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Book Reviews

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BOOK REVIEWS

ALFRED R. LINDESMITH [Ed.]

SELECTED PAPERS OF HOMER CUMMINGS. By *Carl Brent Swisher*. Washington, D. C.: Charles Schribner's Sons, 1939. Pp. xxvi, +316. \$3.50.

This book is a compilation of reports, letters, telegrams, legal arguments, briefs, opinions, addresses, testimony at legislative hearings, memoranda, and other data from the official and personal files of Homer Cummings, former Attorney General of the United States. According to its editor, the material appearing in the book was selected and arranged "with a view to throwing light on all the major groups of problems with which Attorney General Cummings had to deal from 1933 to 1939." In doing so Mr. Swisher has performed his job exceedingly well.

Part I, entitled "The Nation's Largest Law Office," is devoted principally to information regarding the various duties and functions of the Office of Attorney General.

Part II concerns the subject of "Crime Control." It begins with excerpts from a 1934 address of Mr. Cummings', outlining his "Twelve Point Program" for legislative action in the field of crime control—most of which legislation was enacted during the succeeding year, largely through the efforts exerted by Mr. Cummings.

In the various memoranda as-

sembled under the title "Alcatraz" the reader is presented with an interesting history behind the establishment of this Federal prison, and also with such interesting official documents as that in which it is stated that a survey conducted among the prisoners indicated that the inmates of Alcatraz "outshine the inmates of our other institutions in the matter of subscriptions to magazines." Other subjects discussed in Part II are "State and Federal Jurisdiction," "A National Crime Conference," "Enforcement Training," "Scotland Yard and the Sureté Nationale," "Firearms Control," "In and Out of Prison," "The Youthful Offender," and "Prevention—The Next Step." Under the heading "In and Out of Prison" Mr. Cummings' attitude on parole appears in excerpts from an address he delivered in 1936 on "Release Procedures," in which he stated: "A well-regulated system where deserving prisoners may be permitted to leave their cells before the expiration of their terms, and get permanent work outside of the jail under the supervision of honest parole officers, has its place in any scientific program of crime prevention. . . . Our position is simply this—we believe in parole and constantly seek to improve its administration." From the data collected under the title "The Youthful offender," we find that we are indebted to Mr. Cummings

for his efforts in the drafting and passage of our present Federal Juvenile Delinquency Act, which provided a much needed method and procedure for the trial and treatment of juvenile violators of federal laws.

From the above mentioned material appearing in Part II the reader receives the impression that Mr. Cummings was possessed of a sound conception of his role as Attorney General. He labored for the cause of detection, apprehension, and successful prosecution of the criminal, but at the same time he did not neglect his other lines of attack: prevention, reformation, and fair-play. (Apropos of the last mentioned characteristic, readers of the Journal may recall Mr. Cummings' praise-worthy efforts in the Israel case in 1924, when, charged with the duty of prosecuting for murder a man whom Mr. Cummings thought to be innocent, he conducted a thorough investigation which established a preponderance of evidence in favor of the accused man's innocence—whereupon Mr. Cummings refused to prosecute. See volume 15, page 406).

Part III, entitled "The Courts, the Constitution, and the New Deal," is devoted to a collection of material upon the following subjects: "Extension of Federal Authority," "Gold Hoarding," "Gold Clause Litigation," "National Industrial Recovery Act," "Constitutional Stress and Strain," "Statesmanship and Law," "The 'Court Plan,'" "The Vicissitudes of Minimum Wage Legislation," "Repercussions of the Court Plan," "The Public Utility Holding Company Act," "The End of the Struggle Over the Court Plan," "Constitu-

tional Adaptation." Without pointing out any items of particular interest in this chapter, the mere listing of these titles, with the reminder that herein are contained many important and previously undisclosed official documents, should be sufficient to arouse the curiosity of lawyers, political scientists, and others interested in governmental affairs.

In Part IV, dealing with the subject of "Reform of Federal Practice and Procedure," the following matters are discussed: "A Dormant Reform Movement Revived," "Formulation and Adoption of New Rules of Civil Procedure," and "A Plea for Extension of Procedural Reform to the Criminal Field." The Attorney General's efforts in behalf of procedural reforms is rather amusingly stated in an excerpt from a speech he delivered regarding the pressure put on Congressmen for legislative action: "I labored with the committee in the Senate and with the committee in the House, and finally by personal appeals, pathetic persuasion, and something approaching imprecations, had caused most of the opposition to dissolve. There was, however, in the House Committee of the Judiciary one recalcitrant person with whom I had extraordinary difficulty. He told me he had made speeches against the idea, that he was on record against it, and that when the matter came up in the House he would be obliged to protest. . . . I labored with that man for hours, and finally we compromised. He agreed to adhere to his principles, and, in order that he might not forego them he agreed to absent himself from the House when the matter came up."

