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Illogical variations in sentences of felons committed to Massachusetts state prison

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BOSTON UNIVERSITY

GRADUATE SCHOOL

Thesis

ILLOGICAL VARIATIONS IN SENTENCES OF FELONS COMMITTED
TO MASSACHUSETTS STATE PRISON

by

Harold Edwin Lane
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Approved

by

First Reader . . . *Albert Morris* . . .
Professor of Sociology

Second Reader . . . *Casper G. Bacon* . . .
Professor of Government

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ILLOGICAL VARIATIONS IN SENTENCES OF FELONS COMMITTED TO
MASSACHUSETTS STATE PRISON

CHAPTER I

INTRODUCTION

The principal objective of a sentence to a penal or correctional institution is the protection of society. Whether such protection is sought in the segregation of the offender, the subsequent reformation of the individual offender, or the deterrence of the offender from further crimes by inflicting severe punishment, or the deterrence of other potential offenders in the community, the general and underlying objective of sentencing is the protection of society. This presumably has been the objective since the establishment of prisons in the late sixteenth century. And though it has been said that the modern prison is often not much better than the seventeenth century combination of poorhouse, jail, and madhouse, it is nevertheless true that imprisonment first made possible the scientific study of the individual offender who had previously been subject to casual observation, only in the fleeting period between his crime and his execution.¹ Although this study as a routine, comprehensive procedure has only begun in very recent years in a few places in the United States -- in Massachusetts in 1931--there is enough source data now available to check whether our present practice of imposing prison sentences is logically geared to the main purpose of sentences, namely: the protection of society. If an analysis of the source data discloses that each sentence to a penal or correctional institution is based upon and is consistent with a complete,

¹Hans von Hentig, "Punishment," Encyclopaedia of Social Sciences vol. XII, p. 714.

well-verified account not only of an offender's crime and his past criminal history but also his educational, employment, physical and mental health, and general family history, then it will be realized that under our present system of sentencing society is receiving the fullest protection possible. However, if the analysis shows that sentences have been imposed which apparently lack any logical basis, even with due allowance for the limitations of available facilities for handling criminals, then the disquieting facts will have to be faced and society will have to seek a remedy for its faulty criminal procedure to insure itself against such social and economic losses as are apparent when a fifth-comer to state prison receives a 2 $\frac{1}{2}$ -3 year term while a youthful first offender receives a 15-23 year term. The periodic imprisonment of a habitual offender, the repetition of offenses upon persons and property, and the depriving by excessive sentences of opportunities to youthful first offenders for possible successful community adjustment, are factors which not only increase costs of correctional administration but also cause losses to society in the form of injuries to persons and property or in the form of social disorganization resulting from failure to cull out those offenders who offer substantial rehabilitative prospects.

CHAPTER II

ANALYSIS OF 333 SELECTED CASES OF ILLOGICAL VARIATIONS IN SENTENCING

For the purpose of this study the extensive data and case histories on all inmates sentenced to Massachusetts State Prison during a recent five-year period were used.¹ This particular period was chosen because the case records compiled by the Division of Classification of the Massachusetts Department of Correction are most complete and well-verified. (Prior to the establishment of the Division of Classification case records are relatively meager and unverified.) Of the 1,661 total commitments to Massachusetts State Prison during this five-year period, a total of 333 (or 20.04%) of the cases were selected for intensive study upon the following basis: if an inmate's sentence appeared to have a logically explainable connection with and to be justified by the facts of his case history, it was regarded as commendable but not worth further study; however, if an inmate's sentence appeared to have no logical relation whatever to the facts of his case history, or if compared with the sentence of another offender it showed a puzzling contrast, it was chosen for special study and hence included in the above total of 333 such cases. It can be assumed, therefore, that the remaining 80 per cent of the cases in this five-year study contained nothing remarkably illogical or unexplainably varying so far as sentences are concerned.

For convenience of reference, the 333 cases were classified as follows:²

¹The five-year period is not identified in this paper in order to preserve the anonymity of the inmates involved. The identity of the period is known to Professor Albert Morris.

²See Appendix #1 for list of actual offenses in each group heading.

<u>OFFENSE</u>	<u>NUMBER OF OFFENDERS</u>
Burglary	113
Robbery	86
Sex	49
Forgery and Swindling	20
Felonious assaults	19
Carrying weapons	12
Miscellaneous	34
	<u>Total 333</u>

First and perhaps foremost of the results revealed by an intensive analysis of the 333 cases selected is the fact that many dangerous, habitual and professional offenders received too short a sentence to protect society adequately (i.e., a sentence shorter than what a careful prognosis based upon verified facts of the case history would indicate). For example, at least seventy-two (or 64 per cent) of the 113 burglars classified above were of the habitual and professional type.¹

¹The following definitions were compiled for research use by Frank Loveland, Jr., formerly Director of the Division of Classification of the Massachusetts Department of Correction. If an offender is known to have committed offenses on the average of one or more a year while at large, he falls into the habitual class. It does not mean that he must have appeared in court more than once a year, but rather that the total number of offenses for which he has been convicted or has admitted (including the present series) should average one a year. If the offender has served more than one sentence in a major institution, that is, a state or federal prison or reformatory, or more than three sentences in minor institutions, that is, a juvenile or county institution, or state farm, or a sentence in a major institution and one or more in minor institutions, he is classified as an habitual offender. A professional offender is one who gains the major portion of his support or attempts to gain the major portion of his support from illegal activities, either predatory offenses or by an illegal occupation. If, for example, the offender holds legitimate employment but uses this employment as a "blind" for illegal activities or to assist him in engaging in illegal activities, he is classified as a professional offender.

More than 50 per cent of these habitual and professional burglars received as the maximum part of their sentence five years or less, while many received as a minimum sentence two and one-half years which is the shortest possible State Prison sentence for any offense.¹ Except in certain instances where a maximum term of twenty years is permitted, the Massachusetts statutes for most types of burglary permit a maximum term of ten years. For the purpose of illustrating graphically the apparent illogic in sentences imposed, the case histories of nine typical habitual and professional burglars have been summarized. These are as follows:

Illustrative Case Histories of Habitual Burglars

Case #1.

Subject, age twenty-seven, on his first commitment to State Prison, is an unmarried Negro, who was born in Norwell, Mass., on March 31, 1905(v),² of parentage reflecting alcoholism, immorality and industrial instability. He made his first known court appearance in 1917 when, at the age of twelve, he was committed to the Lyman School for Boys for larceny. Prior to that time, he had been a State ward since the age of one, and had been reared in several foster homes. During the four years following his commitment to the Lyman School, subject was returned to that institution on four occasions for parole violation and was finally transferred to the Shirley Industrial School for Boys. From that time down until the time of his first commitment to Massachusetts State Prison, subject served four commitments to the House of Correction, and two commitments to Massachusetts Reformatory, totalling six years and four months. The offense for which he was first sentenced to Massachusetts State Prison was the burglary of a Boston home resulting in the theft of a diamond ring, a watch chain, various small items of jewelry and a penny bank containing 168 pennies. Following his arrest, subject was able to return all the stolen goods except the diamond ring which he claimed to have sold to some unknown person for twenty-five cents. Having served three years of his 3-5 year sentence, subject was paroled from Massachusetts State Prison, going to live with a Roxbury woman who has a long criminal record for drunkenness and for being idle and disorderly and who also is the half-niece of a State Prison inmate. Less than eight months after his parole, during which time he was reported as working at odd jobs

¹State Prison sentences for less than two and one-half years are occasionally imposed by the Courts for escaping from prison. These sentences are usually consecutive; that is, they run from and after the expiration of the original State Prison sentence.

²The symbol (v) means data verified.

off and on, he was arrested on a charge of robbery. Subject, in company with a codefendant, had intimidated a Roxbury woman store proprietor into turning over to him the nine dollars in cash which was in the store cash register. No weapon or violence was used in this offense. Subject's codefendant, as a result, was sentenced to Massachusetts Reformatory for five years indeterminate, while subject was again committed to Massachusetts State Prison, this time receiving a 4-6 year sentence, one year more than he had received when previously sentenced to State Prison. In view of subject's very persistent criminal record since 1917, undeterred by nine previous commitments to correctional institutions, and in view of his industrial instability, his lack of home or community ties, and his possible history of epilepsy, subject can be definitely classified as an habitual offender whose prognosis for adjustment in the community is extremely poor. From the point of view of affording protection to society, subject should be held in custody permanently. Subject is of low average intelligence, (I. Q. 88).

Case #2.

Subject, who is white, was born in Boston, Mass., Dec. 26, 1870, of an Irish mother and a father whose nativity is unknown. When subject was only three years old his father died, leaving the mother to support subject and his sister, as well as two children by a previous marriage. Although his mother remarried, subject's stepfather was an alcoholic and a poor provider and died before subject was ten years of age. At about this time, subject became involved in his first delinquency and was sent to a reform school for about a year, being returned there for about two years before reaching the age of fourteen. Then, beginning at the age of sixteen, with a commitment to Massachusetts Reformatory for forgery, he began a criminal career which has caused him to spend at least twenty-eight years, or three-fifths of his last forty-five years, in penal and correctional institutions. These confinements have included two commitments to Mass. Reformatory, four commitments to Massachusetts State Prison not counting the present commitment. One parole from the Reformatory and one parole from State Prison have each been revoked. Between the ages of forty-three and fifty-one, he avoided imprisonment but was convicted fourteen times for drunkenness and was placed on probation for breaking and entering. Except for that eight-year period, since the age of sixteen, he has never spent slightly over a year consecutively in the community, except for a two-year period just preceding his present arrest, and during the latter period he was forced to spend five months in a public charitable institution. His offenses have included drunkenness, carnal abuse, assault to rape, forgery, and burglary, three of the latter offences (including the present offense) resulting in State Prison sentences. Subject's present offense occurred at night when he cut through the wall of a charitable mission society to gain entrance to a dress shop where he had been told by an accomplice (who was not caught) that there was a large sum of money. He found no money but stole ninety-two dresses valued at \$2.25 each, and only fourteen of these were recovered. He was arrested for this offense and a few days later received the present sentence of 2½-3 years. Subject's criminal career has, of course, precluded any opportunity for steady work. Except for odd jobs as janitor, porter, sectionhand, laborer, and general repairman, which are for the most part un-

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verified employments, subject's only satisfactory verified employment was his service of six months in the Canadian Army, serving in England during the World War. He made a forced marriage in 1897, but his wife later divorced him with his consent because he was serving another State Prison term. Their only child died at three. At the time of his most recent commitment to Massachusetts State Prison subject had no family ties. His intelligence is regarded as low average (I. Q. 85) and his behavior while at large in the community has consistently demonstrated that he is a confirmed criminal who obviously requires permanent custodial care.

Case #3.

