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THE SUSPECT:
**A STUDY IN THE PSYCHOPATHOLOGY OF SOCIAL
STANDARDS**

Hans von Hentig

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—EDITOR.

I

Whoever, by word of mouth, behavior, personal appearance or by any other means suggests that he may be a source of harm, or that he may already have hurt us, is called "suspect." There are suspected persons, suspicious facts and equivocal appearances. Suspicion of imminent danger or injury may attach to any person. The defendant in court suspects the mild and gracious looks of the judge because he has heard that one of these "hanging judges" was "a saintly looking old gentleman with flowing white hair, a white beard, a ruddy complexion and a soft, low voice." Bloody Parker of the United States Court in Fort Smith sentenced one hundred and seventy-two men to death. He had abundant white hair and a benevolent spirit. A man who knew him relates: "Off the bench Parker was a gentle, courtly man whom the people of Fort Smith honored." If I should offer any criticism of him it would be that his charges to his juries were not impartial expositions of the law² . . ." To the suspected judges should be added witnesses of the same character. Witnesses who told the court that they saw the defendant in a movie where they had paid a shilling for their seats, became suspicious when it was proved that there were no vacant seats at that time and that the price had been raised to one shilling, six

¹ Recorder John W. Goff . . . "whose name struck terror to the hearts of evil-doers." Richard H. Rovere: *Howe and Hummel* Farrar, Strauss and Co., New York 1947, p. 18.

² Fred E. Sutton: *Hands up! Stories of the Six-gun Fighters of the Old Wild West*. The Bobbs-Merrill Company, Indianapolis 1927, p. 158 . . . "they were really arguments for conviction, and his harangues in sentencing men to death were cruel and unnecessary. They were too much like the cat playing with the mouse . . ."

pence.³ Another witness for the prosecution betrayed in court the woman who had showered him with gifts and favors and did it so brutally and uncouthly that the jury hesitated to attach great weight to his incriminating revelations.⁴ He depreciated his own testimony by telling the whole truth and he became a suspected witness by an excess of protective and unfair veracity.

There is suspicion among gangsters. When three noted gangsters were arrested on the Old Mission Golf course of Kansas City a fourth escaped the dragnet of the police as by miracle. He was never able to live down the suspicion that he had been one of the players and had succeeded in getting away.⁵ In prison certain questions should not be asked, as the real name, or the real birthplace. "To ask about those things in the underworld is to invite suspicion."⁶ Talks with officers should be restricted to a minimum according to the code. There is a high strung pattern of suspicion permeating the whole institution; it springs from the state of war that exists between keepers and kept. It is a chronic war hysteria; secrets are weapons and betrayal of them produces defencelessness.

In some confidence games it is necessary that the crook play the suspect. During the first year of the great boom an Ohio banker was swindled out of \$15,000; the confidence men claimed to be the last of a gang of mountain bandits who had robbed the Deadwood stage. They got their gold bricks from this hold up; since they could not possibly dispose of the bricks they were willing to get rid of them at a sacrifice.⁷ In the "Diamond and Gold Attack" the merchandise is represented as being smuggled in, either from Mexico or from Russia.⁸ In many other short-confidence rackets—the real Irish lace bunco for instance—the vendors speaking in low, quiet tones "explain" that they are in this country illegally and are going to be deported, therefore they are trying to dispose of this valuable undeclared lace as quickly as possible before the custom officers discover its presence."⁹ Although they pass the lace out of their hands with tears in their eyes, their greatest asset is the suspicious situation. It is one of

³ Frederick A. Mackenzie: *Twentieth Century Crimes* Little, Brown and Co. Boston 1927, p. 184.

⁴ Edward H. Smith: *Famous Poison Mysteries* The Dial Press New York 1927, p. 200. "Mrs. Schenk (she was a rich pork packer's wife, he a gigolo type) had pursued him, written him letters, telephoned to him, and embarrassed him."

⁵ Courtney R. Cooper: *Ten Thousand public enemies*. With Foreword by J. Edgar Hoover. Little, Brown and Co. Boston 1935, p. 245.

⁶ Jack Black: *You can't win*. The Macmillan Company New York 1926, p. 107.

⁷ Robert M. Wright: *Dodge City, the cowboy capital*. Eagle Press, Wichita 1913, p. 250.

⁸ John C. R. MacDonald: "*Crime is a business*." Stanford University Press, 1939, p. 143.

⁹ *Ibid.* p. 238.

the most time-honored tricks of the police to send a pseudo-suspect into the cell of a prisoner to pump a confession or incriminatory facts out of him. Two agents of the F.B.I. succeeded in being admitted into a mental sanatorium, the one by passing the psychiatric examination successfully,¹⁰ the other by being brought in as a case of melancholia by his alleged relatives. Both pseudo-suspects of insanity convicted a banker of simulating a psychosis who had been put away by his family in the same institution. In some cases the range of suspected persons and suspicious situations is necessarily broadened. During a reception in the White House secret service men watch "bulging pockets, handkerchiefs that might have something concealed, and eyes with a fanatical gleam."¹¹ When the President attends a dinner at a Willard Hotel, the food is to be examined in advance and the waiters have to be scrutinized.¹² The same precautions are taken on a journey.¹³ During a theater performance the same pattern of protection goes on; if there should be a hold-up scene all guns and pistols used are carefully checked by the Secret Service.¹⁴ The film does not cause this sort of annoyance to the officers. The Inaugural Procession produces new groups of suspects.¹⁵ Suspect are certain cities at certain times,¹⁶ narrow streets, sharp turns,¹⁷ even the long distance from the railroad station to the Hall where the President will speak.¹⁸

II

The criminologist's interest centers on a particular and restricted run of suspects. Suspicion in these cases is a tentative and inconclusive yet incipient approach to the issue of guilt.

