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Police Science Book Reviews

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J. Graven, *Le tatouage et son importance en criminologie* (2d part) (Tattooing and its criminological significance) (pp. 83-104; first part in vol. 13, no. 1, 1959).—René Lechat, *Réflexion au sujet du polygraphe* (Reflections on the lie detector) (pp. 121-26).—Jean Marie Chaumeil, *Limites et possibilités de la science dans l'enquête criminelle* (Limits and possibilities of science in criminal investigation) (pp. 127-32).—Jacques Mathyer, *Expertise des signatures* (Expert appraisal of signatures) (pp. 133-48).

REVUE INTERNATIONALE DE DEFENSE SOCIALE: Ceased publication with vol. 11 (1957) and has been superseded by the BULLETIN DE LA SOCIÉTÉ INTERNATIONALE DE LA DÉFENSE SOCIALE. (Paris, Editions Cujas, 1955-).

POLICE SCIENCE BOOK REVIEWS

Edited by

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TYPISCHE UNFALLURSACHEN IM DEUTSCHEN STRASSENVERKEHR — VERKEHRSGEFAHRDUNGEN IM AMERIKANISCHEN STRAF - UND STRAFPROZESSRECHT (TYPICAL ACCIDENT CAUSES IN GERMAN ROAD TRAFFIC), vols. I and II. By *Ernst Meyer, Ernst Jacobi, Ernst C. Stiefel*. Publication of Kuratorium "Wir und die Strasse," Bad Godesberg, n.d. (1959/60). Pp. vol. I: 242 (app. 16), vol. II: 202, \$15.70.

This is a publication—superbly printed and bound—which ought to command the attention of law enforcers everywhere. It directs itself to the question: what is the relation between the penal law governing the behavior of traffic participants (esp. motorists), the violation of such penal law and the loss to persons and property flowing

from such violation? The impetus for such a study did not come from any governmental agency, but from those more intimately concerned with losses caused by law-violating motorists: insurance entrepreneurs, motor vehicle manufacturers and others with commercial interest. A leading German insurance company, the Allianz Versicherungs—A.G., opened its claim files for the year 1957 to the researcher, who believed—rightly, no doubt—that from the thorough investigation reports of a large insurance company more information could be obtained than from any governmental source. 145,000 files were selected for evaluation. The selection process aimed at the finding of such files in which one particular law violation predominated so clearly over possible others that it alone could be regarded as the principal cause of the damage or injury.

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The law violations so segregated fell into seven groups: [careless] backing up (esp. when parking, 38,951 cases), [careless] turning (22,814 cases), failure to yield right of way (18,581 cases), failure to keep distance (44,073 cases), [improper] passing (10,208 cases), driving on left side of road (7,437 cases), speeding (3,256 cases). The proportion of these categories does not correspond to the proportion of all violations of road laws to accidents, though there is obviously some material correlation, and these seven types of law violation account for up to 90% of all traffic accidents in Germany. The task, then, was to determine for each major violation of the road traffic law the predominant mode of commission of the offense, and to pinpoint the particular danger spots under special consideration of human behavior under the given circumstances. While the inquiry concerned itself mainly with the behavior of the perpetrator, occasionally the behavior of the victim was considered as well. The test material was tabulated according to type of law violation, place and time of the occurrence, nature and cost of the damage, type of vehicles involved, proximate cause of the occurrence, age of the driver's license, and subjective shortcomings, e.g., drunkenness.

This inquiry was prompted by an enormous rise in the number of motor vehicles owned in the German Federal Republic (7.7 Mill., as of mid-1957) and a corresponding rise in the number of traffic fatalities (12,000 annually, besides 350,000 personal injuries in 650,000 accidents reported to the police and 1,500,000 reported to insurance companies). For each 10,000 licensed motor vehicles in Germany there are twenty-five traffic fatalities annually, a number surpassed only in the Netherlands with twenty-six. In comparison, Switzerland scores seventeen traffic fatalities, Denmark twelve, Sweden eight, Britain eight and the United States of America six,—yet the American motor vehicle density (population—motor vehicle ratio) is four times as large as the German.

Whatever the statistician may have to say about the selection and correlation of factors, one must admit that the authors performed their statistical work with great ingenuity and enthusiasm. Indeed, the results are most revealing. In this review it is, of course, impossible to summarize the findings, since both these volumes (a third one is to appear soon) themselves merely contain the summaries of the authors' findings, and very intricate findings as that! Suffice it to say that the various tables and their supporting

text stress the fact of lacking deterrence through either the contemplation of injury or the penal law.