Subject, age thirty-two, the youngest of three children of German-Irish descent, was born in Boston on June 20, 1900 (v). When he was four years of age, his mother died of tuberculosis. Soon afterwards, subject and his two siblings were placed in the Boston Home for Destitute Catholic Children because of their intemperate father's neglect. At the age of six subject was placed in a foster home in Lawrence where he remained for six years. However, this foster home supervision was not enough to deter his petty pilferings nor to prevent his gaining a reputation for being a wild and untrustworthy boy. By the age of twelve, subject had become such a serious conduct problem that he was returned to the Home by his foster parents. During the following three years he was placed in various foster homes for short periods. At the age of sixteen, he was first in court for breaking, entering and larceny, and was committed to the Shirley Industrial School. His career since then has been one of continued criminality, his typical offense of breaking, entering and larceny resulting in sentences to Massachusetts Reformatory, Washington, D. C., Jail, United States Penitentiary at Leavenworth, and the Kansas State Penitentiary. Twelve of the sixteen years prior to his Massachusetts State Prison commitment were spent under sentence in the foregoing institutions. Because subject has been confined so much his industrial career necessarily has been very limited. However, during such short periods as he was free in the community, subject abused the trust of people for whom he worked or whose interest he secured, and frequently obtained money from them under false pretenses. After committing a series of larcenies from the rooms of students in Cambridge, and a series of burglaries in Wellesley, subject was apprehended and on conviction received his present sentence of 3 $\frac{1}{2}$ -6 years. Following his arrest, subject admitted that during the month of June he had committed approximately fifty burglaries. As an individual, subject is opinionated, self-centered, and entirely untrustworthy. Inclined to be boastful and overbearing in attitude, he will shrewdly simulate a more humble and contrite outlook if the situation warrants. In penal institutions he is known as a chronic complainer, a prison lawyer, and a fanciful letter-writer, harassing the officials to the limit, in order to attain his personal ends. Suspicious and cynical as well as self-sympathetic and self-justifying, subject is inclined to blame society for his anti-social career and frankly admits that he will probably continue to participate deliberately in criminal activities. Although he is of average mentality (I. Q. 108) subject offers a very unfavorable prognosis in view of his numerous liabilities as outlined above. He doubtless requires permanent custodial care. (Subject has since been committed to Massachusetts State Prison for burglary. His sentences on four burglary charges totalled 2 $\frac{1}{2}$ -10

years only.)

Case #4.

Subject is a thirty-three year old, white, unmarried offender, who was born in St. Imier, Switzerland, on Feb. 12, 1897, the youngest of six children of Swiss-French parentage. Although not a great deal is known about the members of his family, they appear to have been respected and well-educated persons. According to subject, he attended school in Switzerland until about the age of six until 1909 when, at the age of twelve, he came to the United States with his mother. During the summer of 1914, at which time he was about seventeen years of age, he tired of his home life and after stealing money and jewels from his mother, he ran away. He has never returned to his home since that time and has had very little contact with members of his family during the last nineteen years. On leaving home subject started for California, but on Sept. 6, 1914 enlisted in the United States Army in Ohio, with which organization he served as a private for eight months before being dishonorably discharged. From that time on, until 1929, he re-enlisted in the United States Army at intervals on four occasions and served a total of about two years and six months. During this time he received two honorable discharges and two dishonorable discharges, the latter being for fraudulent enlistment and desertion. Following completion of his first two short enlistments in the United States Army, subject went to California where, on August 20, 1915, at the age of eighteen, he made his first court appearance at Oakland on a charge of burglary. For this offense, he was committed to the Preston School of Industry, where he remained for about five months and then escaped. Four days later, he was arrested in Sacramento for burglary and he was re-committed to the Preston School of Industry on May 22, 1916. Since that time and not including the present offense, subject has been arrested in five different states on seven occasions for offenses of breaking and entering private dwellings and larceny of jewelry and cash. He has served thirteen months of a two-year sentence in Missouri State Penitentiary, six months in the Chicago House of Correction, six years and five months of a 1-20 year sentence at Illinois State Reformatory, one year of a 5-8 year sentence in Texas State Prison, and two years and three months of a 10-year sentence in Florida State Farm. Besides escaping once from a juvenile institution, he escaped from the latter two State institutions after he had served only small parts of relatively long sentences. On one occasion, when released in twenty-five-hundred-dollar bail from a burglary charge in Los Angeles, Calif., he absconded and was never apprehended for trial. Not including the time consumed awaiting trial, he has served a total of approximately twelve years in penal institutions prior to the present offense. It is interesting to note, therefore, that from the time of his first arrest in 1915, up to the time of his arrest for the present offense, a period of seventeen years and eleven months, he has spent a total of about fourteen years and five months either in penal institutions, in the United States Army, or in custody of the police, being at large in the community without supervision for only a little more than three years. Following his escape from the Florida State Farm, subject headed for Canada and about seven weeks later had worked his way to Massachusetts where he stopped at a Brookline rooming house. Less than one week later he committed the present offenses when, at about three o'clock in the morning, he broke into the home of a Brookline physician and stole personal property and

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money, the total value being forty-three dollars. The theft occurred in the bedroom where the physician and his wife were sleeping. Later, on the same morning, he committed two additional burglaries in private dwellings and was arrested by Brookline Police while attempting a fourth break. Subject was bound over to the Grand Jury by the local district court and was indicted by the Grand Jury on one charge of breaking, entering and larceny (three counts). Subject pleaded guilty to the indictment and was given his present State Prison sentence of 10-15 years on one count of the indictment. The other two counts were placed on file by the court. As an individual, subject is of average adult intelligence (I. Q. 97), and is characterized by a proud, shrewd, cautious manner. A psychiatric examination shows that he is not psychotic but that there is in his makeup a suggestion of being a psychopathic personality. In view of the fact that subject has never become a citizen of the United States, it has been suggested that one way to relieve the United States of the burden of caring for the individual would be to deport him. It is barely possible that this is what the sentencing justice had in mind by imposing only a 10-15 year sentence upon subject whose history has every indication that he is an habitual offender requiring permanent custodial care.

Case #5.

Subject, age forty-two, white and unmarried, was born in Cambridge, Mass., on October 5, 1891 (v), the second of ten children of Irish-born parentage. His father, a steady worker and a good provider, was a heavy drinker who, although never arrested for drunkenness, was on two occasions committed to state institutions, deluded and hallucinated from chronic alcoholism. His mother, an indulgent woman, had little control over her children's activities. Subject's three brothers have been delinquent throughout their lives, having long court records, and having served many commitments, while his sisters have also shown instability, one having been arrested for minor offenses on three occasions. Subject's parental home has always been located in Cambridge, Mass., and in 1897 he entered a parochial school in that city where he attended for six years completing grade five (unv). Nothing is known about his scholastic career other than his expulsion from school after completing grade five, because he was troublesome.

At an early age subject showed signs of becoming a behavior problem and on Sept. 7, 1905, at the age of thirteen, he made his first court appearance when he was placed on probation for larceny. Since that time, and not including the present offense, he has made twenty-two court appearances, mainly on charges of breaking and entering freight cars and larceny therefrom. He was first committed in 1906 when, at the time of his fifth arrest, he was committed to the Lyman School for Boys, and was later transferred to the Massachusetts Reformatory because he was such a serious conduct problem. On three occasions between 1911 and 1918, while under enlistment in the United States Army, he was convicted of misconduct by the military authorities, and for which he served three sentences in various disciplinary barracks. He was dishonorably discharged from each of his three enlistments in the United States Army, while his only enlistment in the United States Navy resulted in his receiving an undesirable discharge. In 1921 he was committed to Massachusetts State Prison on conviction of

larceny, and after being transferred to the Prison Camp and Hospital escaped from that institution. He was later apprehended and returned to Massachusetts State Prison where he finished his sentence. In 1924 on another charge of larceny he was committed to the House of Correction where he served a two-year sentence. In 1927 he was committed for a second time to Massachusetts State Prison, this time to serve a sentence of 4-5 years for breaking and entering a railroad car and larceny of goods. Since the time of his release from this second sentence until he was arrested for the present offense, subject made two court appearances and on one occasion was arrested as a suspicious person. The present offense occurred in Roxbury at about 2:35 a.m. when he attempted to break open a safe in a fuel company. He was apprehended at the scene of the crime by the night watchman and was turned over to the police. After being indicted on a charge of breaking and entering in the night time with intent to commit larceny, subject was found guilty, following which he was committed for a third time to Massachusetts State Prison, his sentence being 2 $\frac{1}{2}$ -4 years.

Subject is a co-operative and pleasant individual during interviews, but one who is extremely egotistical, boastful, untruthful, and insincere. Rather suave in appearance and glib in conversation, he has a way of impressing people that he is not sincere and that he is one who has been greatly wronged throughout his life. Industrially he has done very little work and while in the community has been dependent practically all the time upon his parents for support. The jobs which he has obtained have all been of the odd jobs and laboring type. He is of inferior adult intelligence (I. Q. 85), and his parental family remain very loyal to him, desiring that he return to live with them upon his release.

In spite of his fairly strong home ties, subject's prognosis is hopeless because of his industrial instability and his long record of criminal offenses and the lack of any deterrent effect of previous sentences. It is difficult to understand why the present lenient sentence of 2 $\frac{1}{2}$ -4 years was imposed upon subject as a third comer to State Prison, for according to the statutes a ten-year maximum sentence for this offense is permitted. However, on the basis of his past demonstrated behavior in the community, subject is not likely to be deterred from criminality even if he were under a ten-year sentence. Permanent custodial care appears to be the only possible way to protect society from his crimes.

Case #6.

Subject is a fifty-three year old Negro, of whom investigation has revealed nothing concerning his family or early life. He states he was born about 1879 at Macon, Ga., the older of two children of native Negro parents. His father was a farmer who managed to accumulate a little property and to make a comfortable living. Subject claims that he attended public school up to the seventh grade and then, induced by a desire to roam about the country and to escape from his father's tyrannical attitude, he ran away from home at the age of fourteen and became a tramp. From then down until about 1917 he worked at odd jobs such as a laborer, freight handler, hostler and driver, and truckman in various states, in the south and middle west. He first came to Boston, he claims, in June 1917, working as a freight hand and janitor until his arrest a year later on a charge of burglary. During this time in Boston he maintained a small gambling establishment and whenever he was in need of money with which to play he

would make nightly raids into various houses and steal money, clothing and jewelry. He would either pawn the goods or sell them to some participant in his gambling house. Through this method of raising money, subject was finally detected and placed under arrest. Three of his codefendants who pleaded guilty to receiving stolen goods had their cases disposed of by being allowed to enlist in the United States Army or the United States Navy. Subject was sentenced to Massachusetts State Prison for 5-8 years on six counts of breaking and entering in the night time. Although one month after his first commitment, subject was brought before the Superior Court again on a charge of breaking and entering and received a sentence of 2½-3 years in Massachusetts State Prison to be served from and after the previous sentence. Six years later subject was released on parole and obtained employment with a shoe manufacturing company, later with a construction company, and still later with a second construction company, resulting in steady employment for over two years while on parole. However, following his layoff from a construction company job, subject was apprehended by the Wakefield Police for breaking into and entering a house, having gained entrance through a window. In court he admitted several other breaks as well, and on Nov. 8, 1926, was sentenced for a second time to Massachusetts State Prison, his term being 2½-3 years. Following his parole from State Prison five years later (in addition to serving his maximum sentence, subject served a portion of his previous sentence for violation of that parole) and subsequently obtaining employment on a farm, he worked there about a year and a half. Then suddenly leaving his place of employment without permission of his parole agent, subject came to Boston where he claims to have worked in a furniture store for about a month. Later he was arrested by a Norfolk Police Officer as a suspicious person and upon being questioned at the police station readily confessed to making numerous breaks in Norfolk, Millis, and Franklin. When he was arraigned in Norfolk Superior Court, subject pleaded guilty to twenty-one counts of breaking and entering. He was sentenced to Massachusetts State Prison (his third commitment) for 2½-3 years, while the twenty other counts were placed on file. (One conclusion which seems inescapable is that increasing criminality merits diminishing penalties.)

