

Summer 1960

Research Abstracts and Notes

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Recommended Citation

Research Abstracts and Notes, 51 *J. Crim. L. Criminology & Police Sci.* 77 (1960-1961)

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Court concluded that trial of civilian dependents by courts-martial in capital cases could not be constitutionally justified.

In *Kinsella v. Singleton*, 28 U.S.L. WEEK 4072 (U.S., January 19, 1960), the Court held that Congress' authority to make such laws as are necessary and proper for carrying into execution its power to make rules for the government and regulation of the land and naval forces did not extend to authorizing the prosecution for a non-capital offense of the dependent wife of a soldier stationed in Germany. Mr. Justice Clark, speaking for the majority, insisted that the test for jurisdiction was "one of *status*, namely, whether the accused in the courts-martial proceeding is a person who can be regarded as falling within the term 'land and naval Forces.'" He specifically rejected the contention that the crucial factor was whether the offense was punishable by death, stating that such a distinction "would place in the hands of the military an unreviewable discretion to exercise jurisdiction over civilian dependents simply by downgrading the offense, thus stripping the accused of his constitutional rights and protections."

In *Grisham v. Hagan*, 28 U.S.L. WEEK 4080 (U.S., January 19, 1960), the Court held that civilian employees of overseas military bases were not subject to courts-martial jurisdiction for a capital offense. Mr. Justice Clark, again speaking for the majority, rejected the argument that the pay status of the employee was sufficient ground to justify treatment different from that accorded to a civilian dependent. Thus, Congress lacked the power to deprive petitioners of a civil trial affording all the protections of article III and the fifth and sixth amendments of the Constitution.

¹ Chiefly the right to a trial by jury, the right to a public trial, venue and the right to appeal.

In *McElroy v. Guagliardo*, 28 U.S.L. WEEK 4078 (U.S., January 19, 1960), the Court held that civilian employees of overseas military forces were not subject to courts-martial jurisdiction for non-capital offenses. Mr. Justice Clark insisted that the rationale of *Singleton* and *Grisham* was equally applicable in this situation.

These three cases indicate that article 2(11) of the Uniform Code of Military Justice is unconstitutional whenever applied to a civilian, whether he be an employee or a dependent. Thus courts-martial jurisdiction extends only to military personnel.

In dissent, Justices Harlan and Frankfurter were of the opinion that the crucial factor in determining the jurisdiction of courts-martial over civilians was whether the offense was punishable by death. They interpret *Reid v. Covert, supra*, as insisting upon the safeguards of the fifth and sixth amendment only when the judgement is death. Without adequate provisions for review, such sentences would be carried out long before any federal court could intervene by way of habeas corpus.

Justices Whittaker and Stewart dissented on different grounds. In their view, the crucial distinction was one of status. Civilian employees were thought to be subject to courts-martial jurisdiction since "they have the same contact with, and information concerning, the military operations as members of those forces and present the same security risks and disciplinary problems." Civilian dependents, on the other hand, "perform no services for those forces, present dissimilar security and disciplinary problems, have only a few of the military privileges and generally stand in a very different relationship to those forces than the civilian employees."

(For other recent case abstracts see pp. 124 and 125)

RESEARCH ABSTRACTS AND NOTES

JUVENILE RECIDIVISM

Introduction

Much of the research on the recidivism of juvenile delinquents has been directed towards the classical problems of the home (Nye, 1958), and has often included the closely related environ-

mental elements of the school and the juvenile gang (Wattenburg, 1953). Other studies have probed areas dealing with personality factors (Stearns, 1931; Wattenburg, 1951; Wattenburg and Quiroz, 1954), and the effects of institutional

programming on the juvenile's tendency towards recidivism (Black and Bertram, 1952).

The disturbing increase of juvenile delinquency in recent years has disposed people in a number of fields to take a second look at the general treatment of youths in the court situation and to reassess the value of current juvenile court practices. Such inquiries have resulted in many doubts regarding the efficacy of present court actions and have led to considerable criticism of contemporary youth probation systems. It is worthwhile to note some of these findings.