A wealth of additional material

is contained in Part V and VI, respectively titled "Judicial Reform" and "Administration of Federal Justice." In these two concluding chapters are discussed such matters as "The Law Delays," "The Need for Additional Judges," "Retirement of Aged or Infirm Judges," "Monopoly and Restraint of Trade," "Taxation," "Public Lands and Indian Wards," "Legislation—Advice to Congressional Committees and to the Chief Executive."

Here is a book of considerable importance. In it are recorded in concise and accurate fashion much "inside dope," so to speak, concerning many governmental activities which occurred during one of the most troublesome periods in the history of our government. Moreover, the material is presented in such a manner that the book may be read with a great deal of interest and digested with seemingly little effort.

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HANDBOOK OF AMERICAN PRISONS
AND REFORMATORIES (West North
Central States); Vol. I, 5th ed.
New York: The Osborne Asso-
ciation, 1938. Pp. vii+337.

HANDBOOK OF AMERICAN INSTITU-
TIONS FOR JUVENILE DELIN-
QUENTS (West North Central
States); Vol. I, 1st ed. New
York: The Osborne Association,
1938. Pp. xi+431.

The tradition of the Osborne As-
sociation is continued with the sur-
veys of the penal institutions of
the seven states of this area. The
introduction gives an excellent
summary of the viewpoint of the

Association, one which it is well to
excerpt:

"... the management of prisons
and reformatories for men in the
West North Central States con-
tinues to reflect a philosophy of
punishment and that even where
some of the techniques of re-
habilitation have been adopted
they have been superficially im-
posed upon an antiquated system
of mass treatment. This is as
true of the men's reformatories
as it is of the prisons, for the
former do not differ significantly
except in the average age of in-
mates. On the other hand, the
generalizations which apply to
the men's institutions do not ap-
ply to the women's institutions
which have made far greater
progress, even in the most reac-
tionary states."

They speak of the "traditional
bastille type" of structure and of
the remodeling which generally
follows the same theory of punish-
ment. The philosophy of classifica-
tory housing and the economies
derivable from the use of minimum
and medium security units are ap-
parently so much verbiage and do
not penetrate to the realities. Per-
haps either penal tradition—which
circumscribes much prison treat-
ment—or industrial lobbying, or
both, is responsible for the con-
tinuation of the maximum security
construction at a time when state
revenues were less because of the
economic situation.

One cannot fail to recall that
classification, in most areas, has not
penetrated to the core of the prison,
because, in most areas, classification
is not an integral part of the treat-
ment. It seems to be an acknowl-
edgment of current penal fashion
to have professional services as an

external dressing or polish upon a shabby and outworn structure.

The discussion continues with the inherent values of state control systems and the basic requirements for proper administration. The curse of political appointment in most of the seventeen institutions surveyed is described, although exceptional cases in Minnesota and Iowa are noted.

The picture is dour: politics in administration, negative emphasis on discipline, the almost exclusive emphasis upon industrial progress and institutional self-support, the second fiddle which rehabilitation plays to punishment—all pointing to mass imprisonment and mass control. And this in contrast to classification and individualism. For it must be remembered that classification does not stop with even excellent exploratory professional examinations upon admission, if the objective of the prison is the rehabilitation of the prisoner. Classification is a penal philosophy requiring, not only excellent examinations and diagnoses, but commensurate attitudes and penal programs on the part of the prison proper. Classification, as we envisage it, is not a distinct service; it must be an integral part of the entire program. To that end, the guard staff and the prison management must show more than a bowing acquaintance with individual psychology, it must be understood and sympathetically injected into the system.

These surveys also encompass parole as an integral part of the penal system.

. . . None of the states met *all* of the following requirements of parole and five met *none* of them:

1. A concrete, individualized

program of treatment and training which, during . . . imprisonment, is directed towards preparing the future parolee for release. . . .

2. An administrative procedure which guarantees that the selection of parolees is closely integrated with institution training and treatment free from politics, and based upon expert analysis of complete case histories and parole plans.

3. A definite verified parole plan for each applicant which will include a place to live, a legitimate job, and special conditions and requirements as the nature of the individual case requires.