At the root of it we find a lack of discipline, courtesy and experience, but the number of accidents in which poor road conditions, lacking or misleading road signs, etc., played a role, is not at all inconsiderable. The authors, therefore, felt justified in concluding with demands for more emphasis on swift, certain, and—in many cases—severe law enforcement, including clarifications of existing law, more stress on driver education, especially in light of the author's findings on typical danger spots, as well as architectural improvements of the road system and simplification of road sign markings.

These findings and recommendations may not be conclusive, but they certainly point in the right direction. Above all, they demonstrate dramatically in one field of legal conduct regulation that we need not be fatalistic about existing conditions but, rather, that scientific inquiries are possible to study the stimulus-response theory on which all penal law rests, so that we may ascertain the maximally effective stimuli for inducing the socially most desirable and least harmful behavior. What is particularly significant for Germany is the fact that this study did not emanate from the government but from private enterprise. The self-preservation drive of insurance companies is more powerful than that of nations!

Americans certainly can learn from this interesting and intelligent German experiment. But the Germans equally have profited—and will profit further—from our own experiences. In a delightful chapter on violations of traffic safety in American criminal law and procedure, Dr. Stiefel finds much in American practice which may aid the German efforts to reduce traffic fatalities to the relatively manageable size to which we have reduced them in this country. Relying on the pioneering efforts of the late N.Y.U. dean Arthur T. Vanderbilt, James P. Economos of the American Bar Association, and other leaders in the field, Stiefel proposes the introduction of the Uniform Traffic Ticket system in Germany, with all its accompaniments, rigid and speedy enforcement, the point system, loss of license, onerous conditions for court contests so as to reduce the number of litigated cases, presumption of guilt or perhaps even absolute liability in traffic law violations. Certainly, this method has proven much more successful than the dogmatic and cumbersome European

way of trying a traffic case like a treason case. At the same time, one must warn against oversimplification of the issues and all too hasty adoption of methods on which we ourselves are not yet fully decided. Certainly, we are quite inconsistent in this country on the court phase of traffic law enforcement. Side by side we find some of the most efficient tribunals and virtual Kangaroo courts handling traffic cases. Side by side we tolerate a system of procedural deterrence—i.e. onerous conditions for the potential traffic case litigant to keep him out of court—and a strong insistence on the extension of all procedural rights and safeguards to the traffic offender. One aspect of our system which the Germans certainly should not adopt is the absolute criminal liability which—virtually unchecked—abounds in our substantive penal law concerning road traffic. The errors of absolute liability are so obvious that it is astounding to find it still in existence in this country. By way of example, to punish the owner of a car which has been stolen and abandoned next to a fire hydrant makes no sense. It merely makes the law appear ridiculous and frustrating. Neither is to the benefit of the law, for neither fosters the respect which any penal law must enjoy to be maximally effective. But a rebuttable presumption of guilt (*mens rea*) flowing from proof of the objective traffic law violation (*actus reus*) certainly is sensible. A mailed plea of guilty to such an offense, guilt being registered by an IBM machine, or a human being acting like one, moreover, is an acceptable mode of solving the procedural problem. The stimulus is no less effective if it is a machine which collects the fine that hurts. In essence, if the Germans succeed in creating a traffic law which can operate as unhampered by theoretical considerations of procedural dogma as ours is, on the whole, but without the ballast of frustrating and ridiculous absolute liability to which we still adhere by and large, they will have progressed considerably on the road toward road safety. At the same time, and this is a point which the German study does not succeed in stressing to the fullest possible extent, much, it seems, can be done in Germany to increase road safety by means other than penal legislation: the Germans seem to be very much in need of a driver education program, which alone might decrease their traffic accident rate considerably. Relatively insecure and dangerous vehicles, like scooters and bicycles with auxiliary motors, are great safety hazards on automobile dominated roads. The mass impact of

the motor vehicle on the German population occurred two generations after Americans underwent their impact with the automobile. There is bound to be a general insecurity on the part of drivers and pedestrians. This insecurity, a factor which cannot be measured in terms of statistics must be overcome rapidly—and the Germans are right in looking at our experiences for a solution.

For Americans, this study is of incalculable significance in demonstrating the mode and method of empirical research in aid of the employment of penal law. Translation of the study should not be difficult, as most pages are covered by tables. It is hoped that some responsible agency will make a translation available for perusal by American scholars.

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THE MURDEROUS TRAIL OF CHARLES STARKWEATHER. By *James Melvin Reinhardt*, Charles C Thomas, Publisher, Springfield, Illinois, 1960. IX + 151 pages, \$5.75.