10 Frederick L. Collings: *The FBI in peace and war* G. P. Putnam's New York 1943, p. 89-90. "One of the two agents thereupon made arrangements for a personal interview with Dr. Allen (the Director of the sanatorium). He had been advised, he truthfully explained, to enter the institution "for observation". At the interview, Dr. Allen readily consented to undertake the study of his case, and after an examination with the prospective patient passed with just the right degree of mental unbalance, assigned the G-man to a room."

11 Thomas Sugrue and Edmund W. Starling: *Starling of the White House* People's Book Club, Chicago 1946, p. 65.

12 *Ibid* p. 97.

13 "The ship had been checked from bow to stern . . . There was not a fireman or cabin-boy whose family and background had not been thoroughly looked into." *Ibid* p. 117.

14 *Ibid* p. 102.

15 "For two months, with hundreds of assistants, I had been examining that line of parade . . . New tenants had been particularly scrutinized. All the roof-tops were under surveillance. All the alleyways were watched." *Ibid* p. 274.

16 "Detroit had us really worried. The city was in an ugly mood" *Ibid* 299.

17 *Ibid*. "I chose a route with as many wide streets and as few sharp turns . . . "I heard that admission tickets to the arena were being counterfeited." This was during Hoover's election campaign in 1932.

18 On the "suspects" among the Bonus Army marching on Washington in July, 1931, see *Ibid.*, p. 296.

The criminal procedures of European countries before the French Revolution knew three stages of evidential proof: innocence, suspicion and guilt and graded measures corresponded to this classification. They were: acquittal, extraordinary penalties,¹⁹ ordinary penalties. Legally all arrests are made on suspicion. Of all arrests made in 1946 in the United States, 6.7 per cent, as shown by fingerprint cards were for a vaster type of suspicion.²⁰ These suspects are found under the heading of "offenses charged" although the charge apparently has not yet been defined. It can be assumed that the rate of those taken into custody "on suspicion" is much greater in the unknown total of arrests.

Discussing the suspect in the limited sense of law-enforcement we will not be concerned with patterns of pathological suspicion. Many psychoses, mainly senile disorders and that odd mental development which extends from a more or less justified suspicion to a firmly set system of persecutors and foes and which we call paranoia, borders on our problem. Our attention, however, will be confined to the "normal" varieties of suspicion.

Our study will give us insight into a strange world of values and fictions. Emotional impulses and manifestations of a crude self-interest prevail to an unexpected extent over sober reflection and fashion, first our observations, then our interpretations. A long line of social superstitions, of irrational alarms and wishful obeisances is revealed, and all these deep-rooted foibles are skillfully exploited by the criminal. He manipulates, of course, those mental mechanisms in which suspicion is due, but is overruled by miscasting and miscarrying social standards.

When we hear of a so-called double life we know that our assessment of an individual has been wrong. The notion and the term show we have misplaced our confidence. There is obviously a contradiction between our aesthetic impression and our moral judgment. Some of the best looking, "attractive" men were the greatest hazards to their fellow-men and should have aroused an immediate and violent feeling of aversion.²¹ Indubitably certain appearances are so rigidly associated with social approbation

¹⁹ The old legal term is "*Verdachtsstrafe*", the penalty of "half-evidence".

²⁰ Uniform Crime Reports 1946, p. 116. There are interesting discrepancies in the age structure of those arrested on suspicion. See *Ibid* p. 119.

²¹ Mayor Fernando Wood of New York was one of these contrasts. "John Bigelow, author and statesman, knew him well. One day . . . Bigelow was seated on one of the Colonial benches in the corridor of the City Hall . . . Opposite, on the wall, was a portrait of Fernando Wood. After gazing at it for a few minutes, at the deep blue eyes and patrician features, symmetrical as though chiseled by Praxiteles, Bigelow observed: "He was the handsomest man I ever saw, and the most corrupt man that ever sat in the Mayor's chair." D. T. Lynch: "*Boss*" *Tweed* The story of a grim generation, Blue Ribbon Books, New York 1931, p. 24.

and appreciation that they are able to overshadow mistrustful attacks.

It would be most stimulating to learn why we give the smile a distinct meaning in the sphere of rectitude and honesty. "The man's smile was charming," we are told in a Denver murder case. "He found it easy to make friends."²² Experienced old lawyers like to give the papers pictures of a smiling defendant.²³ The pleasant and disarming smile of an older lady is especially soporific.²⁴ Smiling seems to betray peace of mind and a good conscience. A smile benumbs our defensive instincts, which are ready to capitulate to the most promising menace of a woman.