4. Regular supervision by qualified and trained parole officers.

The reports cover, for each state, both the men's and women's units under the captions of the *Schedule* of the Association, which apparently has been expanded, in part, along the lines of the reviewer's *Jail and Prison Schedules* (U. S. Bureau of Prisons, 1935). In addition, each institution is analyzed and very pointed comments and observations made. Population figures are given for the units of all these institutions and also a list of states with capital punishment.

II

The second volume, dealing with juvenile institutions, is part of the Osborne Association's long awaited survey of juvenile institutions. It generally follows the plan of the survey of adult institutions. In all, thirteen juvenile institutions are reported upon in detail.

In a twenty-eight page introduction summarizing the findings of the

Association in these institutions, there is a high-lighting of the following items, among others: "Political interference in management, niggardly appropriations, and official neglect," as in part responsible for the conditions found, conditions which are not creditable, on the whole to our actual treatment of this group of young people. Back of this, the Association finds an apathetic public "which has ignored what is going on in institutions and has therefore tolerated inferior standards in the care of state wards."

This very statement is effective and applicable also to men's institutions and the adjudication of justice generally in this country. As the reviewer hopes to show in a forthcoming publication (*The Chicago Crime Commission; The Need for Private Associations in Public Justice*), all of the phases of justice are beyond the immediate interest, or the day-to-day interest of citizens. By their indifference, their pre-occupation with daily needs, they leave the field open to incompetent and occasionally venal officials, to reactionaries, in the press and in officialdom, whose desire for public revenge makes them issue potent condemnation of the status quo, not in the desire for progressive amelioration of the situation, but rather in the desire to revert to an era of harsher, restrictive and degenerating penal philosophies.

Both of these volumes indicate the need for a vast amount of public effort to shorten the lag between science and practice; to permit and make possible a truly experimental program in determining how to control behavior and to keep as a goal valid rehabilitative programs.

These volumes further point to the need for a Messiah in the American scene of penal treatment, a person or persons with an exuberance of intestinal fortitude, who can command important sums of money, and by whose nationally recognized knowledge and professional abilities, technically sound classification and penal philosophy can be introduced and nurtured in this country. The super-imposition of professional terminology, the employment of a sprinkling of professional personnel, s u r f a c e acknowledgment of psychiatry and psychology and social work—neither one nor all of these can do the job. A housecleaning in American penal institutions—as to thinking, philosophy and practice—over a large section of the states—may create a new school of criminology geared to American needs.

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MENTAL HEALTH. *F. R. Moulton and P. O. Komora* (Eds.), Publication of the American Association for the Advancement of Science Number 9. Lancaster, Pa., Science Press. 1939. Pp. 470. \$3.50.

For the past several years the American Association for the Advancement of Science has organized a major symposium at its annual meeting. The one at the December, 1938, meeting was on Mental Health, with contributors from the several scientific fields interested in the broad aspects of this problem. The volume being reviewed includes 49 original papers, the 20 invited formal discussions, and the

21 informal discussions which were presented at the symposium. Such a collection does not lend itself to a concise review, and space limitation will not allow adequate comment upon each of the ninety contributions.

Excluding the introductory remarks on the aim of the symposium by Dr. T. M. Rivers and a concluding lecture on "Human Needs and Social Resources," by Dr. C. Macfie Campbell, the contributions are grouped into six divisions.

1. *Orientation and methods in psychiatric research.* This is perhaps the least integrated section because the papers deal with such highly specific, but unrelated, topics as epidemiology, changes in the central nervous system, convulsive disorders, behavior in infancy and childhood, biometric methods, and psychology of the criminal. In spite of the heterogeneity of this section Dr. Nolan Lewis has a good "Summary and Critique" from which it is worth quoting a concluding statement,

"In conclusion it may be said that there are indications that we should proceed in psychiatric research with (1) some attempt to synthesize and coordinate the facts already discovered in the different fields; (2) the painstaking selection of those working objectives that will allow the application of more than one type of scientific discipline to a specific problem; (3) the proper training of selected personnel; (4) the promotion of the basic sciences in order that they may enlarge our knowledge at the peripheries of their respective fields, and (5) the organization of adequate financial aid."

2. *Sources of mental disease: their amelioration and prevention.*

The first six papers in this section discuss respectively heredity, syphilis, alcoholism, vitamins, fatigue, and birth control as causative factors in mental ill health. The two remaining papers are concerned with child placement in the solution of mental disorder and with immigration and the mental health of the community. In this section I should particularly like to call attention to the positive and detailed statement of Dr. Keeler concerning the genetics of mental disorders and the expressed doubt of Drs. Myerson (p. 120) and Snyder (p. 141) that there is sufficient evidence to warrant such certainty. The papers on heredity, alcoholism and vitamins and Myerson's formal summary all present excellent bibliographies.