In this little volume, the author, as he explains in the preface, attempts to say what he thinks about the killer, Charles Starkweather, who between December 1, 1957, and January 29, 1958, killed eleven people on the "murderous trail" that began in Lincoln, Nebraska, and ended in Douglas, Wyoming. With Starkweather on his ruthless rampage was his fourteen-year-old girl friend, Caril Fugate, whose mother, step-father, and two-year-old sister were among the killer's victims.

Dr. Reinhardt, who is Professor of Criminology at the University of Nebraska, relates the story of the Starkweather case in six chapters, four of which deal with the strange nature of the young "chain-killer." According to the author, Starkweather built a deceptive, shifting facade to hide his real nature and the little private world in which he lived, consolidated his hatreds, and created his cruel images of revenge. Gradually, he seceded from the world that he feared and hated. His life seemed beaten and empty. His future was spent. Death beckoned as a welcome refuge.

Meanwhile, behind his mask of swaggering and blustering, the corrosive feelings of fear, suspicion, and hatred and an increasingly galling sense of failure ate into his nature and poisoned it at its very source. The time came when the powerful pent-up forces in Starkweather's nature exploded and hurled him into his mad career of killings. Starkweather had hated and wanted power.

Killing released his hate but also brought a greater craving for power, and so he kept on killing.

In the last two chapters of his book, Dr. Reinhardt discusses the investigation of Starkweather's crimes and his subsequent trial and conviction. In order to throw additional light on the character of his subject, the author also presents some excerpts from the writings of Starkweather and reproduces a few of the latter's sketches.

In the opinion of Dr. Reinhardt, the answer to why Starkweather killed must surely be found in the warped values this boy read into life. He could not hope to attain and hold power by honest toil, and without them life was worthless. A core of hate, distrust, and suspicion and an awful sense of failure became the dynamic force in the life of this killer.

However, Dr. Reinhardt does not believe that his book contains the complete explanation of why Starkweather killed. As the author points out: "No one knows just what unique fusion of sensitivities and stimulations building up over the years made him the killer that he was. There were seven other children, six boys and a girl. They have not killed." He also admits: "I can not claim to have explored every facet of this strangely marked personality. Another might have seen what I did not see, and with equal sincerity, might wish that I had made some different interpretations of what I saw."

The author might have supplied us with a more complete treatment of his subject matter if he had included a sociological analysis of the criminal career of Starkweather. Such an analysis would have fortified and deepened the psychological one upon which Dr. Reinhardt bases most of his interpretations. The author's failure to do this is surprising since he is a sociologist and a member of the sociology department of the University of Nebraska. But even more surprising is the omission of any analysis of the personality of Caril Fugate and its interaction with that of Starkweather, her boy friend. And yet, as the author repeatedly emphasizes, Caril Fugate did exert a great influence upon Starkweather. Why, then, did not Dr. Reinhardt explore this great source of influence in the life of Starkweather and the tremendous forces that it generated? It certainly would have given the reader a deeper understanding of the

"strange nature" of the killer. Helpful, also, would have been the inclusion of a concluding summary chapter in which all the important interacting forces of the personalities of Charles Starkweather and Caril Fugate could have been concisely reviewed and interpreted.

Although Dr. Reinhardt's analysis of the Starkweather case has its limitations, it will provide very interesting and instructive reading for both the general reader and the professional worker who day after day must deal with the killers and potential killers of our modern society.

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ENCYCLOPEDIA OF MODERN FIREARMS. By F. R. "Bob" Brownell. Gun Digest Company, Chicago, 1959, Pp. 1059, \$17.00 (bound), \$21.25 (loose leaf).

If you were a gunsmith, dealer, or serious hobbyist for a number of years, and if you had saved all of the manufacturers instructions, parts lists, government manuals, and other material that came your way, you would have collected a part of the material in this book. Even then, it would not be in a very convenient form. Here we have a collection of more basic, practical, material on modern American guns than has ever been gathered together before. Further, the material is well presented, and entirely accurate; there are thousands of illustrations and a great deal of useful information covering service, repair, construction, parts, assembly, and similar topics.

There are many values to a police department in this publication. It will give a great deal of information about the proper care, cleaning, assembly, and repair of the pistols the officers carry and the rifles and shot-guns they use. It will be of great help in identifying and examining many guns that come into the hands of the police.

This is a large book with over a thousand $8\frac{1}{2} \times 11$ pages. The type is no larger than it needs to be, and the illustrations are only large enough to show essential detail so that this is a very compact publication. It truly deserves the title of "encyclopedia" and can be recommended without reservation to anyone with an interest in guns.

RLH