Subject's previous criminal history as well as his borderline defective intelligence (I. Q. 75), are indications that he is a definite risk while at large in the community. Even though he may not appear to be a permanent custodial case (although advancing age and increasing economic dependency would seem to indicate otherwise), subject should in any event have a long period of parole supervision when and if he is released from Massachusetts State Prison. The present sentence of 2½-3 years is entirely inadequate for this purpose, and certainly affords society very little protection. (This inmate recently committed suicide after being taken into custody again by the police.)

Case #7.

Subject is a white, married offender, who was born in Worcester, Mass., on Jan. 20, 1890 (v), of mixed French, English and German parentage, the youngest of two children to survive infancy. As a child he was disposed to the influence of a hard-drinking and neglectful father, and he received little training from his mother who was obliged to work always in order to support the family. Thus subject grew up without proper supervision in a recognized delinquency area of Worcester. His schooling was scant, being

much interrupted by truancy. His inadequate home guidance and bad habits acquired from his delinquent companions soon brought him to the Worcester County Training School at Oakdale, where he served two terms, the first being for truancy at the age of ten. By the time of his final discharge, his home life was much improved by the mother's separation from his father; but it was apparently too late to divert subject from a lawless career. His criminal record began at the age of sixteen, and by the age of forty-one he had had sixteen convictions, all but one for some form of burglary. This includes convictions in Mt. Vernon, N.Y., Toledo, O., and St. Louis, Mo. His offenses have been ordinarily characterized by a great clumsiness in plan and execution. Most of them were committed in the daytime and in several instances subject was apprehended shortly after the crimes. Confinement has proved to be no deterrent to subject; between his first commitment in 1906 and his present commitment, he has spent about sixteen years and two months in institutions and only twelve years and four months in the community. This includes a period of about five years, between 1914 and 1919, when subject was evidently avoiding criminal activities. Since 1921 he has spent ten years and five months in prison (not including the present commitment) and three years and three months at liberty. Frequently his discharge from penal and correctional institutions has been followed closely by another arrest. He has served terms in Worcester and Norfolk Houses of Correction, Charles Street Jail, Massachusetts Reformatory and Massachusetts State Prison, workhouses in Toledo, O., and St. Louis, Mo., Maine State Prison, and Sing Sing Prison, N.Y.

Subject has married twice. He seemed to love his first wife quite genuinely; and under the influence of this feeling he tried for some years to live a decent life. Her infidelity was apparently responsible for his return to earlier habits. He married his second wife, a much older woman, on the expectation -- later proved empty -- that she would support him by an inheritance. Subject has had no children by either wife.

Subject is an easy-going individual without moral fibre or ambition. In spite of good working ability, he has at no time held a job long, except in the period when he sought most determinedly to make an honest living. He has used intoxicants excessively and has associated mostly with persons of dubious character. Subject is described as an exceedingly selfish individual. He is of average intelligence, and though his mother has declared his thieving tendency to be a "mania" and has sought to trace his lawlessness to head injuries suffered in boyhood, there is no evidence of psychosis.

In spite of his mother's loyalty and willingness to have subject live with her upon release, subject's prognosis is very poor in view of his profound incapacity to stay within the law, his confirmed alcoholic habits, and evidence of industrial instability as well as his lack of stamina. Society is best protected it seems, when individuals of this sort are in permanent custody. In the event of such an individual's release into the community, parole supervision for a long period of time is highly desirable. Subject's present sentence appears to be inadequate to afford either permanent custody or a long period of parole supervision.

Case #8.

Subject, age forty-three at commitment, the third oldest of six children of white, Catholic parents, was born in Boston on Nov. 5, 1891 (v). His father was a chronic alcoholic who died in 1929. His mother, who was devoted to her family, died in 1934. Subject's older sisters had poor reputations before their marriages and subject's youngest brother was a former State Prison inmate who is now under parole supervision. In 1930 subject married a divorcee of poor reputation who bore him two sons and who now refuses to have anything to do with him. His formal education is probably not above the fourth grade level although he claims to have completed seven grades of public school. The longest employment of subject which could be verified was for several weeks as a painter in a shipbuilding yard. Otherwise his employment history is negligible although he earned a living by bootlegging for about three years.

Since 1904 when subject was thirteen years of age and was committed to the Parental School, he has not been at liberty for more than a total of eight years, usually for less than a year at a time. He has served sentences in Lyman School, Massachusetts Reformatory, United States Penitentiary at Atlanta, Maine State Prison, Vermont State Prison (from which he escaped and was at large for six months), State Farm at Bridgewater, Mass., and Massachusetts State Prison. Beginning in 1932 subject became extremely alcoholic and continued as such, when not incarcerated, until he was sentenced by the Suffolk Superior Court for the present offense to prison, his term being 3-4 years, for breaking and entering a liquor store in the night time.

Subject is a sly, irresponsible, sympathy-seeking individual of borderline intelligence (I. Q. 75), whose persistent criminality and alcoholism, failure of previous incarcerations to act as a deterrent, and repeated failure on parole and probation, as well as industrial instability, make prognosis for future adjustment in the community extremely poor. At best, an individual of this sort, if released from a penal institution, should be supervised for a long period of time. Since he is a habitual offender, he probably needs permanent custody (which the statutes do not permit for the offense on which he was sentenced) in order that society may be best protected.

Case #9.

Subject, white, age 29 at commitment, the third of five children, was born in Athol, Mass., Sept. 5, 1906 (v). According to his mother, subject at the age of eleven, suffered from encephalitis lethargica and since then has exhibited abnormal behavior traits. He completed seven grades of public school and after the age of eleven became delinquent. A psychiatric examination made when subject was fourteen years of age indicated that he was irresponsible for his delinquent behavior although he had normal intelligence. At that time he was committed to the Lyman School, from which he ran away five times. The following year he was committed to the Worcester State Hospital and escaped from there on six different occasions. During these escapes he was arrested once in Vermont and once in New Hampshire for larceny. In 1923 (at the age of seventeen) subject was transferred to Bridgewater State Hospital for the criminally insane where

he remained six years. Less than one year after his release from the Bridgewater State Hospital he was committed to New Hampshire State Prison for larceny, and five months after his parole from there he served a term in a Vermont House of Correction. This was followed by his return to the New Hampshire State Prison for parole violation and later by a commitment to a New York State Hospital following an arrest for theft and an attempted suicide. Transferred from the New York Hospital to the Gardner State Hospital in Massachusetts, subject was released one month later. The present offense occurred two months after his release from Gardner State Hospital when subject broke into a Bernardston, Mass., home and stole food. He was also responsible for the theft of a bicycle from a Northfield, Mass., farm, at about the same time. For the latter offense, he received a five-months House of Correction sentence, and upon completion of that sentence was given the present Massachusetts State Prison sentence of 3-5 years, in Franklin Superior Court, for breaking and entering.

Subject's history discloses five different attempts at suicide, usually by strangulation, the last attempt being made in the Greenfield Jail while awaiting trial for the present offense. He is a highly nervous, excitable and emotionally disturbed individual who does not get along well with other inmates. He is a psychopathic personality without psychosis and has an I. Q. of 85. He is capable of being vicious, and his numerous and ingenious escapes in the past indicate that he is a definite security risk while under confinement in penal and correctional institutions. It appears from subject's history that he is probably an extremely psychopathic type of habitual offender who needs permanent institutional care in a mental hospital rather than a sentence (no matter how short or how long) to a State Prison.

Illustrative Case Histories of Habitual Robbers

An analysis of the eighty-six offenders falling into the robbery class, disclosed that twenty-six (or 30 per cent) were habitual or professional offenders who received either the minimum State Prison term of two-and-one-half years or other astonishingly short sentences. (For all types of robbery except that not armed with a dangerous weapon but which involves an assault with force and violence and with intent to rob or steal, the statutes permit a life sentence or any other term of years. Ten years is the maximum permitted for the one exception.) The following ten cases illustrate the inadequacies of sentences imposed upon this group of professional and habitual offenders:

Case #1.

Subject, the second of a family of three children, was born in Nashua, N. H., on Feb. 19, 1903, of native-born parents. The father, who died of general paresis in a mental hospital in 1913, provided inadequate support from his earnings as a hostler and the mother was forced to assist in maintaining the home by going out to do domestic work. Upon the death of her husband she worked in shoe factories and later operated rooming houses and boarding houses. Subject was removed from the sixth grade of school at the age of twelve because he was troublesome and during the following three years was under supervision in a Vermont institution for boys. Although he made no court appearances during that time, subject and several companions did come to the attention of the police, according to the superintendent of that institution. Upon his release in 1918, he returned to his mother in Nashua, N. H., and worked in local shoe factories for about one and a half years. Enlisting in the Army in 1920, subject soon deserted and made three additional false enlistments from each of which he also deserted. He made one enlistment in and desertion from the Navy. Seldom returning home after 1920, he has wandered about the United States and Europe during much of the time since then. He has a record of five previous convictions dating from 1920 and charging larceny, breaking, entering and larceny, receiving stolen good, desertion and fraudulent enlistment, and an acquittal on a charge of sodomy of which there is no doubt of his guilt. Subject has been previously committed to jail in New Orleans, La., Cheyenne, Wyo., New Jersey State Prison, United States Naval Prison, and the United States Army Disciplinary Barracks, Fort Houston, Tex., serving a total of approximately four years and one month prior to his arrest for the present offense. In the present offense, while armed with a fully loaded revolver, subject held up the attendant and customers of a Lowell, Mass., lunch cart, and robbed the contents of the cash register, obtaining \$5.80. He escaped in a taxicab but was pursued by a police officer and arrested. He was subsequently indicted by a Grand Jury on a charge of robbery armed and pleaded guilty, receiving a sentence of 7-10 years.

Subject was married in 1926 and deserted his wife after a few months, the latter securing a divorce in 1929. His mother says that he is a drug addict and that his crime was committed to obtain cash with which to purchase a supply of narcotics. Subject denies use of narcotics, although his denial is probably worthless inasmuch as he was diagnosed as a pathological liar by a psychiatrist. His high average intelligence (I. Q. 109) is the only favorable factor in a definitely unfavorable prognosis based upon his general instability of personality, as evidenced by his criminal record, his known use of narcotics, and known participation in homosexual activities as well as the diagnosis of pathological liar.

It would seem upon the basis of the above facts that an indefinite or indeterminate sentence, rather than a definite term of years, such as that imposed, would, from an ideal point of view, be the best way to prevent further anti-social behavior on the part of this individual.

Case #2.