3. *The economic aspects of mental health.* Landis and Page estimate that some form of mental disorder is currently evident in about 1.5 per cent of the adult population and "sooner or later mental disease will incapacitate, for a time, approximately ten per cent of the total population" (p. 154). Pollock estimates that the economic loss due to hospital cases approximates \$785,000,000 per year, while Davis estimates the cost of psychiatric services (excluding his figures for hospitals) to be approximately \$18,500,000 per year. On the basis of these and other figures Zubin estimates the total economic cost of mental disorder is well over one billion dollars annually, and yet not more than ten per cent of this amount can be charged to all types of preventive services and only one per cent to research. The papers in this section are concerned not only with the economic loss, but several authors have discussed eco-

nomic factors in their causative relation to mental disorders.

4. *Physical and cultural environment in relation to the conservation of mental health.* In spite of the first adjective describing environment in the title of this section the papers are entirely concerned with cultural and social environment. These papers, taken with those on the economic factors in the preceding section, present a viewpoint on the etiology of mental disorders quite different from that found in the second group supposedly devoted to this particular topic. A great weakness of this symposium is the lack of an adequate interpretation of the complementary parts played by biological and social factors in mental health. Individual papers are excellent but the reader, unless he is particularly sophisticated, is apt to sense an unresolved disagreement among the several writers. The papers of this section discuss culture and mental health, community differences, segregated communities, internal immigration, and political psychiatry.

6. *Mental health administration.* The papers of this section are devoted to problems of hospital and institutional management, and the furnishing of mental hygiene services to the community. Two papers may be of particular interest to readers of this journal, viz., "Psychiatric Expert Testimony," by Overholser, and "The Mental Patient in Respect to Bona Fide Residence," by Smith.

7. *Professional and technical education in relation to mental health.* In this last group of papers there is a communality of purpose not evident in any other section. The subject here is the adequate training of special personnel to work with

the mentally ill. Desirable, and frequently detailed, requirements for psychiatrists, psychiatric administrators, psychologists, psychiatric nurses, occupational therapists and psychiatric social workers are described. There can be no doubt that the problems of diagnosis and therapy of the mentally ill must be carried on by the cooperation of a number of specialists. Furthermore these specialists must have adequate training in this particular area of mental health. Rev. C. A. Wise, as one of the formal discussants, calls attention to the value of mental hygiene training for clergymen, but no one speaks of the value of such training for the school teacher.

An overall evaluation of the contributions to this symposium must first call attention to the narrowness of the definition of mental health. Of the 49 original papers 27 are concerned directly with the psychoses. "Psychiatry" is the term most frequently used. Of the 95 contributors 54 are physicians, mostly psychiatrists. Psychiatry is called a science and is often made coincident with psychology. Perhaps the extreme weighting of a biological and medical point-of-view, and great devotion to psychoses can be justified. However, in such a case the symposium might better have been entitled "mental ill health." Furthermore, an almost complete neglect of delinquency and crime (only 1 paper), of children's behavior problems (only one paper), of feeble-mindedness (one paper and occasional mention), of school problems (no specific mention), and a number of other topics makes one wonder if even mental or behavioral ill-health has been adequately treated.

In spite of these criticisms this volume is a valuable addition to mental hygiene literature. There are stimulating essays, intriguing data, excellent bibliographies, and on the whole a thought-provoking analysis of one of the major problems of our civil life.

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A HISTORY OF CRIMINAL SYNDICALISM LEGISLATION IN THE UNITED STATES (The Johns Hopkins University Studies in Historical and Political Science). By *Eldridge Foster Dowell*. Baltimore: The John Hopkins Press, 1939. Pp. 176. \$1.50.

One of the by-products of American participation in the World War was the enactment of criminal syndicalism legislation in twenty-one states and two territories. In essence these laws make criminal "the advocacy or suggestion of doctrines of violent change of the existing economic and political order." Enacted by frightened legislators in the years 1917 through 1920 in order to suppress the I.W.W., a revolutionary industrial union whose actions caused considerable annoyance to some large employers in western states, this legislation spread to some states where the I.W.W. had no foothold because of fear of this organization. In the few states where this motive was lacking it was enacted in the wave of a nation-wide anti-radical and anti-labor drive which reached a climax in 1919 when twelve states enacted such laws. Although the I.W.W. or its ghost no longer haunts the minds of American industrialists, these laws still remain in force

in eighteen states and two territories.

