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Abstracts and Notes

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fendant sought to exclude this statement on the basis of *Mallory v. United States*, 354 U.S. 449 (1956). The United States Court of Appeals for the District of Columbia allowed these statements as evidence, holding that the *Mallory* rule only excludes evidence of *incriminating* statements made before an arraignment, and that the rule has no effect on *exculpatory* statements which are not substantially prejudicial. *Starr v. United States*, 27 U.S. LAW WEEK 2207 (1958).

The defendant made no contention that the admission of the statement violated a constitutional right. Thus, the court had to decide whether the *Mallory* opinion should be construed as holding that the admission of an exculpatory statement on the issue of sanity is reversible error, even though it did not affect substantial rights of the defendant, and so produced no prejudice.

Under the law as it existed before the *Mallory* case was decided, the harmless error rule required that, if, upon an examination of the entire record, substantial prejudice did not appear, any error had to be disregarded as harmless. Furthermore, the *Mallory* case concerned only the admission of a confession which subsequently was determined to be prejudicial error. Thus, the *Mallory* opinion excluded only incriminating statements elicited from the defendants, and left untouched other statements which were not prejudicial.

The minority of the court noted that once sanity had been placed in issue, it became a necessary element to prove the crime, and that the defendant could not be declared guilty unless the

government could prove his sanity beyond a reasonable doubt. Therefore, evidence tending to prove sanity is incriminating evidence in the circumstances of the instant case.

Censored Letter Between Attorney And Incarcerated Client Is A Privileged Communication—In a hearing to determine whether or not the defendant waived his right to a speedy trial, the government offered in evidence a copy of a letter written to the defendant by his attorney. The letter had been censored and copied by prison officials. Counsel for the defendant objected to the introduction of this letter on the ground that it was a privileged communication between the defendant and his attorney. A United States District Court ruled that the letter was not competent evidence and that censorship of prison mail does not abrogate the attorney-client privilege. *United States v. Fouts*, 166 F. Supp. 38 (S.D. Ohio 1958).

The court noted that censorship of the mail is an essential requirement of a penal institution and is necessary so that the institution may maintain control for the protection of all the inmates and the general public. This did not mean, the court said, that such a practice could destroy the attorney-client privilege even though third persons had knowledge of the letter's contents.

(For other recent case abstracts see "Police Science Legal Abstracts and Notes," *infra* pp. 621-622)

ABSTRACTS AND NOTES

CHILD MURDERERS

(Abstract of paper read at the 15th Annual meeting of the American Society of Criminology at Washington, D. C., December 27, 1958.)

Crimes are conditioned both by individual factors inherent in the personality of the offender and by socio-cultural conditions and trends. Each society has the crimes it creates, condones or fails to nip in the bud. We have no cannibalism because it is just unthinkable by the whole community.

Although murder is punished, it is not altogether abhorred and it is sometimes even glorified. It is much more frequent in this country than in some others. Murders committed by children under sixteen, relatively frequent here, are practically unheard of in other civilizations. Most of the homicides committed by juveniles are the outcome of gang-warfare, often not premeditated. Less frequent, but more puzzling and disturbing, is another type: that of children killing, on impulse or by premeditation, near members of their families,

sometimes the parents. What makes it worse is that often these children come from what appears, to the average person, to be a good^d home socially and culturally, with ordinary family life. Another perturbing factor is that the murderers (and this applies often to gang-warfare killers) fail to show afterwards an adequate emotional reaction of guilt and remorse.

Often the provocation is trivial compared to the act. Normal people assume as a matter of course that to take a life is such a terrible thing that the murderer must be deeply abnormal or carried away by an irresistible impulse. Yet this is not necessarily so; sometimes to him the other person's life is just cheap—murder does not seem such a big thing—hence he needs little provocation and has little reaction. He is so highly self-centered that he regards every hurt as a *lese majeste* that justifies every and any type of retaliation. The socio-cultural factors are highlighted by comparing our relatively child-dominated society with parent-dominated ones where parents often commit crimes against their children, commit infanticide, brutality, incest and sell them—as in some Eastern countries—into prostitution.

Another feature of our society is the degree to which violence is condoned and even encouraged, and the fact that children are not taught sufficient discipline and self-control and are excessively self-centered, sensitive to frustration and to reprimand, and that the steps that mentally lead to murder are not sufficiently discouraged.

These steps include violence, disregard for others, little family sense, social or religious consideration, little fear of social consequences and punishment, and regarding murder as an everyday event.

Delinquency breeds delinquency: If we believe in the power of advertising, there can be little doubt that the frequent and detailed reporting of murder helps to break down normal inhibitions and social controls. It not only appeals to sensationalism, but also makes murder more acceptable, because it happens so frequently.

Not only comics but television, movies and, above all, newspapers help to break down the nation's crime resistance. The only advertisement that is free is for crime.

The individual factor is highlighted by the fact that, fortunately, it is only a small number of children who kill. Psychiatrists who have studied such child murderers do not feel able to explain their mentality adequately. While they are obvi-

ously not normal, it is too glib merely to call them "sick", "psychopathic" or "schizophrenic." Anyhow they do not fit the typical picture of schizophrenia. In all these areas much more research is needed.