Subject, the fifth of nine children, was born in Cambridge, Mass., on April 23, 1906, of Russian-Jewish parents. Subject entered school at the age of six and successfully completed the fifth grade at the age of twelve in 1918. Since his first arrest at the age of eleven, in 1917, on a charge of larceny, he has made eleven subsequent court appearances for offenses of larceny, carrying a revolver, breaking, entering and larceny, assault and battery to rob, larceny of auto, and robbery armed. Subject has served prior commitments to Lyman School, Massachusetts Reformatory, Maine Reformatory, and the Suffolk County House of Correction, for a combined time of five years.

His present offense occurred with eight codefendants who participated in the armed robbery of ten businessmen who had gathered at an Andover, Mass., cottage for a supper and card party. The holdup group obtained a total of \$251. from ten of their victims. All eight codefendants, as well as subject, were apprehended by police and prosecuted. Subject, in Essex Superior Court, received concurrent Massachusetts State Prison sentences of 4-5 years each on charges of carrying a revolver and robbery armed (ten counts). Subject has held occasional jobs as a leather factory worker and as a bakery deliverer and truckdriver, but most of these employments have been very short, occurring between commitments to penal and correctional institutions.

On the basis of his long and persistent criminal record, his continued associations with anti-social individuals, and his industrial instability, subject is certainly classifiable as a habitual offender whose prognosis for future adjustment in the community is exceedingly poor. Apart from any consideration of the reason why only a 4-5 year sentence should be imposed for ten counts of armed robbery as well as carrying a revolver, it is apparent that such a short sentence precludes attempts at successful treatment of this individual, either while he is in prison or while he may be on parole. An indeterminate sentence appears to be the only logical alternative.

Case #3.

Subject, age thirty-four and single, has been a lifelong resident of Brooklyn, N.Y. He is the third of eight children of a father who drank and never earned more than twelve dollars a week, and a mother who worked outside the home, leaving the children unsupervised. The family has always lived in undesirable surroundings and has required much public and private aid. The boys of the family habitually stole, bunked out, and early became community problems, spending much time in institutions. One brother is now under sentence of 35-70 years at Clinton Prison, N.Y.

Since the age of ten, subject has been in ten correctional institutions: The Brooklyn Disciplinary School, New York Catholic Protectorate, Randall's Island House of Refuge, Jails of Westchester, Rensselaer and Monroe Counties, New York, and of Lackawanna County, Penn., Sing Sing, Clinton and Auburn Prisons. His past criminal record shows court appearances for disorderly conduct, larceny, forgery and passing worthless checks, and seven convictions of burglary or attempted burglary. He has been confined for terms aggregating more than thirteen years and

since twelve years old has not been at any one time continuously in the community for longer than twenty-one months, frequently recommitments occurring within a few weeks. He was re-sentenced once to Sing Sing as an habitual offender.

Subject received a grammar school education but has had little opportunity for employment in the community by reason of his frequent periods of confinement.

Shortly before the present crime, subject came to Boston accompanied by a girl who posed as his wife, and with his two codefendants. They accomplished a daylight armed robbery in a Charlestown hardware store, holding up the proprietor and two clerks. The proprietor escaped to the street, whereupon the bandits fled, but subject and one codefendant were immediately apprehended. Their guns, discarded in the chase, were found. The third codefendant was apprehended at their rooming house. More revolvers were found there and in his possession keys to an auto parked outside the house which had been stolen two days earlier in New York City. Each of the three men were identified by the Charlestown storekeeper. In the exchange of gunfire during the holdup the storekeeper had been shot in the head and seriously wounded. He identified one of subject's codefendants as the assailant who shot him. Subject and that codefendant were subsequently identified by victims and witnesses of an armed robbery by two men in a Boston hotel, which had occurred a few nights before the Charlestown crime. Each defendant pleaded guilty when arraigned in court for the present offenses and subject was given a Massachusetts State Prison sentence of 15-20 years on a charge of robbery armed, 15-20 years concurrent on a charge of assault with intent to rob armed, and a 3-5 years concurrent term on a charge of carrying a revolver.

Despite his average intelligence, subject is indifferent to possibilities of obtaining legitimate employment and to all attempts at institutional treatment, but is co-operative while under sentence because he has become accustomed to institution routine. He is undoubtedly a professional as well as an habitual offender with life-long criminal associates who needs indefinite custodial care.

Case #4.

Subject, age thirty, and separated from his wife, was born in Orleans, Mass., on May 25, 1903 (v), the second of seven children of native-born parentage to have survived infancy. Because of excessive alcoholism on the part of his father, and because of immorality on the part of both his parents who frequently separated to live illicitly with other persons, subject's early home environment was a most unwholesome one. As young children, subject and his brothers and sisters were allowed to shift for themselves, without training or discipline with the result that they displayed delinquent traits at an early age. Subject's parents separated finally in 1917 when his father went to live with a woman with whom he was later arrested for adultery. In 1919 subject's mother divorced her husband, at which time she began to live with a man by whom she later had an illegitimate child. A short time later, subject's father died and three of subject's brothers and sisters were adjudged neglected children and were placed in the care of the State. Since that time, subject's brothers and sisters have shown general instability, two of his brothers being at

present inmates of correctional institutions while one of his sisters is an inmate of a school for the feebleminded.

In 1908, at the age of five, subject entered grammar school in Eastham, Mass., where he attended for the next nine years, completing grade eight. During this period of time, his school rating was poor, subject being compelled to repeat one grade, while he was promoted to three grades only on condition.

Subject made his first court appearance in 1918 at the age of fifteen, when he was arraigned in the Orleans Juvenile Court charged with delinquency. Many offenses were charged to him at this time but he was placed on probation as it was felt he had been unduly influenced by a brother. He remained on probation for less than one month, however, when he made another court appearance for larceny, and this resulted in his commitment to Shirley Industrial School. From the time of his first commitment in 1918, down to the time of his present offense, a period of fourteen years and ten months, subject has spent a total of nine years and three months in correctional institutions. His criminality has been persistent throughout the past fifteen years, resulting in his being twice committed to Massachusetts Reformatory, and once each to the House of Correction and Massachusetts State Prison.

Subject's present offense occurred in South Yarmouth, Mass., where he and two companions planned to hold up the proprietor of a local garage and barroom. One of the companions attempted the holdup, the revolver used in the offense having been furnished him by subject. He was arrested about two weeks after the crime and after extensive questioning by the State Police confessed to his part in the offense and named subject and another as his accomplices. A warrant for subject's arrest was issued and he was summoned to appear before the Grand Jury, but he disappeared and was not apprehended until a month later, when he was arrested in a camp in Wrentham, Mass. After he had been indicted by the Grand Jury, he pleaded guilty in Plymouth Superior Court to a charge of being accessory before the fact to assault to rob, and he was sentenced to serve 3-5 years in Massachusetts State Prison. One companion was found guilty of attempt to rob while being armed and was committed to Shirley Industrial School. The other companion never came to trial for the present offense; he was sentenced to the House of Correction for another offense, and while awaiting trial for a third offense he was committed to the Massachusetts Department for Defective Delinquents as an imbecile.

In view of subject's lack of steady family ties, his industrial instability, and his persistent and increasingly serious criminality (the present offense being committed while on parole from a previous Massachusetts State Prison sentence of 3-5 years), subject's prognosis for future adjustment in the community is very poor. The present sentence of 3-5 years is obviously inadequate and does not appear to have any logical basis. The statutes provide that whoever aids in the commission of a felony or is accessory thereto, etc., shall be punished in the manner provided for the punishment of the principal.

Case #5.

Subject is a thirty-year old, white and unmarried offender, who was born in South Boston, Mass., on Dec. 3, 1903 (v), the youngest of four children of Irish-Canadian parentage. The members of his family have borne poor reputations throughout their lives and all have at some time made court appearances. His father, a heavy drinker, irregular worker, and frequent deserter of his family, served several commitments at a House of Correction before finally disappearing in 1918, while subject's mother, an unreliable and brawling type of woman, conducted a bootlegging business for many years in South Boston. His only sister, an immoral and excessively alcoholic individual, has served two commitments at Women's institutions and has long been known to the police as a notorious woman. Most of subject's life has been spent in delinquent sections of South Boston and his family has been financially aided a great deal of the time by social agencies.

In 1910, at the age of six, subject enrolled in grammar school and after attending four schools until 1918, completed grade five. He was a poor scholar, being compelled to repeat two grades, and he truanted a great deal towards the end of his scholastic career, at which time he lost interest in his work and refused to attend further. Shortly after his leaving school, the family disintegrated when his two brothers, father and sister left the parental home, the sister being the only one who returned. In 1918, at the age of fourteen, subject made his first court appearance when he was adjudged delinquent after being arrested in Dorchester for the larceny of a bicycle. Since that time he has been in steady conflict with the law and has been arrested on twenty-nine occasions on thirty-two charges ranging from drunkenness, trespassing and disturbing the peace, to larceny, unlawfully carrying a loaded revolver, and robbery. Two of his criminal offenses occurred outside of Massachusetts. The first commitment of subject was in 1923, when, after he was convicted of maintaining a nuisance and keeping and exposing, he was committed to the House of Correction where he served a three months sentence. He has since served three commitments to the House of Correction totalling one year and seven months, and two commitments to a common jail where he served a total of four months, while in 1931 he was convicted in New York City of petit larceny, for which he served eleven months of an indeterminate term in New York County Penitentiary. When he was released on parole from the latter institution he failed to respond to any of the parole regulations required of him and he was soon declared a parole violator. The majority of his offenses have been larcenies committed by him when he was under the influence of liquor, while on occasions the victim has also been intoxicated. The present offense was one of the latter type and occurred in Boston when subject and his codefendant, after a night of carousing and drinking, assaulted and robbed an elderly drunken man of about ten dollars in a doorway. In Suffolk Superior Court, subject and his codefendant were convicted and each was sentenced to serve 3-5 years in Massachusetts State Prison.

Subject is a usually good-natured and easy-going individual, although occasionally in the community and in institutions he has shown spells of bad temper. Throughout most of his life he has used intoxicants excessively and openly, and has associated with worthless drinking companions. For about five years he worked as a bootlegger, but he has

only worked legitimately at odd jobs, such as laborer and longshoreman, and with the exception of seven or eight months steady work as a laborer, he has never displayed any semblance of industrial stability. He is of slightly inferior intelligence (I. Q. 89). His mother, who is loyal to him and lives in Roxbury, wants him to live with her upon his release.

Despite the apparent strong bond between subject and his elderly mother, subject's prognosis must be considered poor because of his industrial instability, his persistent criminal offenses, confirmed alcoholic habits, and lack of initiative. Subject may not be in need of permanent custodial care, but he at least needs strict supervision, while in the community. This supervision should probably have best been provided by a long parole period made possible by a long maximum sentence and a relatively short minimum sentence.

Case #6.

Subject, age twenty-three, white and single, was born in South Boston, Mass., on Dec. 27, 1910 (v), the only one of five children by his American-born parents to have survived infancy. Subject's father, a teamster and an alcoholic individual, deserted his family in 1913 and he has falsely claimed to have procured a divorce from subject's mother in Philadelphia in 1915. In 1925, subject's father bigamously married his second wife and two illegitimate children were born to them. This wife was of very poor character and has a court record for drunkenness, and was given a one-month House of Correction commitment. Later subject's father died and his second wife is now residing in Roxbury.