Criminal syndicalism laws are among the most extreme of such enactments as the red-flag laws, now in force in thirty states; anarchy and sedition laws; (twenty-six states) insurrection and sedition laws; (three states) and laws requiring teachers' oaths of allegiance; (twenty-one states). By 1935, in which year this study was completed, anti-radical legislation of various types was written into the laws of forty-two states. In addition, federal immigration laws provided practically the same grounds as do the criminal syndicalism laws for subjecting aliens to deportation. Because criminal syndicalism laws are the most extreme of all anti-radical enactments in their political and economic implications, the author has selected this type of legislation for detailed analysis. Specifically, the object of his dissertation is to study "the enactment, amendment, repeal, or moderation of all criminal syndicalism laws in the United States and all unsuccessful efforts to enact, amend, repeal, or modify such laws, with special reference to the history, origin, and causes of this process and the role of the press therein." Although the generous scope of this study does not touch the administration or the judicial interpretation of criminal syndicalism laws, there are numerous references to judicial decisions and a table of cases is listed in the appendix.

In his first chapter the author discusses the theories and activities of the I.W.W. and the attitude of the press towards this organization. Without exception the press portrayed the I.W.W. either as a group

of industrial terrorists, or as German agents, or as a group of murderous and destructive Bolsheviki. This portrayal by the press, both in its distorted presentation in its news columns and in its equally distorted editorial comment greatly facilitated the enactment of criminal syndicalism laws. The sources for this chapter are the standard histories of Paul Brissenden, *The I.W.W.: A Study of American Syndicalism*, John Gambs, *The Decline of the I.W.W.*, supplemented by extensive references to material in the radical and labor press.

Chapter Two, devoted to "The Process of the Enactment of the Criminal Syndicalism Laws," is a composite picture of this process. The author discusses the activities of Employer Associations, Patriotic Societies, and the role of the American Federation of Labor unions. The principal conclusion of this chapter is that "in every state with one exception, there was evidence that either through the governor, the legislators who introduced the bills, or through support given the bills in the legislatures, the business and industrial interests had some connection with the enactment of these measures." Although some left-wing writers might have reached this conclusion *a priori* the author of this monograph is a conscientious historian, and therefore with prodigious labor examined the legislative journals of each state, the news and editorial comment in the general and labor press, in labor periodicals, and a variety of other pertinent sources in reaching this conclusion. In many instances where the desired information was not printed the author secured information through personal communication with legislators, busi-

ness men and labor leaders who sponsored or opposed such legislation. An example of the meticulous research on which the study is based is that the author examined from two to six newspapers in each state, or excerpts therefrom, during the period of time when the legislatures were in session or when prominent I.W.W. events were occurring.

In the following two chapters devoted to "Unsuccessful Efforts to Enact Criminal Syndicalism Laws" and "Attempts to Moderate or Repeal Criminal Syndicalism Laws" the material is presented in narrative form, state by state. In ten states during the period from 1917 to 1933 criminal syndicalism bills failed of enactment. Diverse reasons may be found for the failure of enactment, such as the strong opposition of labor organizations in some states, or in the opposition of the well-organized Non-Partisan League in North Dakota, or because of the lack of support by such influential groups as the American Legion or the Daughters of the American Revolution in Massachusetts when in 1927 and in 1928 two criminal syndicalism bills arose out of the Sacco-Vanzetti affair. By and large, however, the failure to enact criminal syndicalism laws may be attributed to the weakening of the war hysteria and post-war anti-radical and open shop drives. Arizona repealed its criminal syndicalism law in 1928; Oregon in 1937. In ten states attempts to repeal such laws were unsuccessful and in three states the laws were moderated. The American Civil Liberties Union, the International Labor Defense in addition to the labor organizations, took an active part in the fight for the re-

peal or moderation of criminal syndicalism laws.

In the final chapter limited to five pages, a few conclusions are stated. The author believes that the normal criminal laws of the states cover actual acts of violence against life, property and government and that the United States government is adequately protected by the Federal Criminal Code. From this viewpoint criminal syndicalism legislation is a useless addition to statutes already in existence. Unfortunately, as a weapon in times of industrial strife, such laws can be highly useful.

Doctor Dowell's study gives evidence of wide research. His monograph is necessarily detailed but it is well organized and at no point is the story carried too far afield. Both right and left wing students of criminal syndicalism legislation should be satisfied with the unbiased treatment of this subject.

