

Winter 1980

## Book Reviews

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

Book Reviews, 71 J. Crim. L. & Criminology 654 (1980)

This Book Review 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.

# BOOK REVIEWS

## REVIEW ARTICLE

### RANSOM KIDNAPPING IN AMERICA\*

NICHOLAS N. KITTRIE\*\*

The kidnapping of wealthy persons to exact a ransom—from their family, their employer, or some other concerned party—is a particularly modern and American phenomenon, according to Ernest Alix. One can dispute Alix's claim for ransom kidnapping as an American invention, particularly in light of the many documented abductions for ransom of community leaders and travellers generally in both Moslem and Christian countries during the Middle Ages.<sup>1</sup> Whether native to America or not, ransom kidnappings have had a prominent role in this country's criminal history and in recent years have assumed new dimensions in the arenas of both domestic and international terrorism.

History, as well as current events, readily suggest many other species of kidnapping. Alix describes fourteen types of kidnappings, in addition to what he labels the classical American ransom variety. There are inherent differences between a divorced parent who whisks his child away in violation of a custody agreement, an offender briefly taking a hostage in order to facilitate an escape, and the premeditating ransom kidnapper. From both criminological and legal perspectives these are dissimilar crimes. The diverse motives of the offenders, their distinct *modi operandi*, and degrees of social danger would clearly justify differing criminal justice responses. The author's elaborate effort to create a scientific typology to fit the full panoply of the known kidnapping varieties, however, appears to be forced. The proposed classification system could be criticized for offering distinctions without meaningful differences.

\* A review of RANSOM KIDNAPPING IN AMERICA, 1874–1974—THE CREATION OF A CAPITAL CRIME. By Ernest Kahler Alix. Southern Illinois University Press, 1978. Pp. xxxiii, 222. \$15.00.

\*\* Professor of Law, The American University.

<sup>1</sup> See, e.g., *Ransoming of Captives*, 5 ENCYCLOPEDIA JURIDICA 154 (1972).

Readers uninitiated in the varieties of kidnappings could examine the annals of history which disclose that in the Biblical lands and in Sicily maidens were traditionally kidnapped for romantic and marital reasons; in the Balkans young male Christians were kidnapped for military service in the Ottoman Sultan's army; in Africa young blacks were kidnapped for forced labor overseas; in the Orient young children were kidnapped for commercial sexual exploitation; and in English ports young men were abducted for service on the sea. In America, as Charles B. Ferster, a leading behaviorist psychologist, observes: "You either get wealth by inheriting it, by working for it, or by stealing it." Consequently, ransom kidnapping was developed in America as a vehicle for gaining money through stealth from those who got it through work or inheritance.

The first reported ransom kidnapping in America, which took place in 1874, is well documented. Charles Ross, a young boy, was abducted from his parents' home in Germantown, Pennsylvania, on July 1, 1874. On the following day his father received a letter demanding \$20,000 for the return of the son under threat of death to the victim if the ransom was not paid. A few days later the father offered a reward of \$300 for the son's recovery. When no progress had been made in the case by July 22, the mayor and city fathers of Philadelphia offered \$20,000 for information leading to the return of the victim and the apprehension of the abductors. Reports came flowing in from around the country that Charles had been found. His father made all possible efforts to investigate the reports by mail and by personally traveling to inspect the boys put forward as his son. All this was to no avail. By 1877 Charles' father was sufficiently disheartened to agree that P. T. Barnum, the circus impresario, could make a personal offer of \$10,000 for the recovery of the boy. The reward was announced in advertisements and circulars distrib-

uted throughout the country carrying the signatures of P. T. Barnum and Ross.

While Charles Ross never reappeared, a long line of teenage pretenders kept cropping up during the following decade. They and the continuing press references to the Ross case, usually on the anniversary of the kidnapping, kept the Ross story before the public during the remainder of the 1880s. In 1892, when the perpetrators of an unsuccessful New York ransom kidnapping were brought to trial, they admitted getting the idea from dime novels which described the Charles Ross case. Some eight years later, in the celebrated 1900 ransom kidnapping of Eddie Cudahy, son of an Omaha millionaire meat-packer, a note demanding \$100,000 was received. The note, written a quarter of a century after the Ross kidnapping, concluded: "we mean business and will not be monkeyed with or captured . . . If you remember . . . Charley Ross was kidnapped in New York City and \$20,000 ransom was asked. . . . Ross died of a broken heart."

