

1957

Current Notes

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Current Notes, 47 J. Crim. L. Criminology & Police Sci. 580 (1956-1957)

This Note is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

CURRENT NOTES

America's Last Legal Burning at the Stake?—The history of capital punishment in the United States indicates that here as elsewhere man has been put to death by his fellowman in a variety of disobliging ways. Until recent decades hanging by the neck was the most popular mode of dispatching felons, but we never relied solely on the noose. On occasion we shot criminals, starved them, beat them to death, drowned them or burned them at the stake. Of these, burning at the stake especially was certain to send a thrill of horror through the ranks of spectators.

Burning was never a fully accepted form of punishment in America. Despite a suggestion of acceptance in the Old Testament, burning became too closely associated with the deaths of martyrs and lost favor in the Western World. Certainly this was true from the reign of England's Mary I who made torches of more than three hundred stubborn Protestants. Thereafter in the English speaking world the legal burning of a human being was an infrequent and dishonorable occurrence.

Still, if legal burnings were practically nonexistent, the statutes which allowed them were not always voided. Such was the situation in South Carolina as late as August, 1825, when an inferior court of two magistrates and five freeholders tried "Negro Jack" for the double crime of rape and murder. Deciding to make of Negro Jack a dreadful example, the court sentenced him to be chained to a stake, soaked in turpentine, and burned alive. The carrying through of this brutal sentence may well mark the last official and legal burning of a criminal in the United States.

The burning of Negro Jack touched off a movement within the South Carolina legislature to outlaw such a means of execution. By 1833 this movement matured and from that date the amended slave code of the state read, "On the conviction of a slave or free person of color for a capital offense, the punishment shall be by hanging and not otherwise."

The inferior court record of Negro Jack's trial is not extant. Nonetheless the sad story of Negro Jack is preserved in the "Miscellaneous Records of South Carolina" and in the chilling form of an endorsed statement of account, here reprinted, from a state constable to the state treasurer. As an historical document this bill for services rendered is probably unique. As an example of an executioner's impassiveness concerning his duties it is difficult to match.

STATE OF SOUTH CAROLINA*

* The original is filed with the Penal System Papers in the library of the South Carolina Archives, Columbia, South Carolina.

August 1825 to Thomas Goodman Const. dr	
To Summons five freeholders at 54....	\$2.70
To Summons one Magistrate.....	54
Guarding of Negro Jack four day & nights at 1.50.....	6.00
feeding Negro Jack four days.....	50
Two waggons & teams one day a getting of lightwood for to burn Jack.....	6.00
4 hands one day Extra of the driving for the waggons.....	2.00
paid black Smyth for ironing of Jack..	2.50
two bottles of Spirits Turpentine at 56¼.....	1.12½
Chains for to confine Jack when burnt.	3.00
Executing of Negro Jack.....	3.00
	\$27.36½

South Carolina

Abbeville District

I John C. McGhee one of the Justices of the peace for Abbeville District hereby Certify that Thomas Goodman is a constable for this District Regularly appointed, that I believe the charges in the above account are just and reasonable.—
From Jack Kenney Williams, Clemson College, S. C. 22nd Nov. 1825 *John C. McGhee, J.P.*
—From Prof. F. A. Burtner, Jr., Clemson College, Clemson, N. C.

—————

Juvenile Delinquency Problems Examined in Current UN 'Review of Criminal Policy'—The treatment of juvenile delinquents in Australia and New Zealand is surveyed in the latest

issue of the *INTERNATIONAL REVIEW OF CRIMINAL POLICY*, published by the United Nations.

The *REVIEW* is a journal of applied criminological science prepared by the UN Bureau of Social Affairs to facilitate the exchange of technical information among governments and workers in the field of prevention of crime and treatment of offenders. It is issued twice a year.

The article on New Zealand and Australia is the sixth of a series of comparative regional studies of existing practices in the treatment of juvenile delinquency. The other five studies—on North America, Europe, Latin America, Asia and the Far East, and the Middle East—have been published as monographs over the past few years.