Some men who murdered their wives²⁵ have been described as benevolent looking.²⁶ Gangsters were regarded as "fine, quiet people."²⁷ The term "quiet" recurs so often in the life story of dangerous criminals²⁸ that we must attach some importance to this form of mimicry. It belongs to the technique of making yourself "invisible" so that nothing ever happens. We learn of the perpetrator of a poison murder, that he gave no one any offense. That is why the neighbors "looked at the various carriages that drove up to his door from time to time, at the numerous women who called at the house and at the drawn blinds in the front windows, with a well restrained curiosity. They had their own ideas and, well, Wilson was a good fellow."²⁹ This

²² Jim Gordon murder case. William MacLeod, The Gordon case 1860 in Lee Casey: *Denver Murders* Duell, Sloan and Pearce, New York 1946, p. 17.

²³ Murder case of Mrs. Pearl O'Loughlin, Denver 1930. "on one side were those who believed her guilty. But the majority of the public, fed a daily dose of smiling news pictures of the pretty woman, believed her innocent . . . She is described as "a pretty, slender, red-haired woman of thirty-one, famous in the neighborhood for her ready smile as well as her good looks." She had given her step-daughter ground glass. Ray Humphreys, The Pearl O'Loughlin case in *Denver Murders*, 179 and 169.

²⁴ Mrs. Barker, mother of the noted Barker brothers, "casing the joints" their boys were to rob looked this way: "Mrs. Barker . . . was an actress. She easily became a quiet, demure, round woman who smiled pleasantly and who took a great interest in quiet respectable surroundings". J. Edgar Hoover: *Persons in Hiding*. Little, Brown and Co., Boston 1938, p. 27.

We speak of one who "is all smiles", or of fortune "smiling at us." There is good psychology and an indication of the ingratiating effect in these phrases. Ancient India regarded smiling as the mysterious emanation of energies. Smiling would drain you as the loss of blood or male strength. To retain some of his vital vigor the smiling person was advised to interpose his hand. Hermann Oldenberg: *Religion des Veda*, Stuttgart, 1923, p. 429.

²⁵ On this point see Angelika Gibbs, The Wilkins case in Ted Collins: *New York murders*. Duell, Sloan and Pearce, New York 1944, p. 169.

²⁶ *Ibid.*, p. 147.

²⁷ Ryley Cooper, *Ibid.*, p. 72. "Just the sort of people one would like to have in a respectable house."

²⁸ . . . "Wilson was quiet, likeable, pleasant and not intrusive." Smith: *Famous Poison Murders*. *Ibid.*, p. 150. Of the gangster Eddie Green we hear: "He and his supposed wife lived, on the surface, the kind of quiet life that any respectable couple in fairly comfortable circumstances would live." Collins: *The F.B.I. Ibid.*, p. 185.

²⁹ Smith: *Poison Murders. Ibid.*, p. 150.

abortionist on a large scale rode in luxurious cars, had a swift motorboat; a bungalow in the country. Before these manifestations of success the control power of the neighborhood shrank to inane gossip. It never "grew actively inquisitive,"³⁰ which would have been the main symptom of real suspicion. There was probably some selfish interest in operation. The "Terrible Touhys" could hide successfully for a time because house-owners, neighbors, tradesmen, tailors, rental agents and the like looked upon them as highly respectable.³¹ Like many gangsters they were great spenders.

The handsome man and the pretty, or beautiful women have a great chance to be kept clear of the range of immediate suspicion. The great swindler, "General Alvarosa," presented himself this way to a critical and experienced observer: "He was a genius, in fine, socially. He seemed to need no credentials anywhere, save his fine manners and honest looking face."³² Tall men seem to impress us as innocent. We need only read the glowing picture of the racketeer, Mayor Wood;³³ of the murderer, Gordon;³⁴ the bank-robber, Fred Hansen,³⁵ and the Reverend Richeson, who poisoned his girl friend.³⁶ The blue eyes, the clear complexion, the soft voice are additional assets. Good manners ("mild") remove suspicion and the good story teller is likely to make friends.³⁷ It speaks in your favor to be a liberal spender as well as drinker; such characteristics give you great persuasive powers.³⁸

³⁰ *Ibid.*

³¹ C. R. Cooper: *Ten Thousand Public Enemies. Ibid.*, p. 65. The murderer and gangster William K. Hale (Oklahoma) bought eight and ten suits at a time; no wonder that his tailor did not come forward with suspicion. The great spender was looked at by many as a "fine man for the community." *Ibid.*, p. 175.

³² George S. McWatters: *Knots United*, or Ways and by-ways in the hidden life of American detectives of bespectacled men. J. B. Burr and Hyde, Hartford, 1871, p. 592.

³³ "He had the face of an Apollo. He was five feet eleven inches high, slender, and had deep blue eyes that always smiled, and a wealth of dark brown hair. His voice was low and soft in conversation, but on the rostrum it was deep and carrying." Lynch: *Boss Tweed, Ibid.*, p. 110.