Of all crimes in America, ransom kidnapping has tended to be amongst the most sensational. The abduction of children, in particular, appeared to be a particularly heinous crime to both the American public and the media. The mass media has long given this conduct meticulous attention. P. T. Barnum, we have seen, considered ransom kidnapping as coming within the realm of his entertainment empire. Moving picture exhibitions of kidnappings were such a rage in the Chicago five-cent theatres in 1909 as to merit police prohibition. Kidnappings brought forth public curiosity, shock, and severe dismay. Commented an editorial in the *New York Times* in 1874, "Must it, then, be accepted as true that any of us are liable to have our children stolen from the public streets and in open day? It seems the crime can be committed with a considerable chance of impunity, and there are creatures ready and able to commit it upon sufficient inducement—that is, prospect of gain."

Despite the periodic outbursts of dramatic cases, the American experience with ransom kidnappings has been numerically small. Only isolated cases were reported during the quarter century after the Ross and Cudahy kidnappings. In the 1920s ransom kidnappings were again much in evidence as a weapon of warring prohibition gangs. Alix, whose major research tool was the review of back issues of the *New York Times*, notes that the crime reached its peak incidence during the depression years of the 1930s, practically disappeared during the next

forty years, and reappeared dramatically in the 1970s.

The annals of American crime document the sensational characteristics as well as the public preoccupation with ransom kidnappings. In what other criminal area is the public so thoroughly aware of both victims and offenders: Robert Franks, the fourteen-year-old son of a Chicago millionaire who was abducted in 1924 by Richard Loeb and Nathan Leopold, Jr., sons of wealthy Chicago families; twenty-month-old Charles A. Lindbergh, Jr., son of one of America's most heroic figures, who was stolen from his second-floor bedroom on March 1, 1932, and was found dead in a field not far from his parents' home some two months later; Bruno Richard Hauptmann, labeled by the prosecution as "public enemy number one in this world," whose 1935 conviction for the Lindbergh crime and death sentence were hailed as examples of honest and efficient criminal justice. In 1953 America was worrying about the six-year-old Greenlease boy, son of a wealthy Kansas City businessman, abducted by Bonnie B. Heady who presented herself to school officials as an agent of the parents. By this time the ransom had gone dramatically up, and despite the payment of \$600,000, the child's body was found in a lime-sprayed grave. Eighty-one days after the abduction, Heady and her accomplice Carl Austin Hall, who had planned the crime, went to the gas chamber. Finally, some twenty years later and still painfully fresh in American memory came the February 2, 1974, abduction of Patricia Hearst, daughter of publisher Randolph Hearst, by a white woman and two black men, members of the Symbionese Liberation Army. This time, the demanded ransom was a multimillion-dollar distribution of free food to the poor of California. The abductors were no longer looking for their own personal enrichment. Ransom kidnapping assumed new dimensions as a political tool.

Alix's book is intended as both a history of a new crime and a chronicle of the punishment schemes designed in response. It performs these two missions successfully. The study of *New York Times* files disclosed a total of 1,703 cases of kidnapping between 1874 and 1974. Of these only 236 were incidents of ransom kidnapping. One readily agrees with the conclusion that compared with criminal homicides (with no less than seven thousand cases reported in each of the past fifty years), "the contribution of ransom kidnapping to the historical crime situation in America has been modest."

Yet legal history suggests that ransom kidnapping has been one of the most severely punished crimes in America. When the first ransom kidnapping took place in 1874 it constituted a specified crime in only a handful of jurisdictions and its maximum penalty was seven years imprisonment. Eventually, ransom kidnapping was elevated in America to a capital crime next only to first-degree murder. Alix set out on a worthy mission to investigate when and why ransom kidnapping became a capital offense and to determine the role of federal involvement in the control of this crime. He sought to establish, in particular, whether the Lindbergh case by itself was sufficient to generate federal and state legislation that made ransom kidnapping such a severe offense. "If so, why?" inquires Alix. "This was not the country's first ransom kidnapping. Finally, if ransom kidnapping laws in America . . . were not merely products of the emotional aftermath of the Lindbergh case, what other forces could have been involved in their creation?"

