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Abstracts and Notes

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ABSTRACTS AND NOTES

DELAWARE ABOLISHES CAPITAL PUNISHMENT

On April 2, 1958, Governor J. Caleb Boggs of Delaware signed into law a bill abolishing capital punishment and substituting life imprisonment. Thus Delaware became the seventh State to legislate against capital punishment. Michigan had been first in 1847, Rhode Island in 1852, Wisconsin 1853, Minnesota 1911, North Dakota 1915, and Maine in 1876, only to restore it in 1883, and finally abolish it in 1887.

Nine other States have abolished capital punishment for short periods only to reinstate it, usually after a particularly heinous murder. These States were Iowa, Kansas, Colorado, Washington, Oregon, South Dakota, Tennessee (except for rape), Arizona, and Missouri.

The Delaware capital punishment bill was first introduced in 1955 by State Senator Elwood F. Melson. However, it was not until June 1957 by a vote of 10 to 1, with 3 not voting, that the Delaware Senate passed the bill. In the Delaware House of Representatives the bill gained support only after the "Cobin report" was distributed to the delegates. Prepared by Herbert L. Cobin, former chief deputy attorney general, Wilmington attorney, and President of the Delaware Prisoner's Aid Society, the classic report brings together the highlights of evidence produced before the Commissions and Committees which studied the problem in England, Canada, California, and Illinois, as well as the comments of noted criminologists.

This report was followed by a public hearing on March 11 before the entire House of Representatives called by Representative Sherman W. Tribbitt, chairman of the Judiciary Committee. Among the speakers were Dr. Throsten Sellin, Professor and chairman of the Department of Sociology at the Wharton School of Business and Finance, University of Pennsylvania; James A. McCafferty, Criminologist for the U. S. Bureau of Prisons, who reported the national downward trend in executions; Trevor Thomas, former executive secretary of the Friends Committee on Legislation of California; Dr. M. A. Tarumianz, state psychiatrist and superintendent of Delaware's mental health

institutions; Rev. Henry N. Herndon, rector of Calvary Episcopal Church, Wilmington, and Rev. Robert W. Duke, of Dover.

The nine arguments forwarded by Mr. Cobin and essentially supported by the witnesses were:

1. The evidence clearly shows that execution does not act as a deterrent to capital crimes.

2. The serious offenses are committed, except in rare instances, by those suffering from mental disturbances; are impulsive in nature; and are not acts of the "criminal" class. Of those executed in Delaware, fifty percent had had no previous conviction.

3. When the death sentence is removed as a possible punishment, more convictions are possible with less delays.

4. Unequal application of the law takes place because those executed are the poor, the ignorant, and the unfortunate without resources.

5. Conviction of the innocent does occur and death makes a miscarriage of justice irrevocable. Human judgment cannot be infallible.

6. The State sets a bad example when it takes a life. Imitative crimes and murder are stimulated by executions.

7. Legally taking a life is useless and demoralizing to the general public. It is also demoralizing to the public officials who, dedicated to rehabilitating individuals, must callously put a man to death. The effect upon fellow prisoners can be imagined.

8. A trial where a life may be at stake is highly sensationalized, adversely affects the administration of justice, and is bad for the community.

9. Society is amply protected by a sentence of life imprisonment.

Impressed by this cogent evidence, the Delaware House weighed the bill from March 11 to March 24 and passed it by a vote of 18 to 11.

Disturbed by details of the bill, but not the principle, Attorney General Joseph Craven urged the Governor not to sign the bill. He indicated that the bill made no distinction between the release from prison of first and second degree murderers who receive "life" sentences. Also he supported

retaining the death penalty for murderers convicted of a second homicide in a prison break. Another objection was the belief that any repeal of the capital punishment law would result in a heavier murder trial list, or more frequent state acceptance of a guilty plea of manslaughter.

Nevertheless the attorney general did favor abolishing capital punishment on two grounds, humane consideration; and the fact that juries are disinclined to convict defendants where the punishment is death without recommendation of mercy.

Governor J. Caleb Boggs in signing the historic bill appears to have had convictions similar to those appearing in the closing paragraph of a *Wilmington Morning News* editorial.

Now, we believe, the people and the state are ready for this historic step. But the innovation will still be on trial. One particularly revolting crime during the next few years, or a wave of the sort of crimes to which the death penalty formerly applied, could bring an outcry for the restoration of capital punishment. Barring this sort of mischance, we are confident that in Delaware as elsewhere, experience with the abolition of the death penalty will bring the settled conviction that it was the right thing to do.

JAMES V. BENNETT, *Director*

U. S. Bureau of Prisons
Washington 25, D.C.

The APTO Journal—This is the title of a new periodical in the area of criminology. The abbreviation means: "Association for the Psychiatric Treatment of Offenders." It emphasizes treatment outside of institutions. To this end it associates or pools the services of many professional folk who are prepared to approach delinquents and criminals from a variety of angles.

APTO is a non-profit corporation. Dr. Melitta Schmideberg, a practicing psychiatrist in New York City, was the main spring in its organization in 1950. She had already served—1933–1945—as psychiatrist in a similar organization in London—"The Institute for the Scientific Treatment of Delinquents" (ISTFD). Her professional training was had in the Berlin Psychoanalytic Institute. She is a widely recognized authority in the problems of delinquency.

Dr. Schmideberg is head of the Editorial Board of the new Journal. Her associates are: Richard H. Orr, M.D., Edward Glower, M.D., V. C. Ramana, and Jack Sokol. Following is a statement of

the purpose of the APTO Journal from its Vol. I, number 1:

"The APTO Journal will be an organ of opinion. It will appear bi-monthly. Contributions may be controversial, out of step with current trends or our obvious editorial preferences. We want original thinking or descriptions of experiences that will stimulate new ideas. An article may be for or against psychiatric treatment; it may illustrate a special technique or service; it may be a commentary on the community or a brief discussion of a particular facet of crime and delinquency.

"We are seeking, in effect, articles in miniature, from 400 to 600 words in length. One will have to achieve this with an almost superhuman restraint and the cutting out of pet phrases. The result should be a forthright statement of the author's views.

"The APTO Journal is called into being by the fact that though we are spending fantastic sums and exerting enormous efforts in combatting crime, criminal statistics are steadily mounting. We are losing the fight against crime and we want to know why. We want the opinions of informed responsible persons why all our measures are not being effective.

"We are losing ground in spite of the fact that most of the battles for enlightenment of forty years ago have been won. Psychiatry is deeply entrenched in our social system. Education is universal and progressive principles dominate our schools. Mental hygiene has become so respectable that mental illness is no longer a taboo subject; it is discussed so freely that our daily newspapers have regular columns about abnormal psychology. And the long-sought-for advances in supervision of offenders are now taken for granted; probation and parole have been written into law in most states of the Union.

"What is more, we have booming prosperity, full employment, vast slum clearances, modern prisons, scientific criminal detection and law enforcement, welfare measures exceeding any previous expectations, enlightened laws respecting the individuality of offenders, more comprehensive social work, national minimum wage and hour laws, and effect child labour laws.

"Where are we going wrong? The APTO Journal would like to add its bit in finding out."

The address of the APTO Journal is 9 East 97th St., New York City.

R. H. G.