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Current Notes

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CURRENT NOTES

V. A. Leonard, *Editor*

An Institutional Training Study (January 1955–January 1956). *Purpose of the Study:* The purpose of this study was to compare the training received at various Federal Institutions and the relationship of this skill to the actual work performed by the ex-offender after his return to the civilian population.

Structure of the Study: A total of 169 persons were randomly selected. A chart was devised which indicated the following:

A. Name of institution:

B. *Directly related:* Did the occupation follow exactly that performed while in the institution? Example: A tailor on men's pants is employed by a custom tailor who makes men's pants.

C. *Remotely related:* The skill used in the institution is transferred to another occupation but the essential operation is still the same as that learned while incarcerated.

D. *Not related:* The work done in the institution has no relation to the subsequent work performed after release.

A total of twelve Federal Institutions were covered in the study. Also the United States Disciplinary Barracks were surveyed. A final description of "other" on the chart refers to the minor institutions which did not have enough additional evidence to draw any final conclusions.

Both of the above institutions indicated a positive ratio in the direction of no relation to civilian occupation. However, when one studies the type of industrial training and the particular prison population the reasons for this apparent "failure" become evident. Lexington does not stress any real industrial training since it was conceived as a combination prison and treatment center for the narcotic addict. The emphasis, therefore, is on doing maintenance around the institution and volunteering for medical-experimental or psychiatric treatment. Another deciding factor is the very personality structure of the addicts

Results of the Study:

<i>Institution</i>	<i>Related</i>	<i>Remotely Rel.</i>	<i>Not Related</i>
Alderson.....	2	1	2
Ashland.....	0	2	0
Atlanta.....	4	1	4
Chillicothe.....	4	5	3
Danbury.....	6	9	24
Lewisberg.....	5	4	0
Leavenworth....	0	1	2
Lexington.....	9	10	22
Milan.....	3	1	3
San Quentin....	2	0	1
Springfield.....	2	1	0
West Street.....	0	1	1
U.S.D.B.....	5	6	6
Other.....	6	2	8
	48	44	77

Interpretation of the Figures:

A. <i>Institution</i>	<i>Related</i>	<i>Ratio to</i>	<i>Not Related</i>
Danbury	15		24
Lexington	19		22

themselves. The majority of them have not been able to obtain real job satisfaction nor useful skills. As a result they are marginal workers floating from job to job with no real drive nor purpose. This lack of work interest was proven in a previous study done by the Osborne Association in 1955.

Danbury provides its own explanation for the lack of useful training. Glove manufacturing and typewriter repair are two of the major industries stressed there. In the New York City area there is little or no use for such skills. The glove industry has relocated to areas outside of the city and a recent study by the New York State Employment Study indicated that these skills were, for the most part, non-transferable. The typewriter repair industry is also a narrow, restricted field usually dominated by the typewriter manufacturers themselves. They employ their own repair crews and, up to the present

time, have refused to yield on their policy of not hiring the ex-offender. Therefore, in the cases of Danbury and Lexington both the type of population and the utility of the prison industries which are taught influence the related placement figures.

B.

Chillicothe	9	3
Lewisberg	9	1
U.S.D.B.	11	6

The ratios indicate a very positive relationship between institutional training and the transfer application on the outside.

Chillicothe has a young, selective population who are flexible and well motivated by the intelligent training provided at the institution. Institutional connections with Civil Aeronautics Board; typing courses; machine shop training and other highly positive skills plus the granting of recognized diplomas have provided a motivation and drive toward the successful achievement. This licensing has paid off in having the youths come to the OA armed with this new skill and eager to try their luck. Success, sometimes for the first time, and the reward of decent wages, has sometimes proven one of the most influential factors in their new moral construct.

Lewisberg industry stresses tailoring and metal shop industry. Both of these occupations are much in demand in the New York City area so that the high percentage in the successful ratio is easily explained.

U.S.D.B. presents an entirely different reason for the positive ratio picture between work and outside placement. Most of these men were given excellent Army training in some vocation (the excellence of the Army training program is well known) before being committed to the disciplinary barracks. Upon discharge they have usually used this skill which they acquired while on active service.

C.

Leavenworth	} EQUAL RATIO
Alderson	
West Street	
Milan	
Atlanta	

These institutions indicate an equal ratio or "0" percentile. In other words, there is no relationship at all between these institutional programs and the subsequent employment upon release. It is here that the training seems least profitable and in need of a basic re-evaluation. It is recommended that some pertinent research be performed in these five institutions. From Arthur Mann, The Osborne Association, New York City.