More research and detailed followups of how the child murderers develop later in life is needed. In New York State, many are discharged from mental institutions or training schools after a few years and returned to the community. In the majority of cases we do not know with certainty what happens. It is widely believed that they do not commit a second murder, but there is no reliable evidence.

Both from a practical and from a theoretical point of view it is of paramount importance to study the problem intensively and scientifically.—Melitta Schnideberg, M.D., Executive Chairman, Association for the Psychiatric Treatment of Offenders, New York City.

THE FOURTH INTERNATIONAL CONGRESS

The Fourth International Congress of Criminology will be held in The Hague in 1960—September 5-12. The program will focus upon the psycho-pathological aspects of criminal behavior.

The following subjects will be represented in the program: "Historical relation of mental medicine to criminological problems." "Evolution of penal law—comparison of different procedures in relation to mentally abnormal delinquents." "What empirical data are known regarding penology, psychology, psychiatry, 'case work' and sociology in relation to mentally abnormal delinquents which can improve a legal, judicial or administrative regime?" "How integrate these data into criminal policy?"

The sections of the Congress are organized as follows:

1. Methods of Examination and Treatment
 - a. Psycho-medical methods
 - b. Sociological methods
 - c. Legal Medicine and Scientific Police
 - d. Penology
2. Special Themes
 - a. What is the Role of Epilepsy in Criminality?—The Judicial and Penal Liability of the epileptic author of offenses against the person.

What reforms may be promoted by the organization of adequate medical assistance in the penitentiary?

- b. What is the role of the cultural status in relation to sexual criminality?—In what measure is it possible to act upon opinion in this area for the purpose of facilitating the social classification of sexual delinquents?
 - c. What are the forms of theft which occur in great mercantile houses?—What measures of prevention can be recommended?
 - d. Is it possible, from penitentiary experience, to make out the exact influence of age on abnormal criminal conduct?—What institutions might be organized to take a hand with these data?
3. Scientific Research
- a. What is the state of research concerning the personality of the mentally abnormal delinquent?
 - b. What is the state of actual research concerning the possibility of looking after the abnormal without depriving them of the sense of their responsibility?

Further information can be had from: Jean Pinatel, Secretary General of the International Society of Criminology, 28, avenue de Friedland, Paris (VIIIeme)

THE AMERICAN ASSOCIATION FOR SOCIAL PSYCHIATRY

Psychiatry can no longer afford to remain relatively indifferent to its responsibilities to society and the world today. Such indifference can not only result in much social destructiveness, but may even endanger the overall welfare and survival of the world we live in. The late Dr. Allen Gregg (Rockefeller Foundation) in his memorable address to the centennial meeting of the American Psychiatric Association (1950) declared, "Psychiatry is evading its social responsibilities and this may have serious and disastrous consequences."

Psychiatry, having developed from the static and constricted state of trying to study human nature through the narrow confines of a microscopic lens or as a clinical organic entity, has only relatively recently turned toward a dynamic, interpretive orientation as a result of the influence of Freud. However, Freud himself, a scientifically and organically trained mind and by no means a social thinker in his basic orientation, concentrated to a greater degree on the intrapsychic dynamics of human maladjustment. Thus

he failed to attach sufficient emphasis to interpersonal relations, family dynamics, educational, cultural, and economic factors. Further, he tended like many to seek a specific causology and he concluded, for example, that sexual conflict was the cause of most emotional disorders. Today, we realize that this tendency to attach a single cause to most emotional illnesses can be seriously misleading. For example, this has been attempted with chronic alcoholism. How absurd this conception proved to be when it was found after extensive clinical experiences and observations that there are as many causes for alcoholism as exist for human unhappiness.

Psychiatry has unfortunately in many instances moved in the direction of establishing a somewhat rigid and all too often dogmatic orthodoxy, a sort of high priesthood, thus isolating itself often from realistic and constructive collaboration and cooperation with social scientists in other disciplines. There are many in Psychiatry, as well as in related disciplines, who sincerely feel as Dr. Gregg envisioned it, that all social scientists should join hands in the best interests of society and mankind. There is a pressing need at this time, greater than ever before, to establish adequate facilities and programs designed to cope with such matters as (1) crime prevention; (2) preventive mental health; (3) preventive measures to counter the high rate of divorce and family disorganization resulting therefrom; (4) school adjustment problems; (5) vocational adjustment problems; (6) facilities for the treatment of sexual offenders; (7) problems of alcoholism and addiction; (8) problems of rehabilitation of emotionally and physically handicapped; (9) problems of adjustment of old age; and (10) resettlement problems of refugees and displaced persons.

It is clear that the adequate achievement of such a broad program requires the establishment of necessary facilities for training, treatment, and research. Our organization will seek to mobilize scientific, lay, institutional, and governmental support for the objectives and purposes indicated. Social Psychiatry in its real essence should be related to Preventive Psychiatry as Public Health is related to Preventive Medicine.

We welcome all psychiatrists, psychologists, and other social scientists to join and support the newly founded American Association for Social Psychiatry which is an affiliate of the International Institute of Social Psychiatry. The International