YALE LEVIN.

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THE POWER OF THE CHARLATAN. By *Grete De Francesco*. Translated by Miriam Beard. New Haven: Yale University Press, 1939. Pp. viii+288. \$3.75.

This book was first published as *Die Macht des Charlatans* in Switzerland in 1937. Its quick translation into English is indeed welcome, for it provides the educated layman and the student of crime with a first class, highly readable account of the evolution of the charlatan and charlatanry at a period of history when the mystery and fear of the Middle Ages regarding the physical world was being replaced gradually by a body of

sound scientific generalizations. The author, a newspaper man, has done a fine job of historical reporting on an apparent timely subject which, to date, has not been of much concern to the professional criminologist. From the closing decades of the Renaissance when the Venetian Senate committed the error of summoning the alchemist, Marco Bragadino, to make some gold for its depleted treasury, through the Reformation, to the opening of the French Revolution, the author succeeds in tracing the life careers of numerous charlatans of both high and low degree (those of the royal courts and those of the market place). While the historical data which have been gathered from French, German, Italian, and English sources are, of course, not organized into any sociological frame of reference, they do provide in their totality a rather complete picture of the charlatan's psychology, his sociological origins, his professional technique, and the social conditions under which he is nourished and under which he tends to flourish. However, because of the particular organization of the data which the author does adopt, the student who is interested in the historical background of various criminal groups will find it difficult to separate out the material pertaining to these different aspects of the charlatan and charlatanry. For example, the social and psychological conditions which give rise to charlatanry are amply covered but the generalizations pertaining to them are widely scattered throughout the book. We read on page 84 that the separation of the real scientific and philosophical minds of the age from all contact with the great mass of the people

presents a favorable opportunity for the charlatan, while on page 165 it is stated that mental insecurity, emotional confusion, fresh stimulation of nerves, new desires and new deeds represent favorable psychological conditions for charlatantry. In a like fashion the personality traits, the life career and experiences and the professional techniques of the charlatan are all set forth, but the student must read the entire book to obtain a complete picture. The above is not intended as a criticism but as a suggestion to any interested person who desires to consult this work.

Two criticisms appear to be warranted. The author states that a good part of the charlatan's power depends on cool misanthropy (p. 116), but he nowhere attempts to show the origin of this hatred for mankind and how it results from his life career and social experiences. The author also has a penchant for describing the traits of character of the charlatan as inferred from his facial features portrayed in pictures (pp. 60, 116, 224). Nothing is gained from this fanciful and highly romantic procedure which smacks of Professor Hooton's neo-Lombrosianism minus his anthropometric measurements. It is doubtful if the author would discover these unfavorable traits of character from the charlatan's picture if he had not first discovered through his researches that the man in question was a charlatan.

These minor criticisms hardly detract from the excellence of the book which is enlivened by a series of sixty-eight illustrations, old engravings, paintings and drawings of the period which depict various

charlatans, their spheres of activity, and their dupes.

When one views as disinterestedly as possible the present social and political scene, one might well speculate as to whether the next arena for the charlatan will be the manipulation of different brands of pseudo-social science in order to exploit the people. Experts in the various social science fields might take note of the failures of their forefathers in the physical sciences to control and hamper the influence of the charlatan. This book contains a bibliography of works cited and an index of names.

H. WARREN DUNHAM.

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Institute.

CRIME IS A BUSINESS. By *John C. R. MacDonald*. Stanford University, California: Stanford University Press, 1939. Pp. xiii +263. \$3.00.

While this book, perhaps, has its chief appeal to sheriffs, policemen, detectives and others who are engaged in the task of, and interested in the problems involved in crime detection, it also should be of interest to the theoretical student of crime, for in its careful and detailed description of ninety-three buncoes or swindles there is contained ample implicit evidence to support a number of sociological generalizations pertaining to the etiology of crime. The existence of a criminal culture with its distinctive argot, the division of labor within criminal specialties, the lack of significance of nationality lines, the rational and planned aspects of criminal undertakings, the fair degree of loyalty and morale among criminals, the similarity of the de-

vices, approaches and sales talks used by swindlers to modern business practices, the specialization in criminal enterprises—all of these major conceptions revealed in the past by the sociologist are implicit in the material on various buncos which the author has collected in the course of his work as a member of the bunco detail of the Oakland Police Force. It is interesting to note the ease with which the so-called respectable citizen can be enticed to be a party to a scheme which will enable him to get rich quickly, and it may be true, as one swindler puts it, that "a man must have larceny in his mind to become a perfect victim." The book contains fifteen illustrations of various devices from money-making machines to gold dust and numerous printed documents which are necessary for the perpetuation of various types of buncos. For the person engaged in practical police work, this book should prove valuable as an addition to his education by acquainting him with different buncos, and with the techniques used and evidence necessary for conviction, while for the theoretical student, it should provide a more realistic account of actual criminal operations—a phase of criminology which is seldom contained in the average textbook. There is a brief foreword by August Vollmer.