Alix documents three periods of particularly intense law-making activity in connection with ransom kidnapping. Following the Ross and Cudahy abductions, the end of the last century saw an increase in the maximum penalty for kidnapping from seven to fifteen years in New York and to life imprisonment or to death in several other states. A series of other less publicized abductions produced a new wave of legislation in the pre-World War I era. Again, there was an intense public outcry. A Pittsburgh clergyman is reported to have told his congregation from the pulpit that although he opposed capital punishment for murder, he favored hanging or electrocuting ransomers as a deterrent to others. A Chicago state's attorney similarly labeled the kidnapping of a child the worst offense that can be committed.

What later became known as the Federal Lindbergh Law was in fact initiated several months prior to the Lindbergh case. Originally, representatives of the St. Louis and Chicago Chambers of Commerce appealed to Congress for a Federal death penalty for ransom kidnapping. When the Lindbergh case transpired in March 1932, the claim for needed protection received the necessary impetus. Proponents of federal intervention argued that these crimes were committed by patently deliberate and rational offenders and that severe penalties were required to deter such potential ransomers. But the opponents of capital punishment had the upper hand.

The original Lindbergh Law, signed by Presi-

dent Hoover on June 22, 1932, imposed no capital sanctions. But the some twenty-seven new ransom cases, reported in the 1933 Lindbergh aftermath, went far toward validating the claim of the supporters of a federal death penalty—that without a capital threat legislation would prove ineffective. In 1934 the law was amended by turning the crime into a capital offense.

Although relevant to the issue of capital punishment in America, Alix's study produces little new evidence to further enlighten the debate between the abolitionists and the recently active restorers of the penalty. The book provides little scientific data about the perpetrators of the crime. They appear to be a particularly offensive lot, but he does not assess the likelihood of their being affected or deterred by the prospects of punishment, in particular the death penalty. Neither is his evidence clear regarding another major ingredient of effective deterrence: the certainty and promptness of punishment. He does not investigate the rate of arrests, prosecutions, and convictions of ransom kidnapers. That peaks of kidnapping were followed by punitive law-making activities is well demonstrated, but the evidence does not reveal the connection between law-making and the imposition of punishments and the recurrence of ransom kidnappings.

The issue of capital punishment remains an unresolved moral and legal question for America. While the ancient Hebrews punished with death what now appear to be the lesser crimes of adultery, bestiality, sabbath breaking, and the cursing of a father or mother, they imposed milder penalties for theft, maiming, and even some forms of homicide. Their penalties reflected their hierarchy of social values. In Roman law, however, murder, rape, and kidnapping, under certain circumstances, required the imposition of capital punishment. The decision of the United States Supreme Court in *Coker v. Georgia*<sup>2</sup>, which held death to be a disproportionately severe penalty for the rape of an adult woman, casts a serious doubt upon the constitutionality of capital punishment as a penalty for ransom kidnapping.<sup>3</sup>

Alix's book makes a major contribution not only to the history of ransom kidnapping, but also to

<sup>2</sup> 433 U.S. 584 (1977). See also S. REP. NO. 554, 96th Cong., 1st Sess. 18-19 (1980).

<sup>3</sup> For a wide-ranging discussion of the disproportionality theory in Supreme Court death penalty cases, see Schwartz, *Eighth Amendment Proportionality Analysis and the Compelling Case of William Rummel*, 71 J. CRIM. L. & C. 378 (1980).

the history of law-making in America. He effectively documents the confluence of factors—political, economic, media, and legal—which produce legal action and change. But the data is not adequate for a relatively value-free decision as to whether the severe punishments created in response to ransom kidnappings have indeed “been effective,” in terms of Jeremy Bentham’s utilitarian deterrence theories. It is evident that the public outrage was assuaged by the imposition of capital punishment on ransom kidnappers. It is evident also that this crime never reached epidemic proportions. What remains uncertain is the impact of these severe penalties upon the incidence of ransom kidnapping and upon public safety in America.

---

POLICE BEHAVIOR: A SOCIOLOGICAL PERSPECTIVE.

Edited by *Richard J. Lundman*, New York: Oxford University Press, 1980. Pp. 332. \$5.95.

