Art Immoral or Immortal—In my article under this title which appeared in the Journal of Criminal Law and Criminology, Vol. 45, No. 3, September–October 1954, pp 274 ff, a criterion for the recognition of pornographic material was described. It was based on (a) clinical observations derived from private pornographic material, (b) Freud's theory of immature sexuality, as outlined first in his Three Papers on the Theory of Sex.

Further observations were based on questionnaires and clinical interviews. The following table will allow a more precise application of the Pornographic Criterion (P.C.) to cases at hand:

TABLE OF FACTORS IN PORNOGRAPHY
1. Asexual sexuality (the sexuality is vague and indefinite as to the sexes of addressee and sender)
2. Emphasis on the erogenous zones of the body
3. Monotony and infantilism in the emotions
4. Emphasis on parts rather than a whole
5. Stereotyped repetition
6. Adjectives and attributes without substance
7. Sequences of cruelties and suffering (physical and moral)
8. Absence of true narrative (plot) let alone dramatic progress
9. Absence of contact between the personalities of the onlooker or reader, listener on the one hand, the writer, artist, composer on the other; often artistic worthlessness as stated by art criticism.

The emotional factors (1, 2, 3, 4) correspond to the stylistic factors, linguistic or other (5, 6, 7, 8, 9). These two groups have in common the appeal to immature sexuality.

For the understanding of this table the reader is referred to the original article.

Where several of these factors are present there is pornography.

The factors are not equal in weight. The first four factors are direct signs, the factors 4 to 9 are indirect concomitant signs.

For the application of the criterion, the reader is again referred to the original article. The questionnaire mentioned above but not in the original article, is useful in the selection and training of panel members. Further suggestions for the training of panel members in mock trials are developed in a comprehensive article to appear soon.

The above Table was first presented in a lecture, by invitation, before the American Psychological Association, September 4, 1956.—From W. G. Eliasberg, New York City.

Parole Outpatient Clinic—Since September, 1953, the Division of Adult Paroles in California has operated an Outpatient Clinic in Los Angeles under policies established by the Adult Authority. In conjunction with the continuous quest for a solution to the problem of parole recidivism, the Adult Authority requested and secured an appropriation from the 1953 State Legislature for the establishment of this clinic. The professional staff includes a psychiatrist, clinical psychologist, sociologist and psychiatric social worker. It is believed that no other parole agency in the United States has ever operated a treatment facility of this type. Moreover, it appears that invaluable assistance is being rendered California's parole service by this clinic which had a case load of approximately 200 parolees under treatment in 1955. The program is primarily directed toward a reduction of parole violators, particularly those with seriously disturbed emotional problems. For some time, it has been thought that special psychiatric help, as a continuation of the institutional treatment program, would be of crucial
significance to men having personal problems connected with parole adjustment. The operation of the Parole Outpatient Clinic presents an opportunity to pioneer in this direction. In addition to the psychotherapy program, the clinic also performs other services. On special cases, requiring far-reaching decisions, the clinic does psychological testing and makes special psychiatric studies for the field parole staff. It also provides consultation services to the Division of Adult Paroles when requested and assists in community and family relations work. To put it briefly, the primary purpose of the program is to provide a sharper tool for use of the entire Division in developing a greater understanding of its very difficult task. It is hoped that this project may develop a trend away from unnecessarily lengthy confinement of men who might otherwise make socially useful contributions to community life.—From E. A. Burkhardt, Exec. Sec. California Adult Authority.

Use of Parolees in the Institutional Pre- Parole Training Program—In 1955, the Director of Corrections and the Adult Authority agreed to permit, under certain conditions, selected parolees to visit the institutions of the Department for the purpose of presenting their experiences before the pre-release classes for inmates. The Chief of the Division of Adult Paroles and his staff arrange for these visits through appropriate channels. Conditions of these visits are carefully planned so as to prevent any untoward circumstance arising as a result thereof. A list of those parolees selected and permitted to visit the institution is sent to the warden at least 10 days in advance. Each warden makes proper arrangements for the visits to include such provisions as might be necessary to carry out the intent and purpose of the program. It seems that the inmates are much more receptive to this interpretation of parole as stated by parolees than when the same information is given by persons in position of authority. It is felt that this new program is definitely worthwhile and beneficial and plans are being formulated to expand it to its fullest extent.—From E. A. Burkhardt, Exec. Sec., California Adult Authority.

Pre-Release Program for Prisoners in California—After an official parole release date has been granted by the Adult Authority, a pre-parole progress report is prepared by the applicable institutional staff and the cumulative case summary is brought up-to-date at this time. An “action” sheet is also prepared for attachment to the summary which shows all actions except the actual date of release. Whoever prepares this report must be familiar with all information in the central file and must interview the prospective parolee at least once prior to the preparation of the report. The report, in brief, contains the following data:

(a) Legal status of inmate
(b) Resume of psychiatric report
(c) Resume of medical report
(d) Vocational competence
(e) Academic education
(f) Recreational interests
(g) Religious interests
(h) Visitors and correspondence
(i) Disciplinary record
(j) Resources
(k) Inmate’s plans for parole
(l) Interviewer’s comments.