The new 175-page *REVIEW* also contains two articles contributed by the United Nations Educational, Scientific and Cultural Organization and the World Health Organization. The first deals with the educational aspects of juvenile delinquency and the other with the detection of the "pre-delinquent" juvenile.

In addition, the *REVIEW* contains an account of UN-sponsored meetings on the prevention of crime and the treatment of offenders held in 1954 and 1955. It also relates action taken by the 84th Annual Congress of Correction, sponsored by the American Prison Association in 1954, and cites a declaration adopted last year by the International Prisoners' Aid Association.

It includes, also, an extensive topical bibliography of current technical literature.

The *INTERNATIONAL REVIEW OF CRIMINAL POLICY*, No. 9, is on sale at the UN Bookshop and other Sales Agents for UN publications, including the Columbia University Press, 2960 Broadway, New York 27, N. Y. It is priced at \$1.75—U. N. Press Release, June 21, 1956.

Character Underwriters—This institution was organized and incorporated not for profit four years ago. It originated from a suggestion that had been made by Dr. Marcel Frym, Director of Criminological Research, at the Hacker Foundation in Beverly Hills, California. He had been appointed Chairman of a Special Committee on Employment and Bonding which was created at that time by Correctional Service Associates.

Dr. Frym was disturbed by the difficulties which beset released prisoners who were seeking employment. Many of them are good prospects when conditions are fair. But the attitude of bonding companies was a brake upon numerous favorably disposed employers. There was, consequently, a need for a conservative, but honest organization of competent persons that would examine prisoners who would soon be looking for opportunities to work, and certify those who might be found to come up to a high level of fitness.

The problem and its solution are thoroughly discussed by Dr. Frym in his contribution which is published in the last May-June number of this *JOURNAL*.

Character Underwriters held its first official meeting in Los Angeles in June of this year. It had been decided that leading personalities in the field of correction and civic leaders should be invited to the meeting to hear of the goals of the organization and to discuss certain organizational matters. The Department of Corrections, the Adult Authority as well as the Youth Authority (i.e., Parole Boards), the United States Bureau of Prisons, the Federal Courts and the Superior Courts of Los Angeles County, the University of Southern California and Los Angeles State College, the Delinquency Control Institute, etc., etc., were represented by their Chairmen, presiding Judges, and Executive Officers, respectively. There was unanimous and enthusiastic approval of the goals of this corporation as well as of its immediate plans for setting up a pilot study, which will include the following measures but not be restricted to them:

1. The sending out of questionnaires to industrial as well as business firms which have been employing people with criminal records over a period of time, in order to obtain a brief statement of their experiences and their suggestions for possible criteria for evaluating the individual applicant.
2. Obtaining from our armed forces information on their experiences with men with criminal records (which, it is understood, have been extremely satisfactory).
3. Collecting and reviewing the extensive research material which has already been accumu-

lated during the past years in the field of prediction tables on offenders, criteria of personnel selection, etc. This phase of the pilot study will require a great deal of work and the hiring of research associates in order to carry out as thoroughly as possible this important part of the study.

4. Setting up an experimental study of a small selected group, consisting of

- a. parole violators;
- b. people without criminal records who had been bonded and had violated the trust of employers.

The Attorney General of the State of California, Mr. Edmund G. Brown, and a number of official agencies on a local as well as national level are active sponsors of Character Underwriters. There was a panel discussion of the program of the Corporation in the framework of the coming Congress of Corrections of the American Prison Association, on August 27, in Los Angeles.—From Dr. Marcel Frym, President, 160 Lasky Drive, Beverly Hills, California.

Character Underwriters' Articles of Incorporation—ONE: NAME. The name of this corporation is Character Underwriters.

TWO: NON-PROFIT. This is a nonprofit corporation.