New Superintendent Of Florida's State Prison.—DeWitt Sinclair has assumed duties as Superintendent of Florida's State Prison at Raiford, as of December 1, 1955. In a recent press statement, L. F. Chapman, the retiring superintendent, for nearly 25 years head of the prison and the country's oldest warden in point of service, stated that it required a million dollars a year to run the prison. Raiford has 33 fully developed departments and 2,300 prisoners; it has the largest prison enclosure in the nation, 70 acres. Some 1,400 new prisoners are received each year.—Professor John E. Owen, Florida Southern College.

A Program for Graduate Work at St. Lawrence University.—Work for the Master's Degree in Correctional Administration will comprise 33 semester hours, of which 3 hours credit may be secured for thesis preparation.

Prerequisites:

- 1—A bachelor's degree in liberal arts or education.
- 2—Sociology 101-102 or equivalent as undergraduate (or qualifying no-credit examination).

Graduate Courses:

- 1—A minimum of 18 hours in Sociology.
- 2—A maximum of 12 elective hours from related fields (e.g., psychology, economics, government, business administration, or education).
- 3—Thesis, 3 hours in addition to the above.

Regulations Governing Graduate Program:

- 1—Not more than 9 hours in *approved* courses may be taken off campus or at other institutions.
- 2—All courses must have *prior approval* of the student's advisor.
- 3—All candidates for the Master's degree must pass with a satisfactory grade a comprehensive examination prior to final approval of the thesis.
- 4—Each candidate will submit *two bound copies* of the thesis.

Outline For Statement of Thesis

(Two copies of the statement must be submitted for departmental approval before the project is undertaken.)

Title: Precise title, with subheadings indicating the scope of the project.

Problem: What is the problem? Why is it sociological? Why was this particular problem selected? To what use could the completed work be put?

Hypothesis: State the hypothesis you propose to test.

Sources of Data: List primary and secondary sources. (If you wish, you may append a tentative bibliography.)

Research Techniques: What techniques (e.g., statistical, life history, case study, etc.) will be employed?

For further information address: Dr. Donald Newman, Sociology Department, St. Lawrence University, Canton, New York.

Punishment in Ancient Hindu Law.—This note is meant to show the principles of punishment and the classes of punishments that prevailed in the ancient Hindu Law. At the outset, it must be made clear that the sources for a study of the subject are not satisfactory. In the first place, the works of Hindu law-givers that have to be relied on in this connection were written at varying times and, therefore, show the law as it existed at different periods of history. Secondly, these works themselves contain contradictory mandates and are hardly comparable to modern codes of criminal law.

Thirdly, conflicting versions exist of many texts of these works. A reconstruction and arrangement of the substance of the texts on the subject is, therefore, a matter of some difficulty. The statements that follow should, therefore, be regarded only as statements of the general trend of the law and not as an accurate exposition of the law as it existed at a particular time.

The concept of punishment in ancient Hindu Law does not differ materially from the modern concept. Offences were punished by the State on the same principles of morality and good conduct as pervade the present day criminal law. Homicide, hurt and other offences against the body were punished; theft, robbery, damage to land and crops and other injuries to properties were regarded as crimes; adultery, rape and similar acts were also punished; and the criminal law dealt also with the use of false weights and measures, forgery, defamation, false evidence, adulteration of food, and other fraudulent dealings.

An interesting feature of the ancient Hindu Law is the variety of punishments that it provides for. The following punishments seem to have been known to the law givers: (a) Death, (b) Imprisonment, (c) Fine, (d) Whipping, (e) Cutting off limbs of the offender, (f) Throwing hot oil into the mouth of the offender, or branding him with hot iron, (g) Throwing away the offender to be fed by dogs, (h) Parading the offender in the public streets in a state that would invite ridicule, (i) Demanding surety of the offender, (j) Confiscation of property, (k) Requiring the offender to pay compensation to the victim, (l) Requiring the offender to undergo penance.¹

Capital punishment was awarded for the theft of gold and silver and valuable clothes and other articles.² It was, of course, awarded for murder, and it seems that it was also the prescribed penalty for the offence of rape when committed by a person against a maiden of a

¹ For the texts authorizing these various punishments, see the following: Manu VIII 301-302, 319-335, 364, 371-372; Vishnu V, 19-39, 60, and 77-90; Yajnavalkya II, 204-211; Narada XV; Apastamba II, 10, 18-24, and 27.