The author presents an anthology of eighteen selections on problems relating generally to interaction between police and citizens including abuse of discretion, use of unnecessary force, and corruption. Intending to provide a sociological perspective of patrol officer behavior, the study provides the reader with a deeper understanding of the various citizen-initiated problems that confront patrol officers and of the social interaction that occurs during the consequent police-citizen encounters. The selections identify the behavior which is questionable or clearly inappropriate. The author’s observation that the quality of policing is largely dependent upon patrol officers is accurate and also disturbing when considered in conjunction with the discussion of frequent patrol officer misbehavior.

In addressing police behavior the text tends to concentrate primarily on the individual officer. This focus is consistent with the perceived autonomy of police officers. Nevertheless, an attempt to understand police behavior should encourage readers to inquire beyond the individual officer. Through adept selection of material, the author directs the reader in just that direction and concludes that police behavior is influenced by citizens as well as by patrol officers. Misconduct by patrol officers is also discussed as a function of organizational characteristics. Departmental policies encourage officers to take advantage of illegitimate opportunities. These forces combine with community influences to account for organized misconduct.

As an attempt to explain misconduct as a re-

sponse to community influence, this perspective is still limited in failing to emphasize corruption and incompetency among political officials and police administrators. In this context, “misconduct” is not adequately defined. The author characterizes it as the use of unnecessary force, abuse of discretion, and corruption. This definition, however, misleads the reader into placing patrol officer misconduct in the same category as homicide committed by patrol officers.

A comprehensive study of the patrol function would, ideally, examine police-citizen contacts from the perspective of all participants, including the courts and the correctional institutions, and from initial police intervention to any final disposition. This study examines only the police officer and not citizens. Furthermore, it confines its attention to police treatment of citizens and considers only indirectly the treatment accorded citizens by other criminal justice agencies. Despite this shortcoming, the author presents a balanced, readable combination of articles that lends insight into police behavior.

DANIEL J. BELL  
Kent State University

---

THE MASK OF LOVE: CORRECTIONS IN AMERICA—TOWARD A MUTUAL AID ALTERNATIVE. By *Dennis Sullivan*. Port Washington, N.Y.: Kennikat Press, 1980. Pp. 181. \$17.50.

This book exhibits three qualities which differentiate it from other correctional writings: passion, originality, and courage. For this reason alone, this anarcho-communist analysis of corrections in the United States is worth reading.

In his essay on “Science as a Vocation,” Max Weber spoke of the need for passion in scientific inquiry. Sullivan’s response to the crisis in American corrections reflects his commitment to reject commonly accepted assumptions and reformulate the underlying reality as he perceives it.

Passion is reflected in the originality of the analysis. Sullivan describes a new, individually-based response to the problem of crime and corrections. His being guided by a romantic, utopian vision for improving corrections is by no means unique. While Sullivan argues that his vision is empirically grounded in how others have lived close to the soil, citing particularly Kropotkin’s findings, anthropologists and historians especially have given us good reason to doubt that this “simple” life has proved to be the blessing Kropotkin would have us believe. What sets Sullivan apart is his striving to

make credible and vivid a vision not already taken for granted by many of his contemporaries. By contrast, an advocate of the romantic, utopian notion of rehabilitation, state-rendered deterrence in a society with high crime rates, or retribution, may be satisfied by simply ridiculing the skeptics for attacking conventional wisdom. Whether or not the reader accepts Sullivan's vision as wisdom, it is certainly unconventional, and it takes courage to attempt to make it believable for the reading audience.

I do not fully sympathize with Sullivan's vision. While I share his belief that Americans might best control crime by strengthening personal bonds at home and at work, I also believe that any progress we make in this direction will create its own new problem—requiring us to reappraise our “progress” and imagine still other approaches to respond to the social problems of tomorrow. In short, I confess to being an anti-utopian. Yet I feel indebted to Sullivan for entering into such fundamental scholarly debate with nearly all conventional and non-conventional criminologists. This is the stuff of which new paradigms in criminology can be forged, to lift our debate above that among the latest proponents of the typical options for Western crime control. Whether or not one shares Sullivan's conclusions, one should applaud his style.