Following the desertion of her husband in 1913, subject's mother met a ~~man~~ ~~man~~, a very unstable individual, who had already served a commitment to Massachusetts Reformatory. In 1913, she went to New York City to live with him and while there she supported him through prostitution. In 1917, she bigamously married him, and by this union there have been four children, two of whom are now living, one being a twelve-year old boy who has a court record for four criminal offenses, and who is now confined in the Wrentham State School for the Feebleminded. Subject's mother's second marriage proved to be very unsuccessful in that her husband never supported her and was consistently involved in criminal offenses. He has served two House of Correction sentences, escaping from one, one commitment to Massachusetts Reformatory, and two sentences to Sing Sing Prison. The second sentence was for fifteen years and the offense, fatally stabbing a man, occurred in New York City in 1929 while he was living with a common-law wife. He was paroled from this sentence to Sing Sing in 1936 at which time he went to live with subject's mother in Roxbury. Subject's mother has also borne a very poor reputation throughout her life and has been alcoholic for over twenty years. On thirteen occasions she has appeared in Boston Court for drunkenness, her last court appearance being in the latter part of 1934, when she received a suspended jail sentence. She later defaulted and this default is still in order.

In 1911, shortly after subject's birth, he was placed with his maternal grandmother in Roxbury, and has spent most of his life at her home. She is a woman of apparently good character and her second husband rarely provided for her or her family with the result that she neglected her home, her own two children and subject in order that she might work

for their support. During subject's infancy and adolescence, her home was usually found by social agencies to be in a very dirty condition.

On 9-13-15, at the age of four, subject entered a Roxbury grammar school and for nine years attended three schools in that section of Boston, completing grade six. In general, he was a poor scholar and a conduct problem in school, being compelled to repeat one grade. During the latter part of his school attendance, in 1924, he became a definite behavior problem, and as a result was committed to the Boston Psychopathic Hospital, where he remained about two weeks, being diagnosed as not psychotic but as having a conduct disorder.

At the age of 13, on April 24, 1924, subject made his first court appearance, when he was arraigned in Roxbury for needlessly stealing a bicycle. As a result of this offense he received a suspended sentence to Lyman School for Boys. During the next six months he persistently associated with a gang of juvenile delinquents in his home district and on Oct. 9, 1924 he again appeared in Roxbury Municipal Court on a charge of breaking into a store, from which he stole tonic, candy, cigarettes, etc. Investigation into his home conditions at this time revealed that he had been receiving no home training whatsoever, and that he had been constantly associating with other delinquent youths. On Oct. 23, 1924 the charge against him of breaking and entering was filed and he was committed to Lyman School for Boys, his previous suspended sentence being revoked. Fourteen months later, he was paroled to his grandmother's home in Roxbury, and for the next four months he worked in various Boston firms as a messenger boy. He claims to have worked for the ensuing two years and two months, down to Oct. 1926, in New York City as iron worker. In Nov. 1926 he left New York and went to South Carolina where on Nov. 22, 1926, at Parris Island, he enlisted in the United States Marine Corps under his half-uncle's name. For the next two years and seven months, he served as private in the Marine Corps and during this time he was tried on four occasions by Deck Court and twice by Court Martial for offenses of petty thievery, intoxicating, creating a disturbance and failure to report for venereal roll call. His conduct was regarded as very unsatisfactory throughout his service, and on June 24, 1929 he was discharged from the Marine Corps without honor, his character being rated as "bad". Following this discharge and for the next two months he lived with his grandmother again and worked as a painter in Roxbury. He then returned to New York in August 1929, going to Brooklyn, where he claims to have worked as a soap mixer. In Dec. 1929 he returned to Massachusetts and appeared in Roxbury Municipal Court on Dec. 16, 1929 on a charge of drunkenness, larceny, and robbery. This offense was a typical "drunk rolling". On Jan. 10, 1930, in Suffolk Superior Court, he was convicted on a charge of robbery and committed to Massachusetts Reformatory to serve a five-year indefinite term. At that institution, his conduct record was very poor and on thirteen occasions he was reported for institutional infractions such as being out of place, shirking, injuring property, committing an indecent and immoral act with another inmate. After serving three years and three months of this sentence, subject was released on parole and subsequently enrolled in the Civilian Conservation Corps. After two months' service, he was dishonorably discharged because of repeated absences without leave. For the next eight months he lived with his mother and worked off and on as a laborer on various relief projects. Then he began to associate with another Massachusetts Reformatory parolee, and together they committed the

present offense, when they held up the manager of a Roxbury chain grocery store, robbing him of thirty-five dollars in money. Both subject and his codefendant were arrested several days after the offense, and each pleaded guilty to a charge of robbery armed, following which they received a sentence of 4-5 years at Massachusetts State Prison.

In spite of subject's average adult intelligence (I. Q. 88), his prognosis for future adjustment in the community is very poor because of his general instability, persistent criminal behavior, lack of industrial stability, and absence of favorable home ties. (The inadequacy of this sentence is perhaps best illustrated by the fact that subject was paroled to live with his alcoholic mother and his stepfather who is a Sing Sing parolee. About three months later, subject's parole was revoked after he had been sentenced a second time to Massachusetts State Prison for a number of burglaries in Boston. His second sentence to Massachusetts State Prison is 3-5 years.)

Case #7.

Subject, white, age twenty-eight at commitment, the oldest of nine children of Italian parents, was born in Boston on Jan. 19, 1908 (v). He completed seven grades of school, repeating the last two grades, was considered to be dull. He had poor work habits and never remained at any one job for more than two months at a time. His delinquency history began when he was ten years of age, when he was arraigned in Boston Juvenile Court for breaking, entering and larceny. He was put on probation for two months, which he successfully completed. Subsequently he was committed to Shirley Industrial School for being a runaway and was twice committed to the Massachusetts Reformatory for breaking, entering in the night time and larceny, and for extortion. He attempted to escape from Massachusetts Reformatory on one occasion, and was punished there for fighting, insolence, and refusal to obey. Subject's present offense occurred while he was on parole from his Massachusetts Reformatory sentence, and involved the robbery, with four codefendants, of a Scituate restaurant. He was not prosecuted for this offense until more than two years later, at which time he was taken from the Massachusetts Reformatory to which he had been returned meanwhile for parole violation, and sentenced to Massachusetts State Prison for $2\frac{1}{2}$ - $3\frac{1}{2}$ years for armed robbery, to be served forthwith notwithstanding the Massachusetts Reformatory sentence he was then serving.

Subject appears to be an individual needing constant supervision within the community because of his inability to remain on any job, his lack of strong family ties, and his persistent criminal tendencies. In lieu of an indeterminate sentence (which is not yet possible according to statutes governing Massachusetts State Prison commitments) subject should at least be provided with a long maximum sentence in order to permit the necessary close supervision which will be needed when he is paroled to the community. The present sentence, unfortunately, affords little protection to society since he must served at least $2\frac{1}{2}$ years before his consideration for release and then will have a possible maximum parole period of only one year.

Case #8.

Subject, age thirty, married, the third youngest of a family of seven children of native Irish parentage, was born in Boston on April 14, 1902. After spending three years in an ungraded class, and truanting often, subject, at the age of fifteen, left school while in the sixth grade. Though he managed to maintain a fairly satisfactory industrial record, as a truckdriver and general odd jobs man, subject began his known criminal career in 1921 at the age of nineteen, when he appeared in Brookline District Court charged with larceny of an auto. Four months after this first court commitment, the case having apparently been completed, he appeared again in this court on this charge and was found not guilty. Subsequently, he made twelve court appearances on charges of larceny, breaking and entering, receiving stolen goods, assault and battery, liquor law violations, and violation of City ordinances, resulting in his paying a total of \$335. in fines and being committed to the House of Correction and to Massachusetts State Prison.

Subject married in 1923 at the age of twenty-one and had two children. Following his release from Massachusetts State Prison on his first sentence, subject's wife refused to live with him and he turned to bootlegging. Still on parole from his first Massachusetts State Prison sentence, subject committed an armed robbery in Dorchester, obtaining \$66. and a fountain pen from the victim. Subject first pleaded not guilty when he was prosecuted for this offense, robbery armed, but he changed his plea to guilty, and received his present sentence of 4-6 years.

Subject is of borderline defective mentality (I. Q. 71), has been classified in psychiatric examinations as a psychopathic personality and because of a history of continued and progressively more serious offenses over a period of eleven years, is classifiable as an habitual offender. The present sentence, like the previous Massachusetts State Prison sentence is inadequate, and affords no possible opportunity for long strict supervision while on parole in the community.

Case #9.

Subject, age thirty-eight (at commitment) is the oldest of three children of native Canadian parents. At the age of five, in 1903, subject entered grammar school, and during the next eleven years attended three schools, leaving while in the eighth grade, at the age of fifteen, because of numerous conduct difficulties. Subsequently, he did odd jobs as a teamster and truck driver until 1918, when, at the age of twenty, he recovered from an attack of spinal meningitis and enlisted in the United States Army. He served overseas and was honorably discharged in 1919. During the following four years he claims to have worked as a truck driver and as a mover's helper, but this employment could not be verified.

At the age of seventeen, on May 29, 1915, subject made his first court appearance, being arraigned in Dorchester Court on a charge of larceny of auto, the case being filed. Subsequently, subject made nine court appearances on charges of gaming, trespassing, breaking and entering in the night time, drunkenness, violation of auto laws, carrying revolver, larceny, possessing burglar's tools, resulting in his being committed for

one year to the House of Correction and being twice committed to Massachusetts State Prison on four sentences of 4-10 years, and 5-7 years, respectively. Subject's present offense occurred while he was on parole from Massachusetts State Prison when he entered a Roxbury apartment by way of the front room window and with a cloth covering his face and carrying an imitation revolver, he forced the sixty-year old occupant of the apartment into the bathroom and demanded his money. Police arrived while the crime was being committed and placed subject under arrest. Subject was arraigned in court on a charge of assault to rob, being armed, pleaded not guilty but later changed his plea to guilty, and received his present State Prison sentence of 7-10 years, his third commitment to State Prison within ten years.

An habitual offender, subject will probably never be able to adjust satisfactorily in the community and should have permanent custodial care.

Case #10.

Subject, white, age twenty-four at commitment, the youngest of five children of Italian parents, was born in Boston on August 10, 1911 (v). His older brothers have records for violations of the liquor laws and they have served short jail and House of Correction sentences. His bringing up was characterized by little or no supervision by his parental family. In eleven years of school attendance he completed the eighth grade and repeated three grades. His employment history shows much instability as he worked at odd jobs for short periods of time, never acquiring any particular trade. Prior to the present offense he was involved in serious violations of auto laws, breaking and entering, and possessing revolver. Besides a Massachusetts Reformatory sentence he has served sentences in Norfolk House of Correction, Deer Island House of Correction. He escaped from the hospital of the latter institution and was at large five days. The present offense concerned the robbery of a Scituate restaurant, in which subject, together with a second man, took part with two other codefendants. Subject was not charged with the present offense until approximately two years later, when he was given his present State Prison sentence of 2½-3 years for armed robbery, notwithstanding a Deer Island House of Correction sentence which he was then serving.