³⁴ "Nature had endowed him with abundant good looks and a winning personality. He was six foot tall, wide of shoulder, well-built. His hair was light flaxen color, and it rose from a broad intelligent forehead in waves. The deep blue eyes that looked out at one were frank and honest, his complexion clear." Lee Casey: *Denver Murders, Ibid.*, p. 17.

³⁵ "Standing six feet two in his galluses, weighing two hundred and fifty pounds (not one of which was fat) polished until he shone by artists sartorial and tonsorial, bland of mien and gracious of manner, Hansen might well have passed as president of the banks he robbed." Collins: *The F.B.I., Ibid.*, p. 71.

³⁶ "The tall, good looking preacherman, apparently in his early thirties and poised as a poplar, looked clearly at his inquisitors and quite convinced them. Smith: *Famous Poison Murders*, p. 281.

³⁷ On such "pink of a man" in 80 years old police slang see Mc Waters: *Knots United, Ibid.*, p. 119.

³⁸ These were the traits of two great confidence men who charmed the people of Dodge City in its early days: "One morning in the early days of Dodge City two

Sun-tan to many city people invokes the association of hard work and righteousness; you would not expect a tanned man to be a slick confidence man.³⁹ In a nasty case of blackmail suspicion did not dare to touch the perpetrator, "a sturdy American of Midwestern upbringing . . . without the slightest trace of foreign accent."⁴⁰ Albert G. Fall, the former Secretary of Interior who was sentenced for accepting a bribe in the Teapot Dome scandal, made this prepossessing impression: "Marks of the South-West were upon him, and caused him to stand out from the crowd, the wide-brimmed felt hat, the bronzed skin, the agreeable drawl, the erect body and head, as of a man who had spent much time in the saddle."⁴¹ The saga of frontier days has left the image of heroes—killers, but honest—in our mind. In exactly the same way our rural past has made its impression upon us. Some time ago a story went through the press that a burglar after having done his job prepared himself a hamburger and did not forget to feed the cat with milk. Our ideas of criminals divest them of every common human trait; we are astonished to hear that gangsters like hunting, fishing, mountain climbing, swimming and camping, are fond of books, objects of art, quiet evenings at home, and of nature. This is a cheap simplification of complex psychological and sociological combinations. "Many of these major gangsters looked not like crooks nor behaved as such. Few were the swagger country clubs that the leading gangster did not crash."⁴²

The pretty woman may be suspected of many weaknesses, but not of a determined criminal disposition. Gertrud Gibson Patterson killed her tubercular husband in a deliberate and brutal way. Before the Denver jury she appeared in the deceptive attire of innocence. "To the left of the room a door leading to a

gentlemen, elegantly dressed and groomed, made their appearance at the Long Branch saloon. One could see at a glance they were educated and refined, and both men had lovely manners and exceedingly great persuasive powers. They were . . . both . . . liberal spenders as well as drinkers, but they never were under the influence of liquor. It was only a short time until they had captivated a lot of friends, and I among the number. They were admirable story tellers." Wright: *Dodge City, ibid.*, 249.

³⁹ A Dodge City swindler was a "strong, hearty, middle-aged man, bronzed from exposure to the weather and having other appearances of an honest, hard working, industrious man." *Ibid.*, p. 248.

⁴⁰ Collins: *The F.B.I., ibid.*, p. 129. The blackmailer is described as "unlikely a suspect as could be found in a month of Philadelphia Sundays."

⁴¹ Fall had spent most of his life actually in offices, twice as attorney-general of New Mexico, as a member of the New Mexico legislature, of the U. S. Senate and a Justice of the State Supreme Court. Mark Sullivan: *Our Times* Vol. VI. *The Twenties*. Charles Scribner's Son, New York 1935, pp. 289 and 290.

⁴² Collins: *The F.B.I., ibid.*, p. 16. "The" gangster does not exist. Gangland is a most stratified world; we know about where it ends with sluggers and killers and the willing morons. But where does it begin? Who are the stockholders, the investors and the self-protectors?

jail corridor opened. Standing there, her large brown eyes glowing in a face of childlike loveliness, her tiny hands clasped above her breast, her charming figure clothed in a blue talleur suit, her sunny brown hair crowned by a blue-plumed turban, was the self-widowed defendant."⁴³ In discussing Kathryne Thorne Kelly, the scheming and energetic wife of Machine-Gun Kelly, J. Edgar Hoover mentions that she liked children, loved her daughter above all, adored her old mother. She played the piano, spoke a good English." She was attractive to look upon, of good carriage and pleasant mannerisms. She was excellently and expensively dressed, especially when driving around in her big sixteen-cylinder automobile, with silver fox floating from her smooth shoulders."⁴⁴ When this woman shared with other females the delights of a luxurious life, should it not be more correct to find in this avidity rather the causes of her existence outside the law than a contradiction to our black and white abstractions of "the" criminal? The gangster, Joe Roma of Denver, "believed in beautiful things. Joe liked to go to Church. He loved flowers and music. All the children loved Joe Roma."⁴⁵ It seems as if the notion of "rats" or "rattlesnakes" fall somewhat short of an entangled reality.