A well known study of Sheldon and Eleanor Glueck (1957) points out, for example, that despite a marked increase in juvenile recidivism, 65 per cent of all delinquent boys brought into court are being given suspended sentences with probation. One report (Block and Flynn, 1956) indicates that the boys thus placed on probation are being pressed onto probation officers handling, on the average, three times the maximum recommended case load.

Beyond the hazards implicit in inadequate probational administration there appears the possibility that the mere act of placing a boy on probation or dropping the charge at intake is a factor in future recidivism. This view, that such disposition might act as an unexpected, undesirable learning experience, rests on the following considerations.

First, releasing the delinquent may reinforce a typical view of these youth that authorities are inconsistent.

Next is the possibility that the very condition of having a boy experience repeated suspensions of the law on his behalf will encourage in him an expectation of further suspensions, both in and out of the court situation—a potentially disastrous expectation.

Further, release by the court may easily be taken by the boy as expedient "indifference" on the part of the court (and, implicitly, society in general) towards taking any *active* part in helping him with his adjustment problems. This dismissal by the court may simply be supplying the delinquent additional time in which to expand and solidify his recalcitrant tendencies.

Purpose and Methods of Study

The purpose of this study was to observe the effects of non-incarcerating court actions on the recidivistic tendencies of delinquent boys upon release from their initial commitment. The problem

centers around the proposition that such action, regardless of whether it involves parole or dismissal at intake, is a major factor with juvenile repeaters. Simply stated, the hypothesis studied was that boys who, before initial commitment, know a greater number of court experiences involving immediate probation or having the charge dropped at intake will tend towards recidivism more than those with fewer such experiences.

For the purposes of this study it was necessary to examine delinquency histories of boys from both before and after their initial commitment. In this instance, records were placed in two categories, recidivist and non-recidivist. Any boy who had been arrested since release from his first commitment was listed in the former category, while those who had not were listed in the latter. Only delinquents entered in the source files during the years 1953, 1954, and 1955 were used, thus allowing that every boy in the sample be released for at least twelve months in order to permit a meaningful follow up study.

Data was taken from the files of the National Training School for Boys in Washington, D. C. For this research only the records of Negro boys from the District of Columbia were used. Approximately fifty per cent of the boys in this study had their first commitment at an institution other than the National Training School. At the time of commitment to the National Training School, these boys were all 16 years old (plus or minus six months), and none of the recidivists was less than 13 years old at the time of his first incarceration.

Each boy was required to have at least dull normal intelligence, to have finished the sixth grade in school and to be literate. From cases meeting these criteria, 152 boys were drawn by means of random sampling. Care was taken to see that no bias existed as a result of weighting with one or more types of offense. Boys in both the recidivist and non-recidivist categories approximated the same proportions in categories of crime as published by the Federal Bureau of Prisons for delinquents in the District of Columbia during the same period of time.

Results

The tendency towards recidivism of boys committed on the first through fourth (or more) arrest was evaluated by means of χ^2 . The results, in general, were not in the predicted direction. The

overall probability that a greater number of probations or charges dropped at intake will influence recidivism after release from initial commitment is P .90. It is worthwhile to note, however, that not a single boy in the sample let off four times before commitment was able to avoid recidivism upon institutional release. Of the total sample, approximately 7 out of 10 became recidivists after their first commitment, regardless of the number of offenses before institutional placement.

Discussion

Within the limits of this study, it may be concluded that neither probational supervision nor dropping a charge at intake acts as a deterrent to a boy's recidivistic tendencies.

The two most notable aspects of the results were the unexpectedly large number of recidivists and the sharp break off of non-recidivism beyond the fourth offense. These findings lead to two speculations. First, approximately one half the population of this study had their first commitment at an institution other than the National Training School. Sentences to these other institutions were uniformly shorter and conditions were far less stringent and well supervised. Placing a boy in an institution less rigorous than the National Training School may have little or no effect on the youth's attitude and disposition to repeat criminal patterns. Thus recidivism, as it occurred in our population, may be a function not only of the extent of court experiences but of the nature of the institution. Second, it is highly possible that there is a point in a boy's experience with the court beyond which he is no longer malleable to the type of help allegedly gained through probational supervision or release from charges. This is to suggest that the sharp break off of non-recidivism beyond the fourth pre-commitment offense may infer a critical area in which the boy's relationship with the court becomes markedly different.

