1970

Book Reviews

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Recommended Citation
Available at: https://dsc.duq.edu/dlr/vol9/iss2/17

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One sincerely hopes that the time has come for the idea of prison reform, in the sense of the well-known aphorism that the greatest force in the world is the power of an idea whose time has come. There are indications that perhaps the time has indeed come. The tremendous prestige of the office of Chief Justice of the United States has been thrust forward in support of reform of our correctional system. Chief Justice Warren S. Burger has called for it publicly on a number of recent occasions, including a speech before members of the American Bar Association in Atlanta in February, 1970. Governor Raymond P. Schafer of Pennsylvania has similarly called for corrections reform in his address before the annual meeting of the various state governors in August, 1970. So also has the widely renowned psychiatrist, Karl Menninger, in his recent, authoritative book, The Crime of Punishment.1 And as but one more example, "Prison Reform in Pennsylvania" was one of the scheduled topics for consideration at the 1970 annual meeting of the Pennsylvania Conference of State Trial Judges.

The authors of An Eye For An Eye thus join eminent company in treating the subject of prison reform, or corrections reform, or whatever other title, euphemistic or otherwise, which one may choose to assign. These authors, however, present strikingly different biographies, all four of them being inmates of the Indiana State Prison serving long sentences for felony convictions. In the preface they present their credentials for writing the book in these words: "Taken together, we have served more than fifty years in a dozen different prisons on charges ranging from burglary to forgery, from armed robbery to kidnapping."2 They also state that the book is a "series of essays, profiles and sketches."3 Each of the twenty-two chapters is written by one or the other of the four, rather than as a joint effort.

The authors call the present state of affairs in corrections in this country appalling, and assert that the prisons of the country "are in

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3. Id. at xi.
reality catacombs of misery and perversion, cauldrons of bitterness and hatred that must be torn down and replaced with scientifically oriented centers of social readjustment." Author Tromanhauser concludes that measured by any standard the American penal system is a scandalous flop, with two-thirds of the population of the nation's correctional institutions being repeaters who have previously received the prescribed treatment, but without success. He asserts further that words like "reform," "resocialization" and "rehabilitation" are fakes, and he specifically analogizes their use to the think-speak described by George Orwell in his 1984. He further makes the reader somewhat uneasy when he suggests that the whole concept of rehabilitation in the field of corrections is a "huge sham and a great fraud," and that "while all the talk about rehabilitation goes on and on and on, the whole system keeps right on doing what it has been doing for a century—demeaning, degrading, dehumanizing and punishing." His personal conclusion is that American people want things that way, that the people need an "easily identifiable group whom they can look down upon, feel superior to, castigate, segregate, and inflict emotional, psychological, and physical punishment upon." He suggests that the public uses this as an active catharsis to expunge their own guilt feeling.

He also sees a paradox in society's treatment of the confined criminal. "Society admonishes us to seek socially approved goals! But society does not provide socially approved access to the goals or the means to achieve these goals in the prisons. They teach the prisoner to hate and ask him to love. They strip the prisoner of all responsibility and ask him to be responsible. They degrade the prisoner and ask him to have some self-respect. They teach a man how to make license plates or wield a broom, then say they've given him a trade, toss him out the front gate with twenty dollars in his pocket, and say—survive!"

None of the authors suggests that he should not have been sent to prison, nor does any say that he did not commit the crime or crimes for which he has been convicted, or that he did not receive a fair trial, although there is a discussion with a sadly familiar ring about the much less effective representation of defendants in criminal cases by appointed lawyers, as opposed to lawyers privately retained and presum-

4. Id.
7. Id.
8. Id.
9. Id. at 26-27.
ably paid adequate compensation. The chapters of the book cover a wide range of subjects, including, for example, the first day in prison, the prison staff and administration, education and athletics in prison, and religion.