British criminals have a philosophy of dressing in a specific way whilst working. An evening suit, writes Mark Benny, "is invaluable to the burglar."⁴⁶ James Spenser knew criminals who put on their best clothes before they go out to do a job.⁴⁷ He thinks of the better treatment by the police and in court. Yet one of the great and ever successful suspicion-removing devices preventing arrest and trial is the art of dressing well. When the dentist, Dr. Jay F. Gallentine, appeared before the jury charged with shooting and killing another doctor, he wore "a neat black worsted suit and carried a silk hat in his hand. He did not need the silk hat to cover himself whilst crossing the bridge of sighs between jail and court house." A silk hat, says a report, "was the symbol of money, honor and respectability in those days, and he doubtless thought it well to identify himself with those virtues."⁴⁸ Gangsters are always well dressed; a certain dandyism

⁴³ Ley Case: *Denver Murders*, *ibid.*, p. 61. She was acquitted.

⁴⁴ J. Edgar Hoover: *Persons in Hiding*, *ibid.*, p. 142.

⁴⁵ Cooper: *Ten Thousand Public Enemies*, p. 37.

⁴⁶ . . . "it labels him, not as an individual but as a member of a class, which is a mighty step in the direction of self-effacement. Moreover policemen have an unassailable respect for an evening-suit." Mark Benny: *Low Company*, London 1936, p. 308.

⁴⁷ James Spenser: *Limey Breaks in*. London 1934, p. 282.

⁴⁸ Larry Hawkins, *The Gallatine-Jones Affair in Cleveland Murders* edited by O. W. Bayer. Duell, Sloan and Pearce, New York 1947, p. 29.

is one of their principal traits.⁴⁹ The real great confidence men go one step further on the path of social perfection. "General Alverosa" "was never over-dressed."⁵⁰

In surveying other indications of missing suspicion we shall limit ourselves to a condensed catalogue. In an embezzler it appeared to be an unexpected contradiction that he was a church goer, member of several lodges and that in his private life he was considered a model of propriety.⁵¹ A famous gangster, Shotgun George, produced deep disappointment and moral confusion because he happened to be a graduate from one of America's largest universities, a football hero, an aviator at the front and a lifeguard, "watching over the welfare of one of Chicago's biggest bathing beaches."⁵² The gangster, John Hamilton, lived only a few doors from the police chief's home; when arrested they found him at a family table, including a baby in a high chair.⁵³ The "hard worker" does not fit into stabbing his mother seventeen times.⁵⁴ To be loved by bankers' daughters and to move in "highly respected circles" was the protective technique of the Barker-Carpis gang.⁵⁵ To have paid your bills regularly, to go early to bed, to have lived in the same place all your life⁵⁶ and to have donated a large amount for a church speaks in your favor. That a murderess is a devoted mother,⁵⁷ an abortionist proud of a grandchild,⁵⁸ that a gangster is married to a school teacher,⁵⁹ that another dangerous criminal peacefully putters about his cherry orchard,⁶⁰ strike us only because we are deadlocked in a "totalitarian" notion of the criminal. Our defensive instincts carry us too far. The police have to fight it out and may be justified in setting up a provocative simplification. Science must reopen the discussion and call back all the delicate and in-

49 Of the gangster Frank Nash we hear: "He wore tailor-made clothing. He carried a handkerchief in the upper left-hand pocket of his coat; it matched his tie and his socks." Cooper: *Ten thousand public enemies*, *ibid.*, p. 223.

50 George S. McWatters: *Knots Untied*, *ibid.*, p. 591.

51 *1,001 Embezzlers*. A study of defalcations in business. Published by the United States Fidelity and Guaranty Company, Baltimore 1943, p. 27.

52 Cooper: *Ibid.*, pp. 324 and 325.

53 *Ibid.*, p. 4.

54 Frederic Wertham: *Dark Legend*. A study in murder. Duell, Sloan and Pearce New York 1941, p. 28. He was "happy, cheerful and talkative" . . . "he used to sing" . . . "before he killed his mother he was no more glad. He no more opened the radio."

55 Cooper, *ibid.*, p. 323. They later boasted that much of the hot kidnapping money had been changed into real cash through these highly respected circles.

56 Smith: *Poison Murders*, p. 270.

57 Smith: *Poison Murders*, p. 270.

58 This was the famous Madame Restell of New York City, registered as "female physician and professor of midwifery" in the New York City Directory. D. T. Lynch: "Boss" Tweed, p. 181. She liked to be called Gran'ma. Lynch remarks justly: "All grandmothers are respectable," *ibid.*, p. 183.