The above listed categories are more or less self-explanatory. However, a more detailed description of the last three mentioned items may be in order.

Resources: A report is made of the approximate amount of money the inmate has on the books of the institution when eligible for release. Availability of special tools or equipment for work also is indicated. Other resources, including friends or relatives who may assist, also are reported. If eligible for public assistance, a statement regarding legal residence is made. The names of other social agencies interested in the family are added. The status of union membership is verified and recorded. A social security card is obtained if applicable. Status of his driver’s license as well as his draft card is reported.

Inmate’s plans for parole: This section includes the inmate’s preferred area of residence, his membership in any family group, and his attitude regarding future associations with them. The name, address and relationship of
the persons with whom the inmate intends to reside, including his attitude toward them, is also recorded in the report. Directions regarding place of employment and residence are given, if readily ascertainable and if applicable. The type of employment desired as well as alternative acceptable work is reported. The name and address of the proposed employer, the salary, type of work and source of job offer also is given. His former employment record also is included in the report. Mention is made of special problems. If the institutional parole officer feels the inmate’s plan is reasonable, he so indicates. Otherwise, he will present a more suitable plan in the report.

Interviewer’s remarks: By way of final emphasis in the pre-parole summary, the interviewer, for the benefit of the field parole officer, records any special suggestions or warnings in regard to the case. For example, the location of former crime partners, or the names on parole status of close associates in the institution are included. In addition special or important needs for medical, psychiatric, educational or other specialized services are emphasized when applicable. Attention is called to any “Special Condition of Parole” added by the Adult Authority such as “Shall not be released to the County of Conviction”. Finally, any especially significant personality traits, such as sensitiveness or aggressiveness, are discussed in the pre-parole report for the guidance of the field parole officer and his treatment of the man.

Prior to the release of any inmate, either upon discharge or parole, a “Prisoners Release Statement” is prepared by the institutional staff for eventual distribution to the Division of Adult Paroles, the supervising agency. The information required for this statement primarily is obtained from the institution’s official records and includes available employment as well as an estimated budget for the prospective parolee’s immediate needs. Every effort is made to obtain accurate information as to the amount of funds that will be needed by the prisoner for the various purposes listed in the budget section. The budget is for the period beginning with the prisoner’s release and ending with the date on which he may be expected to receive his first pay. If the total of the prisoner’s resources exceeds the amount required by the budget, he does not receive any State funds either as a gratuity or for transportation. Under the law (Penal Code Section 3057), a prospective parolee may not receive an amount in excess of $40.00, except upon specific approval of the Adult Authority, providing any additional sum over and above the $40.00 is recommended by the staff. Authorization of release clothing for male inmates is governed by a similar procedure after consultation with the prisoner and based upon a report of possible needs in this respect. This information is transmitted to the institution by the Division of Adult Paroles. The amount and type of clothing is based upon criteria outlined in a policy directive.

Temporary Removal for Placement Interview—An amendment to Section 2690 of the California Penal Code, effective September 9, 1953, now makes it possible to temporarily remove inmates for placement interviews with prospective employers. Such temporary removals require authorization by the Director of Corrections which can be given only after a request is made by the Adult Authority in the case of male prisoners. (Female prisoners are under the jurisdiction of the Board of Trustees of the California Institution for Women at Corona, a separate board which acts in the same capacity as the Adult Authority insofar as women inmates are concerned). Such inmates may be removed only under custody and when within 90 days of their scheduled parole release. A policy resolution adopted by the Adult Authority governs the procedure. If the Director is unwilling to allow the removal of a prisoner for such purpose, he will so advise the source from which the request was received. If approved, the warden will arrange for an employee of the institution in civilian clothes to conduct the inmate to the prospective employer for interview in accordance with the law. Such travel is at the expense of the institution. Absence from the institution for this purpose cannot be longer than one day. In its
resolution, the Adult Authority has specified that no inmate will be removed earlier than 60 days of his scheduled parole release date. No request of this nature is honored unless it has the approval of the Chief of the Division of Adult Paroles who determines the merits thereof. Moreover, no request is executed until the pre-parole material has gone forward to the Central Office of the Division. The attached form (CDC 265) will give you some indication of what the request involves.—From E. A. Burkhardt, Exec. Sec., California Adult Authority.

Social Defense Experts Consider Treatment Measures for Habitual, Abnormal and Young Adult Offenders—Measures for treating habitual, abnormal, and young adult offenders, who raise particular problems both for society and penologists, were discussed by a group of social defense experts from 19 European countries which concluded an 11-day session at Geneva in August.

The group, which met for the third time since 1950 when United Nations took over the functions of the International Penal and Penitentiary Commission, is known as the European Group on the Prevention of Crime and the Treatment of Offenders. Thus far, four regional groups have been established—Europe, Latin America, the Middle East and Asia and the Far East. The European group previously met in 1952 and 1954.