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FAMILIAL FEEBLEMINDEDNESS, a study of 141 Families. By *Clara Harrison Town, Ph.D.*, Buffalo, New York: Foster and Stewart Publishing Corporation, 1939. Pp. 97. \$2.00.

This book is a critical and tabulated study of 398 feeble-minded persons in 141 different families. The book is a sequence to an earlier study by the same author on "How the Feeble-minded Live in the Community." Both studies were made under the auspices, and in the Psychological Clinic, of the Children's Aid Society of Buffalo.

Of the families dealt with by that organization it was noted that 141 of them had two or more members who were clearly feeble-minded, while in others, all were either feeble-minded or borderline cases. No attempt is made to discover the hereditary or social causes of defectiveness in these families, but ample evidence is given to indicate that they are clearly the foci of feeble-mindedness from generation to generation.

The fecundity of the feeble-minded, as disclosed in this study, is astonishing. Families of 11 to 14 children are cited, in some cases the offspring of one mother or one father. Table after table is given to illustrate this through generations of feeble-mindedness. Needless to say, there are many cases of early death, speech defect and other deficiencies among these children. In addition to the legalized offspring, there are many children born out of wedlock, due to promiscuous sex-relations, many desertions and the frequent practice of incest among the feeble-minded.

The intervening paragraphs of this book are full of interesting comments on the physical and social consequences of such in-breeding of feeble-minded families. The author deplors the fact that earlier examinations were not made in all these cases, not only to prevent the birth of defective children, but

to avoid the enormous cost to society of many custodial and correctional institutions. In one case, for example, it is shown that an earlier examination of the feeble-minded mother would have saved the state the care of 11 defective children, frequent appearances in the courts for minor offenses, periods of probation, and no less than six terms in prison.

Dr. Town states that it is "the height of folly" to commit and recommit such persons to correctional institutions, instead of treating them on the basis of their mental rather than their moral status.

For the failure to make earlier examinations, the author feels that social workers should bear serious responsibility. Too often, trial and error methods are pursued until too late, whereas such cases should be dealt with when they first come to the attention of Social Agencies.

Alcoholism plays a large part in many of the families cited in this study. For example, two alcoholic parents produced 12 children, all of whom became either prostitutes, had illicit sex relations resulting in defective children, or were committed to institutions.

Thus, with almost unerring certainty, the pattern of behavior of the parents, and especially the mother, is followed by the offspring. It goes without saying that this includes shiftless living, poor housekeeping, victims of the unscrupulous and failures through frustration. In short, it should be obvious from this painstaking study that we are far from a "planned society," and that to reach that goal, social workers and all thinking people, should give much more attention to prevention. To that

end, this little volume is worth a careful study.

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INDIVIDUAL DIFFERENCES IN THE SENTENCING TENDENCIES OF JUDGES.
By *Fredrick J. Gaudet*. Columbia University. Archives of Psychology, No. 230. Pp. 58. \$1.00.

This study is a good example of what William I. Thomas must have meant when he said: "Taken in themselves, statistics are nothing more than symptoms of unknown causal processes." During the period of their service, the sentences of six judges in a New Jersey court were found by Gaudet to differ consistently in severity. To be specific, out of 100 comparable offenders Judge F would send 34 to penal institutions and Judge B, 57. The differences among these six judges "can probably best be accounted for," he says, "by use of the general term, personality" (p. 42). Interviews with these intelligent gentlemen would surely have revealed interesting social and personal factors explaining their divergent sentencing behavior, but no direct contacts were made. A questionnaire was circulated among attorneys who had practiced before these judges. "On the whole this technique was unsuccessful except in the case of lawyers who were personal friends of the writer" (p. 48). If Gaudet had kept the questionnaire in his pocket and had simply talked to some of these lawyers they would no doubt have told him more than they were willing to put down on paper. With regard to prisoner awareness of

differences in sentencing behavior among judges the author is a bit naive: "Gossip has it that many prisoners are also informed of these facts" (p. 53). There are ex-convicts, like Sutherland's *Professional Thief*, who could discuss "the psychology of the judge" (p. 5) with Gaudet in a language much more revealing and colorful than that of tables, graphs and critical ratios. This monograph is scholarly and careful, but scarcely enlightening.