59 Cooper; *ibid.*, p. 123.

60 *Ibid.*, p. 213.

tricate distinctions that go with variety. A most experienced detective maintained that the most wily rogues among men, and still more among women, enjoyed the finest reputations.⁶¹ Something must be wrong with our knowledge of human nature.⁶²

III

When an exciting crime has happened people come up and report to the police that they have seen suspicious looking persons. There is a great conformity, a sort of general "devil" image in these stories. Obscure fears and hatreds emerge from the depths of our mind and assume flesh and blood in this mental stampede. Omitting the depressed, morose and sad individual who conveys his own morbid feeling of guilt to his social surroundings we find these prototypes of the suspect: the hungry,⁶³ the tired, the dirty, the unshaven and unkempt⁶⁴ and the sickly. To be ragged, to be tramp-like, to have your hands in your pockets,⁶⁵ shows that you are cold. It arouses suspicion. To have had trouble with your neighbors, to have stirred up antagonistic mass feeling, to marry shortly after your wife's death, to have given her a cheap funeral,⁶⁶ all this moral disapprobation is likely to become aggressive and accusatory when it comes to the question of innocence or guilt. In our midst live non-conformers. Our deep-rooted, mostly latent dislike of these types who refuse to fall in line comes to the surface when we make our selection of suspects. Eccentric persons share⁶⁷ our dangerous doubts. Pale young men, "strange," "wild," crazy men have been seen,⁶⁸ others looking like bums or dope fiends⁶⁹ are suddenly remembered, men with strange red beards pop up,⁷⁰ and countless "swarthy" men

⁶¹ McWatters, *ibid.*, p. 604.

⁶² When McWatters investigated a series of larcenies in the house of a rich man he eliminated immediately one of the maid-servants "who had been a widow for twenty years." *Ibid.*, p. 281. Is there really a safe connection between honesty and not re-marrying which the police practice in those times seemed to take for granted? ⁶³ The Sugrue and E. W. Starling: *Starling of the White House, ibid.*, 26.

⁶⁴ "badly need a shave" . . . William Roughead: *Murder and More Murder* Sheridan House, New York, 1939, p. 169. It made a deep impression on Starling when a hold-up man who looked gentle and intelligent and spoke with dignity and politeness asked "for a comb for his hair and a chair to sit in." Sugrue and Starling, *ibid.*, p. 24.

⁶⁵ Roughead, *ibid.*, p. 161.

⁶⁶ Roughead, *ibid.*, 241-244. Murder case of Dr. Cross of Shandy Hall, Ireland.

⁶⁷ Sir Basil Thompson: *The Story of Scotland Yard*. The Literary Guild, New York 1936, p. 5.

⁶⁸ E. L. Pearson: *Studies in Murder*, Macmillan New York 1926, 44, 45.

⁶⁹ Ted Collins: *New York Murders, ibid.*, p. 157.

⁷⁰ Smith: *Poison Murders*, p. 74. Collins: *New York Murders* . . . "a man about five feet seven inches tall, who was thin, with a thin face, and a red Van Dyke beard, and wearing a slouch hat", p. 156. See further the imaginary malefactor in Jack Black: *You Can't Win*, described as "short, stout, red-headed man with a broken nose." p. 320 . . . Stuttering seems to speak in your favor. "He was a

are reported to the police with greatest positiveness and frequency.⁷¹ Stereotypes of the suspect⁷² are ready in the brain of millions; they vary very little, are reproductions of their own apprehensions and come out like the cuckoo in a clock whenever deep agitation has opened the locks of our subconsciousness. Let us be on our guard against them.

IV

Before we judge a man as an individual we gauge him by genus and species. In default of more information we distinguish roughly between our own clan, tribe, community and country and strangers, foreigners and aliens. In all languages these terms have a geographical and a moral connotation. Strange means queer, peculiar, eccentric, unaccountable.⁷³ The foreigner is a danger for the reasons Rudyard Kipling has masterly expressed:

“The Stranger within my gate,
He may be true or kind,
But he does not talk my talk—
I cannot feel his mind.
I see the face and the eyes and the mouth,
But not the soul behind.”

“The man of my own stock
They may do ill or well,
But they tell the lies I am wonted to,⁷⁴
And are used to the lies I tell . . . ”

In primitive tribes children are told never to eat food given by

pale-faced fellow of the angelic-looking type, and to add to his seeming harmlessness he stuttered whenever he spoke.” James Spenser: *Limey Breaks In*, p. 169.

⁷¹ In a Denver murder case an official of the Colorado National Guard reported “that a car bearing Arizona license plates had whizzed past the rifle range, guard headquarters, west of Denver, bearing a struggling, gagged, and bound girl. A swarthy man drove the car, the official said.” *Denver Murders*, edited by Leo Casey, p. 173.

In the payroll murders for which Sacco and Vanzetti were sentenced witnesses testified “the murderers were swarthy of complexion and appeared to be Italian.” Sullivan: *Our Times* vol. VI, p. 173. When the great dynamite explosion occurred in the New York financial district on Sept. 16, 1920, a horse-drawn wagon was driven into the street containing the dynamite. The driver was pictured as swarthy and fair, tall and short, heavy and light, foreigner and American. *Ibid.*, VI, p. 177.

⁷² Such preformed personifications of our fears and hatreds come monotonously to light in many psychoses. Between the pathological and the normal manifestations of these “frozen” suspicions there are only variations of degree, and there are imperceptible transitions. Many mob outbursts are borderline cases.

⁷³ “Strange women” is the term of the Bible for prostitutes.