Of particular interest to this reviewer was the chapter on disparity of sentences, for one of my earliest judicial experiences was the shock of encountering the great disparity in views of judges who impose sentences in criminal cases. That first experience occurred at a sentencing institute conducted under the auspices of the Philadelphia Crime Commission and attended by a large number of state trial judges from the western counties of Pennsylvania. The experience was repeated subsequently with the exact same widely ranging sentence variety among judges from all over the United States at a summer course held at the National College for State Trial Judges. In each of these instances, the judges were given a number of case histories and asked to write down the sentences that they would have imposed had those cases come before them. The results were then made known to all of the participating judges and were found to be startlingly divergent. While the lunch table discussions of a group of lawyers and judges may be able to point to philosophic views, practical experiences, and other factors that may account for the disparity, the authors of An Eye For An Eye point out that these factors make little sense to the country boy who is doing 10 to 20 years for what looks to him like the same offense for which the city boy in the next cell is doing 2 to 5 years.

In recent years the American Bar Association has officially turned its attention, and asked the members of the profession to give their attention, to all the problems in the field of criminal law enforcement and corrections. Recently, the association spoke editorially in its journal as follows: "It is gratifying indeed that the American Bar Association is now making the entire correctional system, including prison reform, a subject of major concern—a concern that should rapidly filter down to all state and local bar associations for a master assault on our greatest menace: crime in all its forms." That same editorial quotes Chief Justice Burger as pointing out that when the sheriff transports the convict to confinement, this is our act and that, whether we like it or not, we have made the convict our collective responsibility, that we are free to do something about him, while he is not, and that if we fail, the bell tolls for all of us.

An Eye For An Eye is a contribution to the literature in the field of prison and corrections reform that adds the viewpoints of four long-time inmates, written in a highly readable fashion. As with all problems, there are suggestions for solution. Author Griswold offers his proposed solution in these words: "So it is with crime: we must sanction selective birth control, eliminate poverty, do away with slum and ghetto areas, close the cultural lag—that area where social institutions such as the church, the school, and the government lag so far behind technological and scientific advancement—do away with the outmoded means of handling those who are caught violating the law, abolish for all time the grisly, inhuman practice of capital punishment, which begets an atmosphere of violence that can only regenerate the taking of human life . . . and, last but by no means least, come to realize that the man who falls by the wayside is indeed our brother, who, if not helped, will become a burden many times over."

As with all good things, a significant reform will require great amounts of money. Historically, and quite understandably, the convicted criminal has not fared too well in the competition at all levels of government for a share of the tax dollar. On the state level he competes with education and public welfare. On the national scene he competes with the military and a literal host of other groups, each of which is much more effective politically than is the man in prison. However, if indeed the idea's time has come, then so will the money.

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Dr. Frances Smart died before completing this book. It was finished by her close friend, Miss B. Curtis Brown, from notes, papers and speeches of Dr. Smart.

The antecedents of crime has long been a topic for much research and discussion. This book is another of many in this area but with a different approach. Dr. Smart, however, with her depth of background, presents a view of psychotherapy in prison from her position as a Visit-
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ing Psychotherapist at Wormwood Scrubs (an English Prison). Her experiences in treating prison inmates prompted this work. Regretfully, as she repeatedly states, there was not opportunity to "follow up" the persons treated after their discharge from prison.

Whatever may have been the thinking of an earlier day as to the root causes of crime, it is pointed out by Dr. Smart that the etiology of crime has its origin in social, biological and psychological factors; each of these constitute a specialty field in itself; that there is no one cause of crime, there are many causes, all interrelated, although one factor may predominate in any individual case.

From Dr. Smart's studies and personal work, she was of the belief that anti-social or delinquent behavior stems from neurosis; that delinquent behavior is closely related to emotional immaturity and in this respect it is equivalent to neurosis. She flatly states, "Delinquency is a symptom of a neurotic state: there is no qualitative difference between neurosis and crime".

What lies behind this emotional immaturity, this anxiety, this insecurity, this neurosis was what Dr. Smart said had to be investigated and this is what she did with her inmate patients. The conclusion that one reaches from her "investigating" the psyche of prisoner patients is that, with few exceptions, delinquent behavior has its origin in infancy under the domination of the mother or father with primary emphasis on the mother influence. It makes one wonder whether in this age if the young mothers and mothers-to-be have the emotional stability and maturity which is so necessary and important for the mental health of the children and adults of tomorrow.