THREE: PURPOSE. 1. General Purpose. The general purpose of this corporation is to assist people who are handicapped in obtaining employment or fidelity or other bonds by reason of the fact that:

(a) They have been convicted of a crime or crimes;

(b) There exist police records of their having been arrested;

(c) They have been hospitalized or treated in a mental institution;

(d) In their past lives there by any other episodes which might influence prospective employers against hiring them or which might influence bonding companies against them.

2. Research. This corporation is to conduct scientific research to establish what criteria are necessary to objectively evaluate the risks to employers and/or bonding companies in regard to said persons.

3. Investigation. This corporation is to investigate the facts necessary to evaluate individual applicants for employment or bonds in regard to the risk such applicant might constitute to the prospective employer or to the prospective bonding company.

4. Public Education. This corporation is to publicize to prospective employers and bonding companies and to the public in general:

(a) The facts concerning said risks and the result of said research; and

(b) The opinions of qualified experts as to the necessity not to indiscriminately reject persons with criminal records or with records of mental illness, et cetera, but instead to apply scientifically established criteria to objectively and unemotionally evaluate the risk involved with each individual applicant.

5. Employment Facilities. This corporation is to develop employment facilities designed to procure employment and/or bonds for persons handicapped as aforesaid and to supply the prospective employers and bonding companies the benefit of a factual report and a qualified evaluation of such report.

6. Rehabilitation. This corporation is to develop the facilities for rehabilitative treatment, counseling and supervision of said persons.

7. Cooperation with Related Organizations. This corporation is to cooperate and to participate in related activities of official and private agencies and organizations.

FOUR: ORGANIZATION. This corporation is organized pursuant to the general nonprofit corporation law of the State of California.

FIVE: PLACE OF BUSINESS. The principal place of business of this corporation is to be located in the County of Los Angeles, State of California.

SIX: BOARD OF DIRECTORS. The names and addresses of the persons who are to act in the capacity of the Board of Directors until their successors are:

President: Marcel Frym, J. D., The Hacker Foundation, 160 Lasky Drive, Beverly Hills, Calif.

Vice-President: Edward Stephen Cunningham, 381 Roca Way, Monterey Park, Calif.

Secretary: Grant B. Cooper, 610 South Broadway, Los Angeles 14, Calif.

Treasurer: Harold Leader, 2830 Motor Avenue, Los Angeles 64, Calif.

SEVEN: MEMBERSHIP. Any person may become a member of this corporation.

This corporation shall keep a membership book containing the name and address of each member. Termination of any membership shall be recorded in the book, together with the date on which the membership ceased.—From Dr. Marcel Frym, President, 160 Lasky Drive, Beverly Hills, California.

A Law-Medicine Institute at Western Reserve University.—A two-day institute on "The Head: A Law-Medicine Problem" was held on Friday and Saturday, September 21–22, at the Law-Medicine Center of Western Reserve University, Cleveland, Ohio.

Fourteen of Cleveland's outstanding medical specialists will conduct the lecture and question sessions.

Law-Medicine Center director is Oliver C. Schroeder Jr. Co-chairman for the institute on the human head will be Dr. Samuel R. Gerber, Cuyahoga County coroner. The coroner's office cooperates with Western Reserve in presentation of the university's legal medicine program.

Lecture topics Friday, Sept. 21, included anatomy of the head; acute head injury—anatomic findings; long range pathological changes following trauma to the head; clinical evaluation of acute head injury and of remote sequelae of head injury; indications and evaluations of the electroencephalogram; and psychometric testings.

Saturday's subjects, Sept. 22, were psychiatric evaluation of the post traumatic syndrome of head injury; eye injury; injury to the auditory apparatus; plastic surgery; and law-medicine problems in head injuries.

Physicians on the faculty for the institute on the head included:

Drs. George W. Albee, Alfred A. K. Bochner, William F. Collins Jr., Carl C. Francis, Clifford L. Kiehn, Lowell W. Lapham, Frank Nulsen and Clark T. Randt, all of the regular Western Reserve University faculty; Cleveland Clinic staff members Drs. Alexander T. Bunts, W. James Gardner, Harold Harris and Roscoe Kennedy; Dr. Lester Adelson, chief deputy

coroner for Cuyahoga County; and Schroeder, Law-Medicine Center director.