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DER GEFAHRLICHE GEWOHNHEITS-
VERBRECHER, Kriminalistische
Abhandlungen herausgegeben
von Franz Exner, no. xli. By
Ludwig Lotz, Leipzig: Ernst
Wiegandt, 1939. Pp. 99, RM. 2.50.

This is a study of dangerous habitual criminals against whom laws were enacted under the name of "social security." Approximately one-third of the monograph is an analysis of the law and a description of the definitions that have been made. Approximately one-third is a study of the criminal careers of 100 dangerous habitual offenders, with reference to such things as the age of first offense, the nature of the first offense, types of crimes, number of official punishments, intervals between punishments. The last third of the monograph is concerned with the personalities of these offenders and includes a study of psychosis, feeble-mindedness, alcoholism, or criminality of parents, careers in school, careers in occupations. On many of the points, comparisons are made with other studies of German offenders.

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PROBLEMS IN PRISON PSYCHIATRY.

By J. G. Wilson and M. J. Pescor. Caldwell, Idaho. The Caxton Printers, Ltd., 1939. Pp. 271. \$3.00.

In "Problems in Prison Psychiatry" Wilson and Pescor have made an outstanding contribution to the newly recognized study of mental aberrations in prison. Both of these men have had long experience in handling the mentally ill among those convicted of crime.

The authors present a brief, concise, graphic treatment of the problems in prison psychiatry. The problems are stated clearly and admirably by the authors, who emphasize that the psychiatrist is situated "between the horns of a dilemma," in that he must:

1. Work with officials to discipline, guard and keep prisoners employed at gainful tasks, in good health, etc., on the one hand, and
2. On the other hand, he must work with the prisoners to rehabilitate and reform them, (which cannot be done to any permanent degree through force) and, through psychotherapy generally, to establish and develop within each prisoner the desire to adjust and live right.

They emphasize, and could hardly over-emphasize, the necessity of the "middle of the road policy" for the psychiatrist in helping both officials and prisoners. A happy medium must be struck between discipline and control by force, and developing within the prisoners the desire to adjust and live right and rehabilitate themselves. To this end, the psychiatrist must maintain his equilibrium and cooperate with both

groups, utilizing all the scientific aids at his disposal. The authors emphasize the necessity of bringing these two divergent factors together.

They have written of the technique employed by Federal Prisons in securing information about the prisoner from all kinds of sources: the warden, the surgeon, the record clerk, the chaplain, the shop boss, the educational director, and even the guard. The Classification and Assistance Committee has many facts with which to properly place the convict, not only for his own improvement, but for the smooth administration of the prison.

They classify all prisoners into seven main groups with a chapter on each of them:

1. Normal
2. Feeble-minded
3. Psychoneurotic
4. Psychopathic
5. Psychotic
6. Neuropathic
7. Homosexual

They define and give the etiology, pathology, diagnoses, prevention and treatment methods generally used in each group.

A discussion of prison discipline influenced by the old, hard boiled guard, trained by experience, and the more recent official especially trained in schools, shows the modern trend toward betterment.

It is an excellent presentation of a difficult subject and should be especially interesting to members of the legal, medical, social service, educational, and allied professions. The book should be on the desk of every prison warden, physician and psychiatrist.

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and

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SCHULD UND IRRTHUM IM JUSTIZ- UND VERWALTUNGSSTRAFRECHT. By Herman Roeder. Breslau: Alfred Kurtze, 1938. Pp. xxvi-213. R.M. 8.

This is another of the painstaking but futile German scientific elaborations: They quote with praise their superior; they collect the material available for the thousandth time; they say on two hundred printed pages nothing which is really new and which has not been previously thought out and presented much more clearly by other professors during the last century.

Dr. Roeder discusses the problem of ignorance or mistake of fact and of law. He repeats that eternal distinction between *error facti* and *error iuris* which avoids responsibility or forms no excuse. Dr. Roeder proposes a reversal of the theorem "in dubio pro reo" in administrative law by which the burden of proof would be imposed on the defendant. The result would be "in dubio contra reum" which appears a rather dubious dénouement and a pretty poor settlement of practical difficulties.

A similar shifting of the burden of proof is known to be proposed by some American courts concerning the problem of drunkenness. The result has been confusion, and even the distinction between the burden of convincing and the burden of going forward with the proof cannot possibly be considered as a definite or even progressive solution.

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