Dr. Smart sets forth her investigative techniques, case histories, successes and failures in this all too short treatise. As a book for the layman its vocabulary and conception is too sophisticated; for the sociologist, the psychologist, the psychiatrist, the criminologist and other experts dealing in the realm of crime and the criminal offender, it is a significant contribution; for the legal profession and especially judges meting out punishment to offenders against the social order, it is obvious that they are still in the dark ages in dealing with crime and the criminal delinquent.

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If a couple of pictures with titles like "Night Riders" and "The James Boys" wind up in court with censorship problems, we know what they are about, right? Well, not over sixty years ago. We've come a long way, baby. And Richard Randall's Censorship of the Movies: The Social and Political Control of a Mass Medium tells why, and how far. The first edition came out in 1968, and we've come some since then too. "Catch-22" with full frontal nudity, fellatio, and words that give the flap over "virgin" in "The Moon is Blue" way back in Nineteen-Ought-Fifty-Three and Alice in Wonderland quality, is not only given general distribution, but does not even receive an "x" rating.

The subtitle, The Social and Political Control of a Mass Medium, raises some nice McLuhanesque questions. Since the medium is the message, or even the massage, were films being controlled, or were they ultimately the controller? Randall, probably wisely, does not probe into that marshmallow. What he does, however, he does well. The book is encyclopedic and as such is excellent reference material for films and censorship. Notwithstanding a rather descriptive chapter on "Obscenity and Classification" it has redeeming social value.

In terms of control Randall catalogs the two areas, legal and extra-legal-formal censorship by government and the informal routes of self regulation and community pressure. The collapsing of the dams in both areas came at about the same time, and probably as a result of the same, unarticulated pressures. In a chapter aptly entitled "From Business to Speech" the event in the "legal" area is the granting of some aspects of first amendment protection to the film medium. The particular film—"The Miracle"—and the standard of censorship—"sacrilegious"—indicated pretty clearly that the content of the medium was more than just entertainment. The days of effective self regulation began to be numbered with the commercial success of "The Moon is Blue" in 1953 and "The Man with the Golden Arm" in 1956, both exhibited without a seal. Seals of approval were also refused for "The Pawnbroker," "Who's Afraid of Virginia Woolf," and "Alfie," although the denials were re-

1. See Block v. Chicago, 239 Ill. 251, 87 N.E. 1011 (1909).
versed on intramural appeals. The Motion Picture Code was subse-
quently revised. Obviously!

Even to the casual film fan, the attempt to ban such pictures and the elimination of the basic dramatic motivation of homosexuality from "Tea and Sympathy" and "Cat on a Hot Tin Roof" was worse than quixotism. It was worse than a Puritan morality based on the abiding fear that somewhere someone is enjoying himself. It was a naked at-
ttempt to prevent the dissemination of ideas not understood by those suppressing films, through a medium that had already gained public acceptance. And the energy of the censors may be attributable more to the form of the medium rather than its content. The acceptance of the medium generally by the public not only guaranteed victory in court where the expression of ideas is concerned, but at the box office where simple entertainment may be concerned.

The irony is that the reaction to the attempt to censor ideas has led to the success of "exploitation" films, generally playing at Drive-Ins of all places—and for reasons that do not need elaboration here. "The great victories already won for freedom of speech in the movies have resulted in much in their content that is beyond the level of accept-
ability of a large part of the population. These free speech victories have applied to the entire population a standard that, at least in terms of the tolerance it demands, is essentially elitist."¹³ Randall says the legal battles are over and that "censorship is in large measure a social and political problem."¹⁴ But it is plain that politically and socially we are quite different from what we were twenty years ago, or even two years ago when this book first appeared. And maybe that's because the movies are different. The previous political and social control that Randall catalogs so well, I suspect, will not be effective.

"I lost it at the movies," the old saying was. About time too, for what was lost was intolerance. Maybe we lost something good too, but movies aren't mandatory. And they're not the "Beverly Hillbillies" either.

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4. Id.
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