The September institute was the second in a series which began early in 1956 with a similar course on the human back.

More than 1,000 persons were enrolled in the full-semester courses, week-long summer institutes and other special programs offered by the Law-Medicine Center since its establishment in February, 1954. Students have included attorneys, physicians, insurance claims adjusters, industrial personnel, law enforcement officers and others with medico-legal problems.

Complete information on the Institute on the Head is available from: Oliver C. Schroeder Jr., Director, Law-Medicine Center, Western Reserve University, Cleveland 6, Ohio.—Communication to the Editor.

The Frederick A. Moran Memorial Institute—The seventh annual full-week session of the Moran Institute was held at St. Lawrence University, Canton, New York, from July 29 to August 4.

The program is planned cooperatively by representatives of many New York State Departments, including Correction, Mental Hygiene, Social Welfare, Civil Service, the New York State Youth Commission, and the Division of Parole, in addition to the St. Lawrence University.

The program included:

Courses and workshops for probation personnel

Courses and workshop for Sheriffs, Jailers, Jail Wardens, County Penitentiary Officers, etc.

Workshop and Training Courses for Law Enforcement Officers

Courses for Parole Personnel

Courses for Staffs of State Training Schools
Courses for Members of the New State Association of Magistrates

Workshop for the Department of Correction
More than 500 students and personnel of state services were registered for these courses and workshops.

Some 70 instructors and consultants participated in offering all these courses and Workshops.—Editor.

Corrections Program in the University of Utah—Nearly every administrator in the field of corrections finds it difficult to recruit well qualified and adequately trained professional personnel. Vacancies continue to exist in probation and parole departments, in industrial schools, detention homes and prisons. The Graduate School of Social Work and correctional institutions in Utah have been working together for several years to increase the supply of social workers. The basis for the program is the development of field work placements for training social workers in the field of corrections.

Graduates from schools of social work tend to seek employment in areas in which they have completed field work training. For example, students in field work placements in hospitals will likely explore the possibilities of employment in some area of medical social work. It is also evident that students who train in correctional agencies may desire to obtain employment in this field.

During the 1956-57 school year, 10 of 51 students in field work training in the Graduate School of Social Work at the University of Utah, have been placed in four different correctional agencies or institutions. Field work instructors include five agency personnel members who have obtained their master's degree in social work and have completed two or more years in employment in an approved social agency. Dr. F. LeGrande Magleby is director of the training program.

At the Utah State Industrial School, the Chief of Social Services and one staff member are currently supervising two first-year and two second-year graduate students. A psychiatrist, available for consultation one-half day each week, and a clinical psychologist, employed on a full-time basis, assist in teaching and demonstrating the team approach in the rehabilitation program for delinquent children. Both male and female children are at the school. The social work trainees, therefore, have the opportunity of working with both sexes, as well as with families of the children assigned to them for treatment.

One second-year and three first-year graduate students are in field work training at the

juvenile courts in Salt Lake City and Ogden. Child guidance clinics are available to both courts to assist in the treatment of children and to provide psychiatric and psychological consultation. The Salt Lake County Detention Home has been under the direction of a professional social worker for the past two years and is also an excellent resource for the study of detention as a factor in the treatment of delinquents.

The clinical team established at the Utah State Prison in January, 1956, provides excellent opportunities for training students in the field of corrections. A part-time psychiatrist serves as director and coordinator of clinical activities. Other staff members include a full-time social worker, a full-time physician, a part-time psychologist and a clerk. During the current school year two first-year graduate students in social work are in training at that institution—From F. LEGRANDE MAGLEBY, Assistant Professor.