For habitual offenders, the group considered that special measures should be applied to them for the protection of society. Such measures, it considered, should be of relatively indeterminate duration, with the decision to order their discontinuance to be in the hands of a judicial authority acting with the advice of experts. Final release of such offenders, the group considered, should be preceded by a period of conditional release.

Habitual offenders, as well as abnormal offenders, are defined in the UN social defense work program as belonging to a broader class of “offenders against whom society needs particular protection.”

For abnormal offenders, the group considered that a penalty or special measure should be selected, taking into account a large number of factors to be determined by an examination of the individual and not only by his degree of responsibility. Conditional release of detained psychopaths, the groups considered, should be in the hands of a joint commission presided over by a judge and including a medical specialist.

For young adult offenders, the group concluded it was necessary to create a separate criminological group, intermediate between juvenile delinquent and adult offenders, to cover this particular classification. The group discussed various methods of treatment and the problem of institutions which could care for young adult offenders. While appreciating that this problem should be settled according to conditions prevailing in each country, the group considered that special legislation should be enacted to deal with the treatment of young adult offenders.

Countries belonging to the European group and which sent representatives and experts to attend the session were: Austria, Belgium, Czechoslovakia, Denmark, Finland, France, Federal Republic of Germany, Greece, Israel, Italy, Luxembourg, the Netherlands, Norway, Portugal, Sweden, Switzerland, Turkey, the United Kingdom and Yugoslavia. Observers were present from the United States, the World Health Organization, the Council of Europe, the International Labor Organization, and a number of non-governmental organizations.

In 1950, when the General Assembly took over the functions of the International Penal and Penitentiary Commission, it requested governments to appoint experts on social defense to act as individual correspondents with the UN Secretariat, and to meet in regional groups based on geographical, ethnical and cultural affinities of their countries.—From UN Information Center.

It will consider two main topics: first, the treatment of types of offenders against whom society needs particular protection—(a) habitual offenders and (b) abnormal offenders; and second, the treatment of young adult offenders.

Dr. Huseyn Arni Gokturk (Turkey) was elected Honorary President and Sir Lionel Fox (United Kingdom), President. Vice Presidents are Karl Schlyter (Sweden), Paul Cornil (Belgium), Jose Belez Dos Santos (Portugal), Charles Germain (France) and Francois Clerc (Switzerland).

Participants were present from Austria, Belgium, Denmark, Finland, France, Greece, Israel, Italy, Luxembourg, Norway, the Netherlands, Portugal, the Federal Republic of Germany, the United Kingdom, Sweden, Switzerland, Czechoslovakia, Turkey and Yugoslavia. By a decision of the General Assembly regional groups on crime and the treatment of offenders meet periodically. The European group previously met in Geneva in 1952 and 1954.—From UN Information Center, Geneva.

Young Victims and Witnesses in Sex Cases—The current annual report (for 1955) of Edward S. Silver, District Attorney of Kings County, New York, draws attention to the harrowing situation which confronts many a child victim or witness in a sex case. The story may be told not once but two or more times before the grand jury, the trial court and perhaps a jury. Many parents stoutly object to allowing their child to submit to the publicity which is involved in such proceedings. Result—many a dangerous sex offender goes scot free.

In that connection Mr. Silver refers to an experiment which has been set up by the Government of Israel. He quotes as follows from the report of Israel's Attorney General to the First U. N. Congress on the Prevention of Crime and the Treatment of Offenders:

"Other reforms in the field of criminal procedure include the Law of Evidence Amendment (Protection of Children) Law, 1955, which must—for want of a precedent anywhere in the world—be regarded as an experiment. It prohibits the police interrogation, and examination in court, of children below the age of 14, who were the victims or eye witnesses of sexual offences, and provides for such children to be interrogated in respect of the offence committed on them or in their presence, only by Youth Interrogators appointed for the purpose by the Minister of Justice upon the advice of a committee of experts. The (hearsay) evidence of the Youth Interrogator as to the story told to him by the child, as well as his opinion as to whether and how far the child is to be believed, is admissible as evidence against the accused, but requires corroboration to incriminate the accused. Experience has shown that the trauma caused to small children by police interrogation, and by their examination and, in particular, cross-examination in court, subsequent and in addition to the shock caused to them by the offence itself, is a mischief out of all proportion to the prospect of having the accused person convicted and punished; and the measure now enacted is hoped to provide protection to the child from clumsy, blunderous and aggressive re-opening of his wounds, and to increase the prospects of securing convictions of sexual offenders by eliminating a rejection of the child's evidence, which in many cases was warranted only by the results of unbridled and unrelenting cross-examination. The Youth Interrogator will, of course, be subject to full cross-examination, in particular in all matters affecting the credibility of the child's story as deposed by him. Youth interrogators will be recruited from among social and child guidance clinics workers; but it is contemplated to arrange special courses and examinations for police personnel (especially policewomen) so that they may qualify, too."—From the Report of the District Attorney of Kings County, New York, covering 1955.