Subject is a whining, complaining individual who denies being guilty of most of his past offenses and who claims everyone is against him. He is of borderline level of intelligence (I. Q. 78).

Because of his low level of intelligence, industrial instability, his inadequate family ties, and his persistent, increasingly serious criminality, subject's prognosis is very poor. Failure to commit him for an indeterminate term, or to at least sentence him to a long maximum term, so that he might be under strict supervision for a substantial parole period, is an evidence of disregard for protection to society.

Illustrative Case Histories of Habitual Sex Offenders.

In the sex offender class there were found about forty-nine cases, of which eight (or 16 per cent) were of a habitual kind. Three representative summaries of this habitual kind are included as follows:¹

Case #1.

Subject, white, age forty, is the fifth oldest in a family of eleven children of native English-Jewish parentage. Subject, at the age of seven, entered grammar school and claims to have completed the eighth grade at the age of fifteen, without repeating grades. For the three years following his leaving school he was engaged at the electrical trade and worked as a journeyman electrician. In 1911, at the age of eighteen, he made his first court appearance, when, on Jan. 17, 1911, he appeared in Chelsea District Court on a charge of breaking, entering and larceny. He was put on probation and two years later the case was placed on file. Subsequently, he made nine court appearances down to 1930 on charges of breaking, entering and larceny, larceny, assault to rape, impersonating an officer, assault and battery, drunkenness, oppression, and rape, resulting in his paying \$100. fines, and being committed to New York County Penitentiary, as well as to Massachusetts State Prison. It is noteworthy that except for his commitment to Massachusetts State Prison in 1920 on a charge of rape, and a \$100. fine which was paid after appealing a Massachusetts Reformatory sentence on a charge of larceny, all other cases against subject have been filed. The present offense occurred when subject approached an auto in Revere, Mass., and, impersonating an officer, forced a girl who was with her escort in the auto to leave with him ostensibly to be driven by subject to the police station. Instead, subject made three unsuccessful attempts to commit rape upon her and then drove off. She was driven by her escort to Revere Police Headquarters where a complaint was made and subject was arrested four days later. He was arraigned in Chelsea Court and was held in double surety of \$2500. He was released when surety was furnished and defaulted, going instead to New York. While there he was convicted of the crime of oppression (extortion) and served thirty-five months of a three-year sentence to New York county Penitentiary. Upon completion of that sentence, he was released to Massachusetts authorities who prosecuted him for the present offense. Subject pleaded guilty and received his present sentence of 5-7 years, his second commitment to Massachusetts State Prison. Although subject's employment from about 1909 to the time of his first commitment to Massachusetts State Prison is verified, subject working as electrician for three different employers, his employment since 1923 when he was released from Massachusetts State Prison remains largely unverified except for a period of a few weeks when he worked in Cambridge as an electrician.

¹In order to maintain the same ratio of illustrative cases to those cited in other offense groupings, only three illustrative cases appear under the sex offender heading.

Subject is of inferior intelligence (I.Q. 89), is regarded by the psychiatrist as a psychopathic personality, and has been suspected by authorities of committing many sexual offenses for which he has never been prosecuted. Although his wife, to whom he has been married since 1916, and by whom he has had two children, remains loyal to him, subject manifests an indifferent attitude toward her and his children. In view of his unstable personality and continued involvement in sexual offenses, as well as in view of his uncertain family ties and increasing industrial instability, subject's prognosis is very poor. He appears to be a permanent custodial case and will probably remain undeterred even by this second Massachusetts State Prison sentence.

Case #2.

Subject, age twenty-four at commitment, white and unmarried, was born in Northbridge, Mass., on Aug. 24, 1911 (v), the oldest of four children of Irish-English parentage. He was an illegitimate child, and his parents were compelled to marry fourteen months after his birth. The parents, especially the father, never cared very much for subject, and most of his life has been spent in the home of his grandparents, who lived a short distance away from his parents in Whitinsville, Mass. Subject's family has borne a generally good reputation in their home town, although his oldest brother has been arrested once each for breaking and entering, and unlawful appropriation of an auto, and never being committed. After entering school at age six, subject attended for about nine years, completing only grade six. He was a very poor student and was compelled to repeat two grades. At the age of fourteen he left school to go to work.

Industrially, subject has been extremely unstable in the past and although he has held at least nine jobs, mainly as a mill worker, none of these lasted for any extended period of time and practically each one terminated when subject was discharged for unsatisfactory work. In 1928 he enlisted in the United States Navy, but ten months later this enlistment terminated with an "inaptitude discharge". During the five years prior to his present commitment he was unemployed most of the time, occasional odd jobs being his only work.

Subject's first arrest occurred at age twenty when he was arrested by the Boston Police Department as a suspicious person. No formal charge was made and he was released. Later he was arrested in Gloucester, R.I., and Whitinsville, Mass., on two charges of being a disorderly person and drunkenness. On the former charge he was committed to jail for four days in default of payment of a fine, while the second charge resulted in a suspended fine and probation. The present offense occurred in Whitinsville when subject viciously attempted to criminally assault an eighteen-year old girl with whom he was walking in a lonely section of the town. He was arrested a short time later and committed to Worcester State Hospital where he remained for the next year. Then, upon a charge of assault with intent to commit rape, he was placed on probation for one year. During the next two years he was arrested in Worcester on three occasions for drunkenness, serving out a ten dollar fine in jail, following his third arrest, while on a fourth occasion he was placed on probation in order to pay three dollars a week upon conviction of a charge of bastardy. The complainant on the latter case was a woman who was separated from her husband. She had lived with subject a short time, was syphilitic, and was a former

patient at Worcester State Hospital at the time subject was confined there. Subject was returned voluntarily to the Worcester State Hospital where he attempted to criminally assault two women patients in the basement, beating one of the two patients with his fists. As a result of these attacks, he was surrendered in the Worcester Superior Court for violation of his probation and was forthwith sentenced to serve 2½-3 years at Massachusetts State Prison.

Although not psychotic at the time of his commitment to Massachusetts State Prison, subject is regarded by the psychiatrist as a psychopathic personality of inferior adult intelligence (I. Q. 71) who has experienced personality and mental disorder since about 1929. One of his main problems has been apparently his inability to handle satisfactorily matters of a sexual nature. He apparently has a very strong sex drive and besides his attempt to rape three women, a fact which resulted in his present commitment, he has been obscene in his remarks and actions with other women.

Because of his psychopathic personality makeup, which at times borders on insanity, his inferior adult intelligence, industrial instability and continuing vicious attacks on young women, prognosis is very poor. Subject should be committed for an indefinite time to a mental hospital, but failing that he should at least be under permanent confinement in a correctional institution. The present sentence of 2½-3 years is thus wholly inadequate.

Case #3.

Subject, age thirty-nine at commitment, white and unmarried, the next oldest of five children of Greek parentage, is the only member of his family who has come to the United States. Since his arrival here he has worked in restaurants and as a barber but his employment has been periodically interrupted by commitments to penal institutions, mainly for offenses of a sexual nature.

Subject's first known court appearance in the United States was in Boston at the age of twenty-one, when on May 24, 1917, he was arraigned in Boston Municipal Court for abuse of a female child. Subject was sentenced to Massachusetts Reformatory for a five-year indefinite term and was paroled thirteen months later. After subject defaulted on his arraignment for the present offense of abuse of female child in 1924, he became involved in an insurance fraud in Harrisburg, Pa., where he attempted to collect \$4500. insurance after a body had been found burned beyond recognition in an automobile. A charge of homicide was placed against subject but the case was dismissed for lack of evidence. Several months later he was sentenced to the Jackson State Prison in Michigan for statutory rape after he was convicted of sexual intercourse with a fifteen year old girl whom he had promised to marry. After serving four years of a 5-10 year sentence, subject was paroled and later sentenced to ninety days in Detroit House of Correction for obscene conduct. He was finally apprehended in Detroit as a fugitive from justice and released to the Massachusetts authorities for prosecution on the 1924 offense (the present offense) which involved relations with a fifteen-year old Charlestown girl. Subject received a 3-7 year sentence for this offense.

Subject is of average adult intelligence, is illiterate, has no home ties in the United States, and has demonstrated persistent criminal behavior in the community, and is classified as an habitual sex offender, Prognosis, therefore, is very poor.

Illustrative Case Histories of Habitual Forgers and Swindlers

As a further illustration of inadequate sentencing, among the twenty offenders falling into the forgery and swindling class, eighteen (or 90 per cent) were definitely of the habitual and professional type. The following ten cases are a representative sample of such offenders.

Case #1.

Subject in his recent fraudulent undertakings has assumed various names. He is thirty six years of age, native-born of Portuguese parents. He belongs to an honorable, thrifty, seafaring family, whose members pride themselves on the fact that they "would go hungry to pay a bill". So far as learned, with the exception of subject, there has been in the family no variance from this high standard. He is one of seven children. His brothers and sisters have had common school education and are considered normal and industrial. Subject's wife has died. He has one daughter, nine years of age, who is being reared and supported by her paternal grandparents.

Subject graduated from grade nine and went through the freshman year of high school. He then entered a business college but left after one week. Thereafter he worked on ships and at twenty-two was issued a license as steamship third mate and four months later received a promotion in grade to steamship second mate. Upon his statement of seven years' experience at sea and as holding the aforementioned license, he was appointed in August 1918 as an ensign in the United States Naval Reserve. He was immediately called for active duty two and a half months before the signing of the Armistice terminating the World War. He performed service at a foreign naval base and on several naval vessels receiving promotion in rank to lieutenant, junior grade. He was discharged under honorable conditions after fourteen months service.

Although released from the Government service with a title, he is said to have had neither capital nor a position. With an acquaintance, he engaged in a stocks and bonds brokerage business. He claims to have married a few months later. He lived extravagantly, occupying expensive quarters, driving a high-priced car and moving in a circle of friends who spent extensively. His business transactions early became fraudulent. In an effort to clear himself with one customer he would defraud another, thus constantly became more involved. Facing charges of extensive larcenies in both Boston and Worcester he fled six years ago to other parts of the country where he continued to steal. He was apprehended for Detroit but defaulted his bond. Four years ago in Texas he was sentenced for forgery and embezzlement to a term of two years' imprisonment in a State penitentiary. Upon completing that sentence he again changed his

name, went to another part of Texas where he was unknown, posed as a stockbroker, became engaged to marry a member of a highly respected family, but was apprehended on a warrant from Boston. He was brought back to Massachusetts, given a one-year term in the Suffolk County House of Correction and upon release was turned over to Worcester and sentenced to the present term of 2½-3 years at Massachusetts State Prison on an indictment charging thirteen counts of larceny, totalling losses of approximately \$39,000.

In view of subject's suave personality and the nature of his present offense and his four past convictions for similar offenses, he seems to be wholly typical of the class of professional swindlers and, therefore, the prognosis can only be definitely unfavorable. His intelligence is only low average (I. Q. 80), which indicates that his verbal fluency allows him to appear much more intelligent than he really is.

The sentence imposed in this case represents the minimum for which subject could be committed. As he is an habitual offender, it is difficult to believe that such a short sentence serves in any way to protect society. The maximum sentence for larceny of stocks of more than \$100. is five years and doubtless should have been given subject. Obviously he is a permanent custodial case and would be so regarded in a system operating upon the principle of a completely indeterminate sentence.

