the houses in the neighborhood.¹⁰

Preventing Verification of a Theft. There are also records of numerous fires set to destroy evidence of theft, especially cases of domestic theft in which the thief is a member of the family or an employee of the household, one who would be definitely a suspect if the theft should be discovered.

In one case Mrs. H. G. reported that her car, a 1936 Ford, was stolen, and she stated that there were four new tires in the rear compartment of this car. This car was found the same night under the bridge headed north. The insides of the car were burned out to such an extent that the windows were welded. There was no indication that the fire started in the motor, for the motor itself, as well as the hood and all four wheels were in good condition. At the time of recovery, there was no evidence of smouldering or smoke, and the ashes were cold, as were springs in the seats. The right rear tire of this car had no tube in it; it had been driven in on a flat, and the tire itself was completely chewed up; there was no rubber on it. The spare tire only was on the carrier there being no tube.¹¹

It has frequently been observed too that when fraudulent business men are about to burn their account books, these are opened at the pages which they wish destroyed, for it is well known that it is almost impossible to burn a thick account book if it is closed. Hence, if the account books are found open at the incriminatnig place, there is a reason for suspecting arson.

10. *Ibid.*

11. *Ibid.*

Abuse of Confidence. There are also crimes involving financial discrepancies or breaches of faith in which offenders have started fires in the hope of destroying records of forgeries or double entry accounts which attest their crime.

So it was in the case of the commercial director of a great electric company somewhere in Europe; he had had the implicit confidence of the company whose administration he had neglected over a period of years; finally when the discrepancy in his accounts amounted to more than 160,000 francs, an audit of the company indicated a shortage, and a famous lawyer was named special administrator with authority to probe, item by item, every detail of the administration. This administrator took seriously the task for which he had been chosen, and with the collaboration of the commercial director he proceeded to audit the accounts with extreme exactness, but when he had almost completed his task and only the accounts of the commercial director remained to be audited, fire broke out in the offices and almost completely destroyed the company's records.

Certain technical procedures revealed that the fire had been set intentionally and that the records had been placed near the spot where the fire was lighted; grave suspicions arose, and the director was arrested. Confronted with the undeniable evidence, he had to confess not only the fire, but the financial discrepancy.¹²

Fires of Concealment. There is a kind of fire of concealment of which one should take cognizance since it is not rare; there was such a case in Lebanon, after the general election on May, 1947, when a series of incendiary fires broke out in Beirut. When a suspect has been arrested, if it happens that the fires continue to break out, we must not conclude too hastily that the arrested suspect is innocent and that the true culprit is continuing to start fires. It often happens that the fires subsequent to the arrest are the work of the relatives or close friends of the person arrested. They try in this way to establish the innocence of the one dear to them.

Fires Resulting from Mental Troubles. To complete the category we must consider finally, certain fires of incendiary origin which are the consequence of mental troubles, the result of a definite type of insanity called pyromania.

Pyromaniacs, the persons affected by this particular mental derangement, are fairly rare; they can be recognized by psychiatric examination, but the person guilty of incendiarism often feigns pyromania. When confronted with an absolute proof of his crime, his last hope of safety depends on pretending to be a pyromaniac in order, if possible, to be judged irresponsible. This particular defense plea must be handled with care.

Such is the case of S. Y. who was arrested after information was received that he was connected with the fires of incendiary origin in the southwestern city. On

12. Marc Bischoff, *La Police Scientifique*, Bibliotheque Scientifique, Payot, Paris, p. 145.

being investigated the above subject admitted having a record with the Department of Police; his only reason for setting the fire was an abnormal desire to watch things burn, to hear the Fire Department siren, and to watch the methods of putting out the fire. In fact, he did not make any attempt to extinguish the fire; he went across the street, stood there, and watched the Fire Department put the fire out.

There has been a good deal of discussion as to whether pyromania is a special psychopathological condition or can be attributed to other sources, generally of a sexual nature. Pyromaniacs often are found to be mentally defective boys and girls of ages ranging from seven or eight years to their twenties; there are also half-witted tramps, farm hands, maid servants, alcoholics, etc.

Sometimes pyromaniacs set fire only for their own pleasure, and at times the setting of the fire is the result of their natural reaction against petty wrongs. They can often be found among the first on-lookers at the fire or at least in the neighborhood. It is not uncommon that such persons are members of the local fire association or patrons thereof.

However, as a rule, the pyromaniac commits this crime for no reason other than the "impulse" which urges him on. In explanation of his act in nearly every instance he will state that he did it to get a thrill, to create excitement. Whenever a series of fires of mysterious origin occurs under similar circumstances in any particular district in unoccupied or isolated buildings, or in a particular part of a building, such as cellars, storage rooms, hallways, etc., it is reasonable to conclude that a pyromanic is operating.

In conclusion, pyromaniacs, by turning in alarms and aiding firemen or helping persons from the building they have set on fire, often avert suspicion from themselves. Finally, the pyromaniac is the most difficult to detect because of the lack of motive. Peculiarly characteristic is the fact that he generally works alone.

SUMMARY

We have previously seen that the usual and general underlying causes and motives that inspire the commission of the crime of arson are generally negligence, profit, vengeance, revenge, jealousy, destroying the evidence of another crime, setting fire to commit burglary in the neighborhood, preventing verification of a theft, abuse of confidence, concealment of a previous crime, destruction of books, records or other incriminating evidence and fires resulting from mental troubles, in other words, pyromania. As a rule, those motives are the basic drives of criminal incendiarism, and those forms of human aberrations have come to the surface everywhere.