⁷⁴ *The Stranger*, Rudyard Kipling's Verse, Inclusive Edition, Doubleday, Page and Co., Garden City 1927, p. 619. The poem ends this way:

“The Stranger within my gate, He may be evil or good,
But I cannot tell what powers control—What reasons sway his mood;
Nor when the Gods of his far-off land May repossess his blood”.

a stranger.⁷⁵ Uzlender, or outlandish people was one of the names of the hangman in mediaeval Germany. Other terms have an oriental root⁷⁶ and the reasons mentioned by Thomas and Znaniecki for the taboo on skin-dealers, butchers, grave-diggers and executioners in Poland⁷⁷ may have applied in former times to Middle Europe. American studies have shown that even today real hostility is felt toward strangers or outsiders who are sometimes called "foreigners."⁷⁸ Because of this shunting of strangers, national and racial groups have their particular buncos in which Negroes cheat Negroes, Italians other Italians and so forth.⁷⁹ The stranger is the first to be suspected when a crime is committed. When the Borden murder became known in Massachusetts the "usual crop of . . . tramps and vagrants, of 'foreigners' and other guilty looking persons was more prolific than ever."⁸⁰ The stranger has to defend himself against a special handicap. When it comes to the question of identification the broad national or racial traits are remembered and the individual identification is lost in a general recollection. This happened in the famous Beck case; Beck was confused with another German of Jewish descent who called himself Smith. Both spoke English with a foreign accent.⁸¹ In a well known British case (1754) thirty-three witnesses swore that a certain gypsy was in Dorsetshire at the time of the robbery. Twenty-five other witnesses swore with equal assurance to have seen her simultaneously in Middlesex.⁸² What they had seen was a type, not an individual, a gypsy but not that one gypsy under investigation.

There are on the other hand groups who give their real or fictitious members the powerful protection of good will and deferential esteem. Collective respect furnishes us a strong safeguard from suspicion. The religious sphere extends a defensive magic circle to all who belong to it from the humblest churchgoer to the highest member of the church hierarchy. Suspicion does

75 "Children generally reacted with fear to strange objects and persons." John W. M. Whiting: *Becoming a Kwoma, Teaching and Learning in a New Guinea Tribe*. Yale University Press, New Haven 1941, p. 39.

76 Else Angstmann: *Der Henker in der Volksmeinung*, Bonn 1928, pp. 10, 11 and 31.

77 William I. Thomas and Florian Znaniecki: *The Polish Peasant in Europe and America*, Alfred A. Knopf, New York 1927, vol. I, p. 226.

78 James West: *Plainville, U.S.A.* Columbia University Press, New York 1946, p. 53.

79 MacDonald: "Crime Is a Business", p. 3.

80 Pearson: *Studies in Murder*, pp. 44 and 45.

81 Thomsen: *Story of Scotland Yard*, pp. 213-216. Only after years of confinement it was found out or was remembered that Smith had undergone the rite of circumcision, Beck not; so they could not be the same.

82 C. St. Kenny: *Outlines of Criminal Law*, Cambridge 1946, p. 399.

not easily dare to approach it. The criminal is quick to recognize and exploit the situation. There was a famed gambling house in Chicago, called the House of David. The clever manager, Billy Fagan, had a room which was safe not to be raided with a sign over it: "The Rev. Mr. —, Prayer Meeting and Gospel Services."⁸³ London pickpockets sometimes work in the disguise of clergymen. Sutherland's professional thief tells the same story from New York.⁸⁴ Church affiliations play a large role in Italian buncos.⁸⁵ Even in India criminals like to disguise as holy men or as priests.⁸⁶ On the other side law enforcement officers have been known to use the same protective device to arrest dangerous criminals.⁸⁷ When a criminal wants to describe the finest physical and mental appearance in an admired pal he compares him with a minister, thereby showing that he is succumbing to the same idea of immaculate excellency.⁸⁸

When the Reverend Clarence V. T. Richeson in Cambridge was under investigation "the police and district attorney, with that respect for the cloth which is as natural to the official classes as pomp to a courtier, believed the man, and let him go."⁸⁹ Later on he was taken again into custody and sentenced. After having been expelled from his church he went to the electric chair.⁹⁰ Similar hesitations and doubts were met in the murder case of Mrs. Phennie Perry in New York (1937). When it became known that one of the suspects was deacon of a church the investigating officer "groaned at the information. . . . If a

⁸³ Lloyd Lewis: *Chicago, History of a Reputation*, Harcourt, Brace and Co. New York 1929, p. 236.

⁸⁴ "Another time I was riding in the subway in New York when I felt a hand in my right prat (hip pocket). I rounded to see who he was. Right behind me was a rabbi-looking Jew with a long beard and a black alpaca coat. He was standing there with his arms folded across his breast, looking very benevolent, and I decided I must have made a mistake. But a few days later I was over on the East side and there was this Jew who was pointed out to me as one of their best mocky cannons." *The Professional Thief*, edited by Sutherland, Univ. of Chicago Press 1927, pp. 11, 12.

⁸⁵ MacDonald: "*Crime Is a Business*," pp. 16 and 20.

⁸⁶ Sir Edmund C. Cox: *Police and Crime in India*, London 1925, pp. 240 and 243.

⁸⁷ Sheriff Tighman, "dressed as a preacher, in a black frock coat and derby hat" arrested the outlaw Doolin. Sutton: *Hands Up*, p. 204.