Case #2.

Subject was born in Denver, Colo., on Oct. 21, 1893, the only child of German-Russian parents of Jewish faith. When he was only two his father died, and his mother, working as a housekeeper for various families in Chicago, was unable to properly care for subject and hence he was committed to an institution as a dependent child at the age of ten. At fourteen he ran away from the institution and at fifteen he was reported as being of a very shiftless disposition. His claim to have completed high school and to have taken certain commercial school and college courses could not be verified. At nineteen he began to travel through the country, selling a semi-gambling device and in this same year he was committed to the Massachusetts Reformatory for passing bad checks. Less than a year later he was sent to the Indiana Reformatory on similar charges.

At the age of twenty-five he joined the Army and served a satisfactory period of seven months in the Motor Transport Corps, attaining the rank of sergeant. At twenty-six he married in Chicago and soon became engaged in selling securities, mostly for Philadelphia and Canadian concerns, some of the latter being of a questionable nature. In 1924 he was wanted in Worcester, Mass., on three charges of conspiracy to steal but was never located. In 1928 he served in a Canadian institution for charges of theft of bonds from a woman, and in July 1929 he became involved in a similar swindle, in which he posed as a securities salesman for a prominent Boston jewelry concern and persuaded an aged woman to turn over to him several thousands of dollars. It is for this offense that he is now serving two 2½-4 year sentences, totalling 5-8 years, although he was not apprehended until three years later.

While being sought for the present offense, he had speculated wildly in the New York stock market; had returned to selling securities in Canada, and had taken a trip to Oklahoma where he embezzled funds of at least \$900. from a firm which employed him, and a warrant is now on file against him for that offense. Meanwhile, during these years he had seen very little of his wife and three children and had varied between supporting them on a luxurious level and leaving them destitute. When last heard from his wife wanted him arrested for nonsupport. When he was finally arrested in Canada for the present offense, he was found to have been living on a very extravagant level.

Since subject is serving his fourth prison term for bad checks or confidence games activities and the rest of his social history shows him to be thoroughly representative of the class of criminal offenders to which he belongs, the prognosis can only be unfavorable. His intelligence is barely average (I. Q. 89) but from his polished ways and fluent tongue one would gather that he was much smarter. He will undoubtedly make a co-operative inmate, but this will be no proof of his ability to adjust in the community.

It is unlikely that subject's habitual stock swindling and check forging activities will be deterred by a 5-8 year sentence. Although the maximum sentence for each count of larceny is five years, subject ideally should be under an indeterminate sentence to afford society the greatest protection.

Case #3.

Subject was born in Poland on July 25, 1894, the youngest of four children of peasant parents. He completed eight grades in school and, after idling at home for two years, he migrated to this country where two of his older brothers had migrated several years previous. He settled in New Jersey for a time, working as a laborer, and then went to West Virginia where he secured employment in a can factory and later in a pipe mill. Disliking this work, the subject went to Pittsburgh, Pa., where a brother was living, and secured a job in a restaurant as a waiter.

In June 1920 subject was arrested in Pittsburgh for pandering and for this offense received a sentence of 3-5 years in the Western State Penitentiary. In 1923 subject violated his parole immediately after being released and went to New Jersey where he engaged in forging and passing worthless checks. However, in 1925 he was arrested in Jersey City for passing worthless checks and was sentenced to the New Jersey State Prison for 1-3 years, but six months later, when it was learned that he was wanted in Pittsburgh for violation of parole, he was returned to Pittsburgh where he served two more years and his New Jersey sentence was suspended.

Upon his release in November 1927 from the Western State Penitentiary, he returned to Newark again and engaged in forging and passing worthless checks. In February 1928 he was arrested for forgery in Newark but defaulted and went to New York City.

While engaged in passing worthless checks in New York, he became friendly with a switchboard operator in an uptown hotel and persuaded her

to go to Ohio with him, where he says he married her. For the next two years, he associated with the Marks Gang, forgers, and travelled with them considerably through Massachusetts, New Jersey, New York, and Ohio, forging and passing worthless checks. In May 1930 he was involved in the present offense in Newton, Mass., and in October 1930 subject and his wife were arrested in Cleveland for passing checks to defraud. The Akron, O., Police at that time stated that they wanted subject on a similar charge, and so subject was immediately turned over to the Akron Police where he was indicted. But because the New Jersey Police were looking for him on a defaulted forgery charge, he was returned to them and the indictments in Ohio were dropped. When released from New Jersey State Prison, subject was taken into custody by Newton, Mass., Police, and brought back to Massachusetts to answer charges for the present offense.

The Newton Police stated that subject sold some imported fruit to a woman and secured a check from her for twelve dollars. Subject then hired a liveried chauffeur and sent the chauffeur into the Newton Trust Company with a check for \$360, signed by the woman, which was cashed. On the following day the chauffeur was given by subject a similar check for \$480 which he cashed, and this method was continued with checks for \$600, \$750, and \$1200, until \$3390 was withdrawn from the account of this same woman.

Through an endorsement which the chauffeur was required to make on the last check, which overdrew the account, the police were able to locate him (the chauffeur) and he, when presented with pictures of the Marks Gang, identified subject as the man who had hired him and who had given him the checks to cash. The Newton Police finally located subject in New Jersey State Prison and upon his release brought him back to Newton where he pleaded guilty and was sentenced by the Middlesex Superior Court to 2½-5 years at State Prison for uttering. (The maximum permitted by statute for this offense is ten years.)

Subject is of inferior adult intelligence (I.Q.71) and he is able to read and write fairly well. He is a short, mild-mannered individual who appears to be selfish, aggressive, and self-confident. His long series of commitments have had very little deterrent effect upon his career as a check forger. At the present time his general health is good, and he is not psychotic. His occupational interests are limited to those which furnish large incomes, regardless of the type of work. He has lost all contact with his family in Poland and does not know the whereabouts of his two brothers in this country, although he does correspond regularly with his wife in New York.

Even though subject may be removed from this country by deportation to Poland, he will doubtless continue to engage in forging activities. Hence, he is a case for permanent custodial care.

Case #4.

Subject, forty years old, was born June 15, 1893, in Lynn, of native-white parents. He has one younger sister. Although his family were of good social standing, some paternal relatives were unstable and mentally disordered. Subject's father was lax and deceitful in money

matters and his mother was an over-protective woman who refused to face issues. Subject married a woman who thought him to be wealthy and stable. After his wife became disappointed in him she accepted attentions from another man and eventually divorced subject, securing custody of their daughter.

In school subject was pleasant and courteous but hypocritical and dishonest. He repeated several grades, finally leaving when eighteen years old and while a sophomore in high school. He began working in shoe factories as a general utility boy and soon became a salesman. For the rest of his life he worked many places as a salesman but was always an unsatisfactory, dishonest employee and never remained for long with any one firm. He falsified his expense accounts, invented false stories of "big deals" to impress his employers and never settled down to steady, productive work. He spent his time traveling about, entertaining people, forging checks, using automobiles without authority and buying many luxuries for himself and his family for which he could not pay.

He was first arrested in June 1919 and convicted of larceny of goods by illegitimate use of charging privileges at Boston department stores. For this he was placed on probation. Including this appearance, he has been in court nine times prior to the present offense and has been convicted five times for larceny, four times for forgery, and a few times for auto law violations. On numerous occasions, members of his family have paid for losses incurred by subject's dishonesty and prevented court arraignments.

Subject's convictions resulted in a former 2 $\frac{1}{2}$ -4 year Massachusetts State Prison term, a six months House of Correction sentence, three probationary periods and several fines and amounts paid in restitution.

In the present series of offenses subject stole letters and papers of identification, falsely procured an order for \$1000 by telegraph, used this order to secure money from a Salem bank and also with his false identification papers and by forgery obtained an automobile from a Boston sales agency. Four months later he was arrested and later was sentenced by the Suffolk Superior Court to serve 4-6 years at State Prison for forgery with intent to defraud. In the same court, a charge of larceny of an auto was filed. In Essex Superior Court on other charges of forgery, uttering and larceny connected with the above series of offenses, cases were filed.

Subject has been twice committed to the Boston Psychopathic Hospital and by doctors there as well as other psychiatrists of the Department of Mental Diseases and Department of Correction has been diagnosed as a psychopathic personality and a pathological liar. He is pleasant, mild-mannered and congenial, but utterly untruthful and unreliable. He has an I. Q. of 93 (average intelligence).

Apparently an individual in need of full-time psychiatric treatment because of his psychopathic tendencies, subject is not likely to be deterred from crime by an specified term of years in State Prison unless such treatment could be provided therein. A 4-5 year term would seem to be inadequate, in any case, since it does not permit a long enough parole period for subject's strict supervision in the community. The maximum sentence permitted by the statutes for forgery, intent to defraud is ten years.

Case #5.

Subject, white, age forty-four on commitment, the youngest of two children of American-born Jewish parents, was born in New York City on May 19, 1890 (v). His parents were fairly wealthy and the family bore an excellent reputation in Boston and New York. When subject's father died in 1910 he left subject about \$50,000 which was to be paid out in small sums until subject was forty years of age. Subject squandered all this money by fast living and gambling and a substantial sum was used in paying lawyer's fees in order to get him out of trouble. He completed two years of high school in Boston and his father then encouraged him to attend a business college but subject refused. His father tried to have him learn the woolen business but subject refused. Nothing in subject's employment history could be verified although he does not admit more than a total of about sixteen months employment as a clerk or salesman. He has married twice and lived for a period of several years with a third woman. His first wife, whom he married in 1911, was a chorus girl who divorced him when he was in prison in 1918 in Michigan. His present wife was a nurse whom he met in a New York hospital while he was being held for observation in 1919 and whom he married the day after he was released from Sing Sing in 1920. She bore him one child and now refuses to have anything to do with him. In 1923 subject met a waitress in Philadelphia and for two years she lived with him, until he was sent to prison in 1926.

His first arrest occurred in Chicago at the age of twenty-three, in 1913, when he served sixty days for forgery. Two months later he was sentenced to 2½ years at Elmira Reformatory for attempted grand larceny, and in January 1915 he was paroled. In December of that year, for armed robbery, he was sentenced to serve 3-5 years in Michigan State Prison whence he was paroled to the Boston Police in January 1919 for charges of forgery, uttering and larceny. Restitution was made and the case was dismissed in Boston. Two months later subject became involved in forgery and larceny charges in Brooklyn and was committed to the Bellevue Hospital for observation but was released as not insane, and for these offenses he was sent to Sing Sing Prison for 2½ years. He was discharged in Dec. 1920, and in 1921 he was sentenced to six months in Louisiana State Penitentiary for obtaining money by false pretenses. For a period of four years, subject managed to avoid arrest although he lived by the proceeds from gambling and horse racing. In January 1926 he was sentenced to the California State Prison to serve 1-14 years, for passing bad checks. Prior to his removal to the prison, he, with several others, smuggled saws into the jail but these proved to be useless. An attempt was made to smuggle in a revolver, but this was thwarted. He was released, and in September of the same year he was sentenced from the Suffolk Superior Court in Boston to serve 5-7 years in Massachusetts State Prison for uttering a forged instrument and larceny. Subject's offenses involved either passing worthless checks on people whom he had befriended or who were known to members of his family, or, as in the present offense, by posing as a wealthy business man to real estate agents whom he contacted for the purpose of obtaining locations in which to open his business. He would then have the real estate agent recommend a bank and he would have the latter introduce him to the officials. Subject would then make a large check deposit drawn on a distant bank in which he had no account, and ask the officials to introduce him to the tellers and cashier. As soon as the bank would be open on the following morning, and before his deposit check could be cleared, subject would ask the teller to cash a

check and if the latter would do so unhesitatingly subject would take the money. Otherwise, if there were any hesitation he would leave the bank on the pretense that he was going out to buy a cigar and he would then leave town. Since his first arrest in 1913 he had not been in the community for more than a total of four years. He was never reported for any infractions of conduct in any of the institutions in which he was committed with the exception of his being involved in an attempted escape in the San Diego Jail in April 1926.