² Manu VIII, 319-335.

higher caste.³ Imprisonment was known to the law, but fine seems to have been the most usual kind of penalty awarded. The authors of the various Smritis lay down a systematic scale of fines for various offences, and the exact amount to be awarded for each offence is prescribed with mathematical precision according to the value of the property or magnitude of the offence. Even offences against the body were punishable with fine, and a graduated scale of fines is prescribed according to the nature of the injury. For example, beating by the hand is punishable with a small amount of fine, beating by the foot attracts a higher amount of fine, while beating by a stone or a weapon is a still more serious offence.

An interesting feature is the attitude of the law towards corporal punishment. A number of varieties of corporal punishment are met with. Some of them may appear to be cruel by modern standards, and most of them would certainly be regarded as excessive by modern lawyers. The simple offence of insult by the use of abusive language would lead to a loss of the tongue in certain cases.⁴ Defamation of a person superior in status could bring in its train a sentence ordering that hot oil may be poured into the mouth of the offender. Whipping was prescribed for intransigent wives, sons, and slaves. Feeding by dogs and being paraded in the streets on an ass are some of the penalties that could be awarded for sexual offences. An extreme case is the penalty of having the offender's hand or foot cut off for the offence of theft of animals. It is possible that security of property was at a low ebb at a particular time and the severest penalty was regarded as necessary.

Some of the modern principles regulating punishments seem to have been known to the law-givers. For example, there are express directions to the effect that at the time of awarding sentences the judge should have regard to the magnitude of the offence, the age of the offender, and his circumstances. Principles for the apportionment of liability amongst joint offenders are found to have been discussed.

³ Manu VIII, 364.

⁴ For this and other forms of corporal punishment, see the texts mentioned in footnote 1.

Persons affording shelter or food or screening the offender from justice are to be punished as accessories after the fact, while persons assisting or encouraging another to commit an offence are to be punished as accessories before the fact. The maxim "The law does not take into account trifles," was also fully recognized.

A noteworthy feature is the imposition of vicarious liability on certain persons for crimes committed by others. For example, if theft was committed in a village and the thief was not arrested, the head-man of the village had to restore the value of the stolen property to the owner. Similarly, if the theft took place in a forest, the Sovereign had to pay the value of the stolen property. If the offence was committed in any other place, the police officers had to bear the loss.

It is surprising to note that cruelty to animals was a specific offence even in those times, and detailed rules regarding penalties are found for the offences of killing animals, giving them pain, cutting off limbs and the like. Still more surprising is the fact that injury to trees was regarded as a crime. Trees standing on the highway and affording shelter, fruit-bearing trees and trees in sacred places were specially protected, and injury to any part of such trees was punishable.

Another noteworthy feature is the attitude of the ancient Hindu Law towards sexual offences. The rules that are found in the text represent almost a puritanic view of life. The law did not punish merely physical relations outside wedlock. The remotest gesture, the faintest smile, the lightest touch were anathema, if shown towards the other sex. For example, Narada punishes the employment of messengers of love, the act of touching any part of the body or clothing of a woman by man, the sending of perfumes, flowers, ornaments and the like by a man to a woman, and even a false boast by a man that he has had intimacy with another woman. Similarly Brihaspati ordains that a woman who visits a man's house for an illicit purpose shall have her lips, ears and nose cut off and shall be drowned in water. Under the topic of incest the law prohibited not only intimacy with near relations

like one's daughter, mother, sister, daughter-in-law, mother's sister, uncle's wife, father's sister and mother-in-law, but also intimacy with a friend's wife, sister's friend, a nurse, a queen and the wife of one's spiritual teacher.

The following general observations can be made on the basis of the data collected above:

(1) The law of crimes was a fairly developed one, and recognized most of the major crimes that are known to the present day criminal law.

(2) The reformatory aspect of punishment was completely absent, and the retributive and disabling aspects were prominent.

(3) The law was based on the classical theory of punishment, that "if every crime were automatically followed immediately by extreme suffering, crime would almost entirely disappear."⁵

(4) Offences against property and offences of a sexual nature received special treatment.—From P. M. Bakshi, LL.B. (Bombay). Advocate (O.S.) of the Rajasthan Judicial Service; Sometime Lecturer in Law, M.B. College, Udaipur, India.