Summary

The relationship between the number of probations or incidents of charges dropped at intake and recidivism after initial commitment was evaluated for a group of delinquent Negro boys from the District of Columbia. Randomly selected from a population having approximately the same age, intelligence, and education, they were divided into two categories: recidivist or non-recidivist, depending upon whether they had been arrested since the time of their initial institutional release. By means of Chi², it was determined that there was no significant difference between the two categories. The recidivism rate in this sample was unexpectedly high. The sharp break-off of non-recidivism inferred a critical area in which the positive effects of non-incarcerating court actions may diminish significantly.

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INTER-PROFESSIONAL DIFFERENCES IN BELIEFS ABOUT THE ETIOLOGY OF JUVENILE DELINQUENCY

This study was concerned with beliefs about the etiology of juvenile delinquency held by teachers of elementary and secondary public schools, juvenile police officers, and juvenile probation officers, as personnel of three public agencies

concerned with the prevention and control of juvenile delinquency. The findings indicated such a variety of beliefs and attitudes about the etiology of juvenile delinquency that a re-examination of our educational programs for those concerned with

children and youth, in-service and pre-service, should be made.

The Problem. What are the attitudes and beliefs held by a selected group of juvenile probation officers, juvenile police officers, and elementary and secondary public school teachers about the etiology of juvenile delinquency?

The Sample. The sample selected for the study consisted of 252 elementary and secondary school teachers, 131 juvenile police officers, and 101 juvenile probation officers, a total of 484 respondents, all selected from large metropolitan areas.

The Method. To discover the "thinking pattern" about the etiology of juvenile delinquency by the respondents, an instrument was developed which was designed to measure (1) beliefs about the causes of juvenile delinquency, and (2) meanings attributed to etiological statements about juvenile delinquency.

The instrument contained a checklist of 35 statements, derived from the literature, setting forth the "causes" of delinquency. The respondents were directed (1) to accept or reject each statement and (2) to classify each statement into one of four etiological categories: Biological-Physical, Social-Environmental, Deliberate, and Psychological.

The Findings. The findings showed that among the personnel questioned there existed (1) marked differences in opinions about the causes of juvenile delinquency and (2) a wide variety of interpretations of the meanings of etiological statements.

The acceptance of one or more monocausal statements about juvenile delinquency by 96 per cent of the respondents indicated a phenomenal amount of misunderstanding about the etiology of juvenile delinquency in spite of the vast amount of information about delinquency in the literature and in spite of educational attainment or special training with respect to juvenile delinquency. These findings suggest that in many cases these personnel would be working with delinquents without proper knowledge and/or without understanding the etiology of the delinquent behavior.

This study suggests that here are personnel of several agencies, all dealing with the same problem and in many cases with the same individual manifestation of the problem, who seem to lack

any coherent basis for cooperative action other than society's mandate that they do something about it.

The study supported the suggestion in the literature that a serious obstacle to effective delinquency control lies in the confusion about its etiology. There is evidence provided here that beliefs about the etiology of juvenile delinquency are so varied and/or contradictory that effective cooperation within and among agencies is impaired. As the degree of cooperation is reduced, the effectiveness of coping with the problem of delinquency is diminished. The wide variety of interpretations about the meanings of etiological statements provides an obvious basis for misunderstanding. This misunderstanding could also affect the manner and effectiveness of mutual cooperation as well as impede communication among personnel. It is therefore probable that misunderstanding about the meanings of etiological statements plus divergence in beliefs about juvenile delinquency causation combine to become an important factor in the creation of friction within and among agencies. It follows that it would be possible for personnel within an agency to work at cross purposes. In addition, methods used may violate or prevent the ultimate solution of the "real" problem by impeding the development in the delinquent of socially acceptable behavior patterns.

