

1959

## Abstracts and Notes

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### Recommended Citation

Abstracts and Notes, 49 J. Crim. L. Criminology & Police Sci. 463 (1958-1959)

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attempts to evade his income tax. Prior to the defendant's trial, the chief prosecutor for the government requested an Internal Revenue agent to check the income tax returns of veniremen on the jury panel. The agent made and transmitted to the prosecutor notes of the taxpayer's occupation, amount and source of income, number of dependents, amount of taxes paid or refunded, and any unusual deductions. The inspection was undertaken in an effort to find out whether any of the prospective jurors had income tax troubles of their own or had other reasons to be unfavorably disposed to the government. With this information, the prosecution was in a position to more intelligently exercise its peremptory challenges.

The defendant appealed his conviction, claiming that the use by the prosecution of this procedure vitiated his conviction. The United States Court of Appeals for the Second Circuit affirmed the conviction, holding that the government could properly inspect the tax returns of veniremen on the trial panel because it did not in any way affect the jury's deliberations. *United States v. Costello*, 255 F.2d 876 (2nd Cir. 1958).

The defendant contended that by using the income tax returns the prosecution had obtained a jury which was "especially conditioned" to find

him guilty. He did not argue that the jury which was impaneled was prejudiced against him. He did claim, however, that the preparatory technique resulted in a "blue ribbon jury". The court rejected this argument, pointing out that the technique used was not applied to the selection of the panel, but employed only after the panel had been convened in accordance with the usual selection procedures. At most, the practice led to challenges of jurors who might have been unduly biased in favor of the defendant. The exercise of peremptory challenges is a rejective rather than a selective process. The defendant had no right to complain of this.

The defendant contended further that the practice is against public policy in that, once it becomes generally known, prospective jurors will be intimidated or will attempt to avoid jury duty. The court classified this contention as "far fetched". "There would seem," said the court, "to be no good reason to believe that knowledge that jury service entails exposure of one's tax return to the scrutiny of a district attorney would deter a good citizen from service."

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(For other recent case abstracts see "*Police Science Legal Abstracts and Notes*", *infra* pp. 517-519).

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## ABSTRACTS AND NOTES

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**Recidivism of Paroled Criminals.**—Recidivism in a criminal offender is nothing more than the symptomatic relapse of an emotional illness. An experienced clinical observer can base his judgment of the likelihood of recidivism in a given case on the same type of data from which he predicts possible recurrence of symptoms of any other psychiatric illness; namely, the individual's history, his present personality structure, including commonly used defenses against anxiety, psychopathology, and physical status, together with an evaluation of external day-to-day realities which will affect the individual.

Clinical study and treatment of 22 paroled male criminal offenders in the Outpatient Department of The Langley Porter Neuropsychiatric Institute led us to think of recidivism in terms of prognosis. The crucial issue for outpatient psychotherapy of

offenders is whether or not the patient can stay out of prison.

Our patients came from the California Medical Facility at Vacaville, California, the new hospital-prison operated by the Department of Corrections. Their ages ranged from 22 to 52 years.

During the 21 months since the start of our study, half of the parolees—11—dropped treatment. Of these, nine became recidivistic; the crime, or threatened crime, being similar to, or identical with that individual's earlier offenses. Six of the nine committed crimes before termination of parole, while three threatened to do so. Of the remaining two dropouts, one disappeared and one sought and obtained transfer of his parole supervision to the parole department of another state.

Our patients, including the 11 still in treat-

ment, have tended to act destructively in the face of anxiety-provoking situations. We have come to look upon this phenomenon as similar to the way some patients recurrently develop somatic symptoms in response to stress.

For example, a 35-year-old man, sentenced for check-writing, with a history of periodic marked obesity, expressed enthusiasm for psychotherapy. Though overly ingratiating and pretentious in manner and unrealistic in his expectations of therapy, he gave evidence of sincerity in such ways as meeting appointments regularly. He withstood the initial weeks of the new adjustment on parole, and re-established a home with his wife. His mother then decided to join him here, and sent him a package of her personal effects, with her check-book enclosed. A series of events then culminated in the patient's return to prison. He gained weight, lost his job, began to drink, contacted a former homosexual partner and wrote bad checks; all reactions which had occurred before in times of stress. Cues about the mother's peculiarly ambivalent attitude toward his social offenses and his open relief at return to prison at this time, identified the prospect of coping with his mother as probably the added emotional burden which tipped the scales.

Another man, aged 44, who since age 16 engaged in such activities as armed robbery, illegal gambling, and check forgery, had several times presented himself in such a way as to obtain promotions to positions of some trust and responsibility. Within a prison he could function reasonably well as a top-level office worker. Outside prison, however, acceptance by others of his facade of reliability was quickly followed by unlawful behavior. For instance, he once was offered a position as a manger in a canning factory in Chicago, but he began the trip to his new job in a stolen car and wrote bad checks on the way.

Comparison of data from the cases of our recidivistic patients with that of the cases still in treatment suggests several factors unfavorable to successful parole. They are like those which indicate a guarded prognosis in other psychiatric illnesses; for example, early and prolonged pathological influences during childhood, early onset of antisocial behavior, and previous recidivism. A patient who has had long periods of institutionalization, with his most durable personal relationships occurring in the institution, is less inclined to make an acceptable parole adjustment. A poor employment record outside an institution is a strike against the parolee. Our patients with

history or findings of physical or mental abnormalities or illness have done less well. Among the recidivists we noted history or findings of schizophrenia, syphilis, encephalitis, pulmonary tuberculosis, obesity, and abnormal electroencephalographic records. Some environmental situations opposing successful parole are social isolation, limited employment opportunities, and continued contact with family members or other with whom an unhealthy relationship has previously proved critical in the patient's behavior. Conflicting or vacillating attitudes among authority figures, such as parole officers, can contribute to failure of parole.