Myrl E. Alexander Elected President of the American Correctional Association—Myrl E. Alexander, assistant director of the Federal Bureau of Prisons, was elected president of the American Correctional Association at the meeting of the Congress of Corrections at Des Moines, Iowa, in October.

More than 1,000 representatives from 46 states, Hawaii, Puerto Rico, and the Union of South Africa were in attendance at the Congress.

Vice presidents elected were Dr. Ralph S. Banay, New York City, psychiatrist; O. B. Ellis, general manager of the Texas Prison System; G. I. Giardini, superintendent of the Pennsylvania Board of Parole; James A. McLaughlin, assistant commissioner of Federal Penitentiaries for Canada; and Miss Clare Thune, superintendent of the Minnesota Reformatory of Women.

E. R. Cass was elected general secretary and Roberts J. Wright, assistant general secretary.

⁵ SUTHERLAND. *Principles of Criminology*. Fourth Edition, page 369.

The 1956 Congress will be held at Los Angeles, August 25 to 31 in the Hotel Statler.

American Bar Survey of Criminal Justice To Start in Wisconsin—Wisconsin has been selected as the first jurisdiction within which field studies for the American Bar Foundation's survey of criminal justice will be initiated. The survey staff selected Wisconsin because of its nearness to the American Bar Center at Chicago from which the project is being administered and because the geographic area of that state and the system of criminal justice there will inevitably confront the survey in jurisdictions containing large and complex metropolitan areas.

Sanford Bates, recently retired commissioner of institutions and agencies of the State of New Jersey and former director of the Federal Bureau of Prisons, is the project's consultant in probation, sentencing, and parole.

Fred E. Inbau, professor of law at Northwestern University, is the consultant in prosecution and defense.

The consultant in police administration is O. W. Wilson, dean of the school of criminology at the University of California and formerly chief of police at Wichita, Kansas. For most of his life Dean Wilson has been a professional policeman.

Benjamin E. Matthews, a practicing attorney of New York and a former chief counsel for the New York Crime Commission, is the consultant in the criminal courts.

Director of the project is Arthur H. Sherry, professor of law and criminology at the University of California. Professor Sherry was formerly chief assistant attorney general of California.

More Information Wanted On TV Crime Programs—The television report recently released by the Senate Subcommittee To Investigate Juvenile Delinquency has attracted nationwide attention. Some sources were critical of the scientific nature of the report, according to Senator Estes Kefauver, chairman of the Subcommittee. They want definite decisions on

whether crime and horror television programs cause delinquency.

The subcommittee reported that children who were "prone" to delinquency were severely affected by these programs. It also pointed out that a large percentage of the nation's juvenile population is "prone" to delinquency and called the exposure of children to these programs a "calculated risk." In brief, the report:

1. Rejected all suggestions for governmental censorship.

2. Strongly suggested establishment of a presidential commission to study the effects of all mass media on children's minds.

3. Recommended the establishment of "listening councils" of "sober, unbiased" citizens to keep a watch on children's programs in their communities.

4. Suggested stricter control of television programs by the Federal Communications Commission which should be given the authority to levy fines and revoke licenses of stations violating an established code.

5. Urged the launching of research projects by private and public foundations which would further study the effects of television on children's behavior.

Michigan To Study Causes Of Crime—
Michigan wants to find out what really makes

criminals, and how they can be converted into good citizens.

Gus Harrison, state corrections director, said the Inmate Reception Center, which opened in October at the Jackson State Prison, intends to bring a sharp improvement in the treatment of prisoners as individuals rather than mere men with numbers on the register.

"This will be our first important step in treatment which has been cursory and pretty much guesswork," he said. "We hope to do a much better job."

The reception center, once Cell Block No. 7, is physically a part of the prison but divorced from it in principle. It will be the setting for efforts to determine why a man committed a crime, and how the state can best help him to reform.

Designed to house 500 inmates at a time, the center will put a spotlight on about 3,300 new prisoners a year.

A psychiatrist, two psychologists, four social workers, and other employees will get a new inmate's background, learn why he got into trouble, tell him what he may expect in prison, and help him find the paths best paved for his route to freedom.—FEDERAL PROBATION, December 1955, pp. 66, 68, 70, 72.