Readers may be frustrated not to see much familiar material on corrections. References to the work of such scholars as David Duffee and Vincent O'Leary, or to specific places and events like Jerome Miller's experiment with closing down juvenile institutions in Massachusetts, are few and far between. A number of assertions are made about correctional specialists with which I happen to concur, but those who disagree will note that the assertions are supported by little documentation. He does, however, happen to be experienced in corrections. His observations are undoubtedly well grounded in his own experience, but he does not make a point of convincing the reader of this fact. His critique of corrections will probably be most meaningful to those already cognizant of the standard literature. For students, Sullivan's critique would make a useful supplement to a standard text.

Otherwise, the strength of the book lies in its description of a “mutual aid alternative” in which corrections has no place. In essence, the book is not so much about corrections as about how to do without corrections. Criminologists are wont to equate radicalism with Marxism. *The Mask of Love* makes clear a major radical alternative to Marx-

ism. Some introduction to anarcho-communism should be basic to every student's education in criminological theory. This book does the most thorough job I have seen of introducing the perspective, and I commend it to the criminological community.

HAROLD E. PEPINSKY  
Forensic Studies and East  
Asian Languages and Cultures  
Indiana University, Bloomington

---

CRIME AS PLAY: DELINQUENCY IN A MIDDLE CLASS SUBURB. By Pamela Richards, Richard A. Berk and Brenda Forster. Cambridge: Ballinger Publishing Company, 1979. Pp. xii, 259. \$20.00.

This book points to the lack of knowledge concerning the prevalence and causes of middle class delinquency, and attempts partially to remedy the situation by a meticulously presented report of a study of three thousand students attending school in the suburbs of a midwestern city. The authors disclaim the goal of theory-making and instead suggest that a decision-making paradigm may best fit the results of their self-reported delinquency study. They use a microeconomic framework in which leisure is defined as an activity providing utility to the actor. Delinquency is thus a result of conscious choice rather than that of external forces, as suggested by traditional explanations of delinquency.

The authors not only seek to explain delinquency within a leisure framework but to explain it *better* than traditional theories. They used a questionnaire containing items relating to delinquent behavior, family variables, school variables, delinquent behavior of peers, and official delinquency processing. This tool for several reasons appears to be inadequate for the task. The authors discuss but do not operationalize “leisure” and thus are unable to directly test their hypotheses. A similar problem is the omission of any attempt to define and operationalize values. This is a glaring omission in view of the author's attempt to reject sub-cultural theories of delinquency. Different versions of the questionnaire were administered to fifth and sixth graders, junior high, and high school students yielding three different groups of results. The questionnaires were confined to four groups of fairly minor delinquent activities: drug and alcohol use, property crime, minor personal offenses, and vandalism. Thus, the expected conclusion—that most middle class delinquency is of a minor nature—is as much a product of the research instrument as it is of the

responses. The conclusion that delinquency is activity-specific rather than diffuse appears to be, similarly, a consequence of the method of analysis rather than a reasoned interpretation of the data. The authors simply omit to present the correlations among the types of delinquent behavior.

A major drawback of the research tool is the use of the comparison of the unstandardized slopes. While this method has advantages, it precludes the use of significance tests, so that the conclusions of the analysis lack power. The reader is continually told that the associations are "rather small" or "fairly strong." The results are presented in meticulous detail so that the reader may use them to evaluate the authors' impressions. However, the lazy reader soon wearies of this process and wishes for a less sophisticated but more definite method of analysis.

The results are presented with fastidious attention to detail and the authors are to be commended for their cautious approach, particularly when making causal connections. The method of presentation—case by case and group by group—is tiresome to the reader, particularly when the conclusions are, by necessity, impressionistic. The major conclusions—that delinquency is activity-specific,

and consistently influenced by peer behavior—are certainly well supported by the data. Unfortunately, they do not lead to the firm conclusion that delinquency is a leisure phenomenon, due, in part, to the failure of the authors to operationalize "leisure." The results cast doubt upon but do not conclusively refute traditional explanations of delinquency because of the methodological shortcomings described earlier.

The book's strongest points are its introductory chapters which provide an excellent concise review and critique of existing theories, and its conclusion which casts doubt on the utility of traditional explanations of delinquency and provides a strong argument for the explanatory power of a microeconomic approach to delinquency. This result raises questions concerning the propriety of the official response and reaction to delinquency. The authors deal only briefly with this area, and fail to emphasize the crucial nature of the official response and reaction to delinquent behavior.

SUZANNE FLEMING  
Assistant Professor  
Department of Criminal Justice  
Louisiana State University