The course of parole depends on multiple factors, many of which a psychiatrist can evaluate clinically. A rational approach to the problem of recidivism includes a thorough-going psychiatric study of each offender before he is released and a psychiatric evaluation of his emotional reactions during parole.—Marietta Houston, M.D. and Peter F. Ostwald M.D.<sup>1</sup>

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AAAS—Criminology Sessions, Washington D.C., (Dec. 27-28, 1958)—Senator McNamara, General Boatner and Commissioner Kross were the principal speakers in the Shoreham Hotel on December 27-28, before the annual meeting of the American Society of Criminology—a section of the American Association for the Advancement of Science. The one hundred and twenty-fifth yearly conclave of the AAAS was held in Washington during the week which included the above dates.

The program of the criminologists was arranged by Dean Donal E. J. MacNamara of the New York Institute of Criminology, President John P. Kenney, of the American Society of Criminology, and Executive Director Robert V. Sherwin, of the Society for the Scientific Study of Sex. It consisted of four major seminars, a luncheon and an evening showing of the film, "I want to Live."

Among the speakers were, Senator Patrick McNamara of Michigan ("Crime and the Labor Movement"); Dr. Bernard Schwartz, ("Crime

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and Politics"); Gen. Hayden Boatner, ("Crime in the Armed Forces"); Commissioner Anna Kross, ("Youth behind Bars"); Dr. Benjamin Karpman, ("Sex, Sanity and Society"); Dr. Peter Lejins, ("Criminal Types: Lombroso to Sheldon"); Herbert Bloch, ("Gambling and Social Pressures"); Maude Craig, ("Predicting Delinquency"); Klara Roman, ("Graphology in Criminal Investigation"); Joseph Adelman, ("Hypnosis and Crime"); Dr. Philip Roche, ("Psychiatry and the Criminal Law"); Roberh V. Sherwin, ("Homosexuals in America": their Organization and Literature"); Dr. Howard Gill, ("Correction's Sacred Cows"); Dr. Melitta Schmideberg, ("The Child Murderer"); Paul Weston and George Eastman, ("Homicide in the Highway"); John P. Kenney, ("A Management Focus for Criminology"); Henry Weihofen, ("Crime, Punishment and the Public"); Sarah Ehrmann, ("The Case against Capital Punishment"); Michael Perry, ("Prisons from Within"); Dean Donal MacNamara, ("A Critique of Criminal Justice Investigation").

Dean MacNamara was General Chairman of the sessions; Drs. Howard Gill and Peter Lejins were co-chairmen of the local arrangements committee. Prof. John Kenney, Herbert Bloch, Robert H. Gault and Vernon Fox were chairmen of seminars. Lee Lawler was Publicity Chairman, and Gwen Spandorfer, Conference Secretary.

of Finance and Commerce, University of Pennsylvania, an outstanding authority on criminal statistics. His study was made in 1950. Information was obtained from 266 cities with over 10,000 population in 17 States of the United States, including six States which had abolished capital punishment and 11 which had not. The facts showed:

RATE OF FATAL ATTACKS PER 100,000 POPULATION

Six abolition States	11 capital punishment States
82 cities, pop. 2,804,757	182 cities, pop. 7,147,216
Rate—1.2	Rate—1.3

Dr. Sellin states:

"It is obvious from an inspection of the data that it is impossible to conclude that the states which have abolished the death penalty have thereby made the policeman's lot more hazardous. It is also obvious that the same differences observable in the general homicide rates of the various states are reflected in the rate of police killings." (Page 723-24)

"Conclusion. The claim that if data could be secured they would show that more police are killed in abolition states than in capital punishment states is unfounded. On the whole the abolition states, as apparent from the findings of this particular investigation, seem to have fewer killings, but the differences are small. If this is, then the argument upon which the police is willing to rest its opposition to the abolition of capital punishment it must be concluded that it lacks any factual basis." (Page 728)

**Does the Death Penalty Add to Police Safety? A Misconception**

At the hearing of the New Jersey Assembly Judiciary Committee on June 5, 1958 a representative of the New Jersey Police Association expressed the opinion that the threat of capital punishment offers protection to police officers from being killed when acting in the line of duty.

The representative had no figures to support his statement. He was unacquainted with two studies, one on "The Death Penalty And Police Safety" by Dr. Thorsten Sellin and the other "The State Police And The Death Penalty" by Donald Champion S.J.<sup>1</sup> Dr. Sellin is Chairman of the Graduate School of Sociology, Wharton School

Working in conjunction with Dr. Sellin, Mr. Champion's study was directed to State rather than City Police Forces. His findings were based upon information from 24 States including the six abolition states. Sample results in grouping of States are:

State	Period	Killings
Connecticut	1925-54	2
Maine—Abolition		0
Massachusetts		1
Rhode Island		1
Illinois	1935-54	3
Indiana		3
Michigan—Abolition		2
Ohio		1
Iowa	1939-54	0
Minnesota—Abolition		0
Nebraska		2
North Dakota—Abolition		0
South Dakota		1
Wisconsin—Abolition		0

<sup>1</sup> The two studies are found in Appendix "F" of the Minutes of Proceedings and Evidence, No 20 of the Joint Committee of the Senate And The House of Commons On Capital Punishment of the Canadian Parliament. 2d Sess. 22nd Parliament pages 718-741.