Study Conference of the Alabama Probation and Parole Association—The Alabama Probation and Parole Association held its Ninth Annual Study Conference on the campus of the University of Alabama October 11, 12, and 13, 1956. The theme of the Conference was "The Community and the Correctional Process." The following outstanding speakers appeared on the Conference Program: Dr. James M. Reinhardt, Professor of Criminology, University of Nebraska; Mr. James V. Bennett, Director, U. S. Bureau of Prisons, Washington, D. C.; Mr. Ben S. Meeker, Chief U. S. Probation Officer, Chicago, Illinois; Mr. Edgar W. Brewer, Consultant on Juvenile Courts and Probation for the Children's Bureau, Department of Health, Education and Welfare, Washington, D. C.; and Dr. T. Sloane Guy, Jr., Pastor, First Baptist Church, Birmingham, Alabama.

The Conference opened Thursday afternoon, October 11, 1956, with a message of welcome from a representative of the office of Dr. O. C. Carmichael, President of the University of Alabama. This message was followed by an inspirational address by Dr. T. Sloane Guy, Jr.,

Birmingham, Alabama on the "Role of Religion in the Correctional Process."

Friday morning, October 12, 1956, Dr. James M. Reinhardt, delivered the keynote address in which he formulated the issues and problems confronting probation and parole officers in dealing with community organizations and agencies. At all points in his address he tied probation and parole closely to community activities and programs. He established the premise that probation and parole are community responsibilities. In the course of his address, Dr. Reinhardt developed the challenging idea that the supervising officer should develop a pre-release program for the citizens of the community and organize an advisory community council or committee as aids in the work of probation and parole supervision.

At the noon luncheon on Friday, October 12, Mr. James V. Bennett addressed the Conference on "Current Trends in Modern Penology" in which he traced recent developments in probation and parole, correctional institutions, the juvenile court, and new methods of dealing with the youthful offender. Two juvenile and two adult workshops were held during the Conference which dealt with social work skills and techniques and the investigative and supervisory processes in probation and parole. At the Saturday morning session, October 13, Mr. James R. Shofner, Juvenile Probation Officer, Tuscaloosa and Elmo Turner, U. S. Probation Officer, Montgomery, summarized the four workshops. Also, Dr. Reinhardt presented a highly favorable reaction to the entire conference proceedings.—From Professor MORRIS G. CALDWELL, Department of Sociology, University of Alabama.

Judges' Conference on Sentencing—A conference on sentencing was held at the New York University Law Center on October 19th and 20th, 1956. Participants included some 23 trial judges from federal and state courts in Connecticut, New York, New Jersey and Pennsylvania. Also in attendance were five professors from the School of Law and the various speakers. The program was planned by Paul W.

Tappan, Professor of Sociology and Law, New York University.

The subject for the afternoon and evening of October 19th was "Harmonizing the Objectives of Sentencing." The participants were welcomed by Dean Russell D. Niles of the School of Law. The chairman was Judge Edward Gaulkin, Essex County Court, New Jersey. Professor Tappan delivered a paper entitled "Sentencing Problems and Objectives." This was followed by a panel discussion on "Drug Law Violators: Users and Sellers." The panel included Judge Sylvia J. Singer, Court of Domestic Relations, New York City, Judge Jonah J. Goldstein, Court of General Sessions, New York City, Dr. Rafael R. Gamso, Superintendent, Riverside Hospital, New York City, and Dr. Kenneth W. Chapman, Consultant, National Institute of Mental Health. The dinner meeting included an address by Professor Herbert Wechsler, Columbia University School of Law and Chief Reporter of the American Law Institute Project on a Model Penal Code. Professor Wechsler's address was entitled "The Legislative Framework."

The program for the morning of October 20th was devoted to the topic, "Guides to the Court." The subject was introduced by Chief Justice Irving Ben Cooper, Court of Special Sessions, New York City. Chief Probation Officer Edmond FitzGerald, Kings County Court, New York City, delivered a paper on "Pre-sentence Investigation: A Guide to Sentencing, with Comments on the Young Offender and the Repeated Offender." Chief Medical Officer, Manfred Guttmacher, delivered a paper entitled "Psychiatric Evaluations: When are They Needed, Their Potential Contribution, with Comments on Borderline Deviates."

