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## ATTITUDE TOWARD THE GRAVE TRAFFIC OFFENSE

Maurice Floch

Maurice Floch is a clinical psychologist at the Detroit House of Correction and has previously contributed to our Journal. Recently he undertook research dealing with the personalities of traffic offenders, and his current article is an outgrowth of these studies. With the ever-growing daily traffic-toll, this article should be read by all who have it within their power to take any of the steps herein suggested to deal effectively with the grave traffic offenders.—EDITOR.

Just recently in a Midwestern City, a feeble-minded young man raced at 75 miles per hour on a very busy thoroughfare and caused a serious accident, in which two people were killed and three seriously injured. The immediate financial damage was assessed at \$2,700.00 which included two funerals and the hospital bills of the injured. The young man had no insurance whatsoever and made no restitution. He received a sentence of 6 months to two years. In the past, he had had three serious traffic tickets; two for passing through red lights, for which he received fines, one for entering an intersection which also netted him a fine and no driving for two months. A psychiatric examination given the subject in the prison characterized him as a simple, defective, elemental, and unsocial individual, the third of a family of fifteen, who was discharged from the Army after five months of service, allegedly for lack of education and inaptitude.

As a parallel, one might mention the recent case of another offender who for the second time in his career had passed some bad checks on which he had forged other people's signatures. The total amount of the forgeries did not exceed two hundred dollars. Yet the man, being a second offender for forging checks, received a sentence of seven and one-half to twenty-one years. It is obvious from a comparison of the two cases that the offender mentioned in the traffic case could be considered very much more of a liability than the second one. It is true that the second one violated our traditions pertaining to money, and his offense, if permitted to go unchecked, would destroy people's confidence in checks. Nevertheless, from an over-all, social point of view, it cannot be questioned that he, who carelessly causes the death of two people and brings about serious injury to three others, is certainly a much more serious offender than a man who forges checks. How then can we explain the anomalous contradiction in the law whereby one individual who inflicts death and serious injury on people is treated relatively lightly with almost a slap on the wrist whereas the other who causes no death, no injury is taken out of society for a long period of time.

Perhaps, one might find an explanation in the attitudes that people have toward forgery, on the one hand, and traffic offenses, on the other.

To begin with we might start out with the statement that forgery is an old offense towards which we have some relatively well defined attitudes, originating from English Common Law. After all contracts, legal instruments which have financial value have been written for several centuries. In fact, our whole modern commercial structure is based on the so-called negotiable instruments which may be converted into money. In many business transactions there is relatively little money changing hands. Most of it is handled by bookkeeping arrangements between various banks. It is imperative that people have the utmost of confidence in these papers or else large sums of actual money would have to be turned over, and there would be a great deal more hazard involved in business ventures than there is today. Common Law has developed very definite attitudes towards those who would destroy the confidence in business papers, and these attitudes have been pretty well expressed in codified statutes.

However, the situation is very much different when it comes to traffic laws. Driving automobiles is a relatively recent development. One might say it has a history, at the most, of fifty years. The automobile is a new and fascinating toy in our civilization. In the United States, particularly, a very large number of people own automobiles. In a county such as Wayne, in Michigan, one might say there is an automobile for every three people. Historically speaking, we have not had time to develop any well defined attitudes toward those who would endanger our lives by means of driving an automobile.

There is another factor, which is more important, and, that is, that each driver somehow tends to identify himself with the individual who stands before the bar of justice for a more or less serious traffic violation. This is something radically different from what prevails in other offenses. There are not very many people who would forge a negotiable instrument or a commercial paper. Most members of the jury will be people of a relatively clean past, and there is hardly any possibility that they would identify with the prisoner at the bar. The case is certainly not the same when a person stands before the court for a traffic crime such as felonious driving or negligent homicide. There is a good chance that the judge and most members of the jury will be drivers. Being drivers, they will have the driver's point of view and will immediately recall instances in their own lives when they just barely avoided getting involved in a serious accident. They will also recall how some individuals almost walked into their cars. Hence, they are apt to look upon the offender with a certain amount of unconscious compassion. They will be looking for a mitigating circumstance

in the offense. In short, they will be willing to give him the benefit of doubt, and will convict only if there is overwhelming evidence to indicate that the individual was very much in the wrong. Even in instances of such flagrantly vicious driving as represented by the case cited at the beginning of this article, when two people were killed and three badly injured, the judge and jurors might think of their own youths, and their own inclination to be a bit reckless at the wheel.

Hence, owing to a certain measure of identification with the prisoner, both judge and jury find it difficult to impose a serious sentence upon an individual who proves to be anti-social while driving an automobile. Legislators writing the laws are in a similar predicament. Yet, there is no question whatsoever that a person, committing a murder at the wheel of a car is just as vicious from an over-all social point of view, as any murderer who has committed murder with a gun or any other murderous weapon. To the person killed it makes precious little difference whether his death was brought about by an automobile or some other violent means. He is equally dead. Nor does it make much difference to his relatives. They grieve just as much over a death caused by a motor vehicle as they would over any other type of violent death. The social loss is similarly great.

Now when it comes to a logical consideration of what will be accomplished by a mild or severe sentence, there is a lot to be said for putting the same interpretation on grave traffic law violations, as on any other serious law violations. If we find it necessary to impose long sentences for other anti-social types of behavior, there is no reason to exempt the anti-social behavior involved in serious traffic law violations. If an anti-social offender of any sort is to be incarcerated for the protection of the public, the same rule should hold true in traffic cases. Should an individual prove dangerous as a result of his driving, should he be feeble-minded, in addition, as our case cited before, or have any other serious defect, he should be segregated for a relatively long period of time, particularly since it has been found that such individuals, even if deprived of their driver's licenses, manage to find a way to drive again. This would protect the public, at least, for so many years from his driving. If we do this sort of thing with hold-up men, if we deprive them of their liberty for a relatively long time in order to prevent their picking up a gun and visiting their depredations upon the public, there is no reason to believe we should not do the same thing with traffic murderers and remove them from behind the wheel of a car.

The situation is different, of course, in those cases in which we can reasonably think in terms of reform and rehabilitation. Then we should

give the individual an opportunity to resume his place in society after a shorter period of incarceration, providing the prison authorities are satisfied that he is changed sufficiently to constitute no longer a menace to society. In short, in this article a plea is made for looking upon flagrantly anti-social traffic crimes in the same light as upon any other type of offenses. Since we are prone to identify ourselves with the violator, we should make a serious attempt to become more objective and should liberate ourselves from this source of error which creeps into our methods of dealing with traffic criminals. The anti-social or un-social traffic criminal, it is repeated, is just as serious offender as any other type, in fact, more serious. The present author is inclined to classify them in the same group with any murderers despite the fact that the traffic criminal, once taken off the street and away from his car, often appears to be a relatively harmless and mild individual.