The importance of the study lies in the fact that it has revealed that those who deal with delinquency and delinquent youth lack a common frame of reference conducive to the cooperative and consistently interrelated efforts so essential to effective attacks on the problem.

It also appears that educational and training programs may have overemphasized operational procedures and techniques and may have minimized or excluded the development of an adequate understanding of the essential interrelatedness of social agencies and of psychological, social, and biological motivants to behavior.

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AN ABBREVIATED FORM OF THE WECHSLER INTELLIGENCE SCALE FOR CHILDREN

Introduction

There are many occasions when those who use the WISC desire a reasonably accurate estimate of an individual's intelligence but do not have the time to administer the full scale.¹ This is an ordinary situation with personnel working in parole offices, industrial schools, etc.

The WISC is particularly valuable in such settings because many subjects have had difficulties in school and have developed unfavorable attitudes toward paper and pencils.

Problem and Method

The present study was designed to investigate the validity of a WISC IQ derived from only four subtests.

Through statistical analysis² of the standardization data from the WISC manual³ the investigators chose the two verbal subtests whose sum correlated highest with the total Verbal score and the two performance subtests whose sum correlated highest with the total Performance score. The most valid combination of verbal subtests was Information and Similarities which correlated .94 with the Verbal score. Picture arrangement and Object Assembly correlated .90 with the Performance score.

Results

The correlation between the sum of the four subtests and the Full Scale was .94. In a simple

¹ See Fraser, *Review of the Wechsler Intelligence Scale for Children*, THE FIFTH MENTAL MEASUREMENTS YEARBOOK 416-17 (Gryphon Press, Highland Park, 1959); Kureth, Muhr & Weisgerber, *Some Data on the Validity of the Wechsler Intelligence Scale for Children*, 23 CHILD DEVELOPMENT 281-87 (1952); and Atchison, *Use of the Wechsler Intelligence Scale for Children with Eighty Mentally Defective Negro Children*, 60 AMER. JOUR. OF MENTAL DEFICIENCY 378-79 (1955).

² GUILFORD, FUNDAMENTAL STATISTICS IN PSYCHOLOGY AND EDUCATION, Ch. 16 (3rd Ed. 1956).

³ WECHSLER, MANUAL FOR THE WECHSLER INTELLIGENCE SCALE FOR CHILDREN (New York, Psychological Corp., 1949).

regression equation the a coefficient was 12.8; the b coefficient was 2.2. The standard error of estimate was 6.8. Reliability of this abbreviated form was .89.

The validity of the abbreviated form was then checked in a practical situation. The entire WISC was administered to 40 white males ranging in age from 13 to 15. All subjects were, according to law, juvenile delinquents on probation. The full scale IQ for these subjects ranged from 75 to 131 with a mean of 97 and a S.D. of 15. Full Scale scores were predicted from the abbreviated form. The product moment correlation between predicted and obtained IQs was .92. Corrected for attenuation in the criterion only, this coefficient becomes .96. The standard error of estimate was 7.26. Mean discrepancy between predicted and obtained measures was 4.8.

The time required for administering the entire WISC is usually 60 to 90 minutes; for the short form it is 25 to 40 minutes. The use of the short form would, therefore, reduce testing time about fifty percent.

Summary

This report presents the results of an attempt to use an abbreviated form of the WISC to estimate the full scale IQ. The abbreviated form consisted of the following subtests: Information, Similarities, Picture Arrangement, and Object Assembly. With young adolescents, legally classified as juvenile delinquents, the correlation between predicted and obtained full scale IQs was .92. Regression coefficients are included.

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THIRD ANNUAL SHORT COURSE FOR DEFENSE LAWYERS IN CRIMINAL CASES

The Third Annual Short Course for Defense Lawyers in Criminal Cases, which is sponsored by the Northwestern University School of Law, will

be conducted in Chicago during the five-day period July 18-23, 1960. Attendance will be open to all attorneys interested in the practice of criminal law.