⁸⁸ There is no better proof that even criminals believe in the "sanctity" of preachers than the following picture of "Sanctimonious Kid," a professional burglar by one of his pairs: "Years after I saw him in the dock of a crowded court room in a big city. His head was the finest, his face the handsomest and his poise the surest of any there, from the judge down to the alternate juror. His nose, eyes and forehead might have been those of a minister or divinity student." Jack Black: *You Can't Win*, p. 110.

⁸⁹ Smith: *Famous Poison Murders*, p. 281. He "looked at the world with reposed and pleasant eyes. He was a good looking fellow and one, moreover, whose pale, spiritual face suggested anything but the killer or the libertine." P. 288.

⁹⁰ *Ibid.*, p. 290. Before that he had emasculated himself in a fit of depression.

churchman was involved he knew he would have to move slowly."⁹¹

The uniform as a symbol of glorified physical violence and fearless subjugation and conquest is another condition which suppresses suspicion by the sheer weight of the positive feelings involved, admiration, gratitude and respect. A most successful swindler came forward as a chaplain,⁹² a Lieutenant Commander or an army Lieutenant. The thief, Netley Lucas, achieved what a much more experienced female crook had not been able to do. "I, with my 'baby face' and apparent boyishness, and I hate to add, my uniform, found out in a single evening."⁹³ He introduced himself to Mrs. V., the owner of the priceless diamond necklace, as a South Africa Navy officer. In a recent Swiss case a moron, suffering from deep pangs of inferiority decided to buy an air corps officer's uniform and to be a hero. Enthusiastic people, clergymen, old ladies, saloon owners and shopkeepers loaned him whatever he wanted till he was arrested and all the glamour came to an end.⁹⁴ For a short while the fetish had operated and no one had dared to suspect the worthy, or better the sanctity of the uniform. There are more such taboos in the case of Chief Justice McGannon of the Municipal Court of Cleveland, who was acquitted in a murder trial and sentenced for perjury and for having brought about this acquittal by perjury, we hear that the police was extremely slow in suspecting the highly placed jurist of a crime.⁹⁵

V

The prevailing standards of respectability and suspiciousness rest on the conditions and experiences of a past culture. They still reflect a rural, immobile, non-anonymous world and the pre-machine age. The "early bird" tenet does not fit any more in the time of night-shifts. Comfortable circumstances, so persuasive and reassuring to many neighbors, do not mean that they always are the result of hard and honest work. We know of a burglar who went early to bed, was regarded as a model citizen

⁹¹ Edward D. Radin: *The Perry-Palm case in New York Murders*, edited by Ted Collins, Duell, Sloan and Pearce, New York 1944, p. 194.

⁹² Collins: *The F.B.I. in Peace and War*, p. 97.

⁹³ R. L. Dearden: *The Autobiography of a Crook*. The Dial Press, New York 1925, p. 75.

⁹⁴ Emmy Moor: *Der Gerichtssaal spricht*, Zuerich 1944, pp. 18-22.

⁹⁵ " . . . The inspectors were completely satisfied with McGannon's story; it was the story they wanted to hear. No one wanted the embarrassing job of explaining the presence of a judge of McGannon's standing at the scene of the shooting, no one, least of all a policeman, would have doubted one word of the judge's statement." Charles and Dorothy Bodurtha: *The Kagy Case* (1920) in O. W. Bayer: *Cleveland Murders*, Duell, Sloan and Pearce, New York 1947, p. 104.

and left his home at one o'clock in the morning to crack safes. The conformity we like so much, the synchronization of our ways of life which we have set forth as the ideal conduct of the common man, has been fashioned into a deceptive weapon of the criminal. An eminent gangster left his apartment at the same hour in the morning as his neighbors did and returned at the same hour in the late afternoon. His clever technique earned him the protective label of respectability.⁹⁶ His landlord stated that the gangster was a "dream" tenant, always paid his rent on the first, and never held late parties.⁹⁷ Whilst we are all sinners, the day may come when the model citizen, as far as strictest adherence to external standards goes, may have sought refuge in the appearances of the professional criminal. To a revised sociology and psychology of suspicion excessive correctness will again become something alarming.

There are other complexities. In a trial of two noted homosexuals, neighbors disapproved of their playing the piano on Sundays, but praised one of them for "always being home in good time at night."⁹⁸ There is a definite ambivalence about this affirmative attitude. It is the same with those hard-working bank employees who are so popular because they never take vacations; they have to cover up defalcations.⁹⁹ It seems to be necessary therefore that we re-examine and revise our rigid notions of the suspect, first in life and then in the practice of law-enforcement. There is no "double-life," only bad psychology.

⁹⁶ Fred. Collins: *The F.B.I. in War and Peace*, p. 185.

⁹⁷ *Ibid.*

⁹⁸ Case Boulton and Park (London 1870) William Roughead: *Bad Companions*, Duffield and Green, New York 1901, p. 165. In two and a half years he "had never been absent one night. He gave dinner parties". *Ibid.*, p. 173.

⁹⁹ Virgil W. Peterson: *Why Honest People Steal*. This Journal vol. 38, 1947, p. 102.