The topic for the afternoon was "Special Sentencing Problems." Mr. Morris Ploscowe, formerly a magistrate in New York City and Adjunct Professor of Law at New York University spoke on "The Sex Offender." He was followed by Miss Florence M. Kelly of the Legal Aid Society, New York City, whose topic was "The Indigent Defendant." After discussion the conference was closed with a summary and

comments by Associate Professor Rex A. Collings, Jr., of the School of Law.

The conference proved to be fruitful and was well received by the participants. Professor Tappan will be pleased to correspond with anyone interested in planning a similar conference.—From Professor REX A. COLLINGS, JR., New York University School of Law.

New Service Inaugurated at Ohio Institution—Beginning in July of this year, a new service was initiated for adult offenders incarcerated at the London Prison Farm, London, Ohio. This institution houses approximately 2400 inmates, and is one of Ohio's medium security prisons. A new department known as the "Inmate Affairs," will provide a varied assortment of social services on a voluntary basis to inmates in need of assistance. Some of the more common types of services to be rendered are as follows: (1) Counseling of a case-work nature; (2) Helping to establish better lines of communication between the inmate and sources outside the institution, when it is felt that such contacts are helpful to the rehabilitation of the offender, and are not likely to arouse injurious outside opposition; (3) Making contact with outside agencies for the purpose of securing their assistance, when necessary, in such matters as finding out how a man's family is getting along when other more direct means of contact have failed; (4) Rendering assistance on such matters as Veterans' Affairs, Social Security, Workmen's Compensation, etc. (5) Assistance in trying to recover lost property, etc., when the claim seems valid; (6) Assistance in handling business matters, such as informing creditors as to plans for settlement, disposal of property by such means as granting someone "Power of Attorney" over all or part of their affairs, aiding in the settlement of claims upon an estate to which they may have fallen heir, etc. . . . Mention should also be made of such services as marital counseling, when, for example, an inmate has been informed that his wife has obtained a divorce or is contemplating one, and he has become emotionally upset; or special counseling in cases where his children are thought to be neglected, up for adoption, or placement outside the natural

home, etc. However, this is hardly the place to go into greater detail.

There are several motivations underlying the establishment of the "Inmate Affairs" Department: Where such services are available, the tension generally existent among prisoners, especially long-termers, is considerably lessened, and as a result the custodial task is made somewhat lighter. When the job of custody becomes less of a problem, more attention can be focused on ways and means for more effective rehabilitation. Finally, experience has definitely shown that when the skillful social services of a professional social worker are available to individuals in need, a decidedly favorable impact is made upon the majority of the recipients, although in some cases it may take a relatively long period of time before the value of the treatment becomes obvious.

The "Inmate Affairs" Department will be under the direct supervision of Mr. Ernest O. Skagen, who was previously employed in a similar department at the Ohio Penitentiary. Mr. Joseph Cannon, Supervisor of Social Services for all of the Ohio adult penal institutions, is in the process of setting up similar departments elsewhere in the state. Mr. Skagen enters his new position with the following background of experience: two years of graduate work at Ohio State University School of Social Administration, where he majored in the field of Corrections, with work experience at the Jewish Board of Guardians Hawthorne Cedar-Knolls School For Psychiatrically Disturbed Children, Hawthorne, N. Y.; the Franklin County Juvenile Court, Columbus, Ohio; the Ohio Juvenile Diagnostic Center, Columbus, Ohio; the Ohio Penitentiary, Columbus, Ohio; the Cuyahoga County Juvenile Court, Cleveland, Ohio; the Ohio Vocational Rehabilitation Services for the Blind; and the Lucas County Child Study Institute, Toledo, Ohio.

Plans are under way for the employment of one or two additional social workers to assist Mr. Skagen as soon as some of the necessary preliminary work has been completed. It is also tentatively planned to have the Inmate Affairs Department handle Orientation, Prerelease and Alcoholic Anonymous Programs—ERNEST O. SKAGEN, Columbus, Ohio.