He is a clever, deceiving and irresponsible individual who can gain one's confidence very easily and has many times taken advantage of this to obtain money under false pretenses. He is very well institutionalized and non-vicious. He is of high average adult intelligence (I. Q. 101) and is not psychotic. The maximum sentence provided by the statutes for uttering a forged instrument and larceny is ten years.

Case #6.

Subject, white, the oldest of four children of Jewish parents, was born in Kiev, Russia, on August 20, 1903 (unv), and when three years of age came with his parents to the United States where they made their home in Brooklyn, N.Y. His parents and his three brothers are of good moral character and appear to be in fair financial circumstances. Subject completed eight grades of school, and he attended a high school of commerce, off and on, for a year and a half, but did not complete any grades. Subject was employed largely as a shipper and clerk for clothing concerns and he was usually considered a willing and hard worker. His father reports that at the age of nineteen, subject was dismissed by his first employer for forging checks but was not prosecuted because his father made good the losses involved. His employment activities between 1925 and 1929 could not be verified, but subject claims that he was a peddler in New York City.

With the exception of the present offense, subject has served one major commitment, during which time he was confined in the Michigan State Prison in 1929 for 2½ years on a forgery charge. His first arrest occurred in 1923, at the age of twenty, in New York City for petit larceny, at which time he was given a suspended sentence. Three years later, he was placed on probation for unlawful entry in New York City. In 1927, for a similar offense, he was committed to the New York County Penitentiary, but after an appeal to the Supreme Court, he was found not guilty and released. In 1933 and 1934 he was arrested in Boston for attempted breaking and entering, which charge was dismissed, and evading payment of taxi fare, which was filed after restitution was made. Beginning in September of one year subject passed about ten worthless checks on merchants in Boston and Malden. He operated by purchasing merchandise and then tending a check for a much larger amount. After appealing House of Correction sentences of six counts, he was placed on probation and ordered to make restitution by the Suffolk Superior Court. When he appeared in court for other counts, several days later, he was surrendered on his probation and sentenced to the House of Correction for one year. However, in Middlesex Superior Court, for four additional counts of larceny, he was sentenced to Massachusetts State Prison to 3-5 years, notwithstanding his previous House of Correction sentence. He was adjudged a common and notorious thief, and according to the statutes

could have been sentenced to a maximum of twenty years upon being so adjudged.

Subject is a weak, complaining and emotional individual, who is considerably dependent upon his mother. Whenever in any kind of difficulty he ingratiated himself to those whom he thinks can help him and he is profuse in his promises to reform. He is of low average adult intelligence (I. Q. 88).

Case #7.

Subject, age about twenty-nine, is a white, Russian-born offender who was reared in an unfavorable home by a neglectful mother and an antagonistic stepfather. He has been married three times, the third marriage being illegal, and he has never attempted to become a naturalized citizen. Since completing six and a half grades of grammar school in 1918, repeating one grade, he has been industrially unstable in numerous unskilled jobs held for very brief periods of time and he has spent most of his time in correctional institutions. His first arrest in 1916, at the age of 11, resulted in probation. Since that time, he has made ten court appearances in Hartford, Conn., and Boston, Mass., for four charges of larceny, two charges of burglary, and one charge each of assault with intent to rob with violence, theft from person, obtaining money by fraudulent check, conspiracy to steal, abduction and contributing to the delinquency of a female child. Convicted of all charges except the last two, he has served two prior commitments to the Connecticut Reformatory and one commitment each to a common jail, the Connecticut School for Boys and the Connecticut State Prison. His conduct in these institutions has generally been poor. Since 1918 he has spent a total of ten years and ten months in confinement and he has violated four of his five previous paroles. The present offense of larceny from an insurance company through a fake accident was committed in Boston with four codefendants. He is of average adult intelligence (M. A. 13 yrs. 10 mos., I. Q. 86), is not psychotic and is a responsible offender. A satisfactory relationship exists between him and his second wife, who lives in Hartford, Conn., while he and his third wife are quite indifferent toward each other. Although routinely sociable in interviews, he is of low moral standards, weak-willed, self-defending and somewhat of a whiner and complainer. His persistent predatory offenses have shown him to be generally of a non-vicious makeup.

In view of subject's persistent criminality since 1916, including a four parole violations, his industrial inadequacy and his extremely irresponsible social and personality makeup, prognosis must be considered poor. Hence, the present State Prison sentence of 3-5 years does not provide adequate protection to society.

Case #8.

Subject, aged fifty-five at commitment, the oldest of seven children, was born in Boston on Oct. 18, 1879. One brother has a long record for drunkenness and has been diagnosed as a psychopathic personality by a mental hospital. Subject claims to have completed high school in East Boston but this could not be verified. Nothing of his employment could be verified because he furnished very inadequate information and was very indefinite. He claims to have been a vaudeville booking agent and

in the real estate, moving picture and advertising business. His first arrest occurred in 1903 (August) when he was twenty-four years of age, at which time he served fourteen months in Elmira Reformatory for forgery. Since then he has served three commitments to Sing Sing Prison, one to Rhode Island State Prison, and one to Deer Island House of Correction. His total time of imprisonment until the present offense is ten years and seven months. The longest period during which he was in the community without making any court appearance was between 1910 and 1919. His convictions were usually for passing worthless checks, or on charges of larceny by false pretenses. He was arrested for the present offense after having accepted \$500 from a man whom he placed in charge of a branch office of a milk fund organization at a salary of twenty-five dollars a week. The Boston Better Business Bureau investigated subject and found that he conducted several questionable enterprises, such as charity milk fund and advertising agencies, which were used as a means of attracting people to invest their money and become partners. Because of the transaction with the person from whom he took the \$500, he was arraigned in Boston Municipal Court for larceny and was later sentenced to 3-5 years in State Prison by the Suffolk Superior Court. Five counts of larceny were not disposed of. He is a talkative, self-assured individual who regards himself as the victim of big business which became jealous of him. He is of average adult intelligence, I. Q. 95, and is a psychopathic individual without psychosis.

In view of his industrial instability, the failure of previous incarcerations to act as a deterrent, and his persistence in continuing in illegal business schemes, prognosis is poor.

The statute which permits only a five year maximum for this offense (larceny of \$500.) is perhaps the chief obstacle to adequate sentencing of this individual.

Case #9.

Subject, white, age forty-two at commitment, has been twice married and once divorced. His citizenship status is unknown because he claims birth in the United States and there is evidence that he was born in Russia. (Investigation pending.) There are no strong home ties between subject and any members of his family, including his present wife. Subject completed five grades of school where his conduct varied from satisfactory to poor, and then he claims association with the furniture business as a salesman and proprietor but attempts to verify this were unavailing. His history indicates that a good part of his income when not incarcerated has been derived from passing bad checks and larceny. He may be classified as a persistent, non-vicious offender, who has been undeterred by ten previous commitments in seven states, totalling approximately ten years. He is a braggart who is conceited and who believes that he has considerable talent as a writer. Psychiatric examination shows him to be a pathological liar and a psychopathic personality with low average adult intelligence (I.Q. 83).

Because of his persistent criminality, psychopathic personality, and failure to ten previous commitments to deter his criminality, subject's prognosis is very poor. Although a 20-year maximum term is permissible in this case, subject's term is only 4-5 years.

Case #10.

Subject, age thirty-six at commitment to prison, white, and divorced, is the only child of his American-born parents who separated shortly after his birth. Because of the over-indulgence of his mother and grandmother, who reared him, he became a behavior problem at an early age, lying and stealing, traits which have continued up to the present time. Although he has claimed in the past to have attained a high school education, verified reports show only the completion of grade six. Because of his persistent criminality and because most of his time since adolescence has been spent in correctional institutions, his industrial record is very meagre and of an unskilled, unstable nature. Since his first arrest in 1915 at the age of sixteen, he has been arrested in various parts of the United States on fourteen occasions for larceny, and forgery, uttering and larceny, and he has served ten separate prior commitments, amounting to a total of fifteen years and nine months, not including time spent awaiting trial. He has violated four of five previous paroles. While in confinement, his conduct has generally been poor through offenses of fraudulent money transactions, crookedness, lying and on one occasion of escaping (a walkaway) from an open camp of the Vermont State Prison. He has also persisted in instigating fantastic hoaxes which have caused administrative officials much time and money investigating his fictitious stories. He is a chronic liar and is extremely boastful and self-seeking. He is of average adult intelligence (M. A. 15 yrs. 3 mos., I. Q. 95), and in the past he has been diagnosed as a psychopathic personality. He has no family ties whatsoever, although he states that he will contact his father, who is believed to be living in Albany, N. Y., upon release. His mother is deceased and the whereabouts of his divorced wife is not known. He is non-violent but because of his poor conduct in prior institutions, including one walk-away from an open camp, he should be considered a maximum security risk.

For an offense which has a statutory maximum sentence of ten years, subject was dealt with most leniently, and certainly not on a basis of his past history, when he received a 3-5 year sentence for five counts of forgery and five counts of uttering, his present offense involving the passing of forged checks in various Boston stores totalling over \$400.

Subject requires permanent custodial care because of his persistent, deliberate criminality since 1915 resulting in ten prior commitments to penal institutions, and because of his general psychopathic makeup.

Illustrative Case Histories of Felonious Assaulters.

Of the nineteen felonious assaulters in this study, thirteen (or 67 per cent) are regarded as habituals, and the histories of five of these are submitted as being representative of the habitual group. (The statutory maximum for the charge of assault and battery with a dangerous weapon is ten years in State Prison.)

Case #1.

Subject was born in Italy on March 6, 1892, the only son of four children of Italian parents. Subject's father, an illiterate Italian peasant, had one daughter prior to his marriage to subject's mother. The family lived on a farm in Sicily. Little is known of the family background. Subject is supposed to have gone to the third grade in school in Italy and shortly after his marriage in 1912, came to this country. Following a short residence with friends from his native town, in Philadelphia, subject moved to relatives of his wife who lived in New Jersey and six months later came to Massachusetts.

So far as is known he did no work up until this time. He lived in Lawrence for one year and then moved to Warren, R. I., where he worked irregularly as a plasterer's helper at fairly good pay until 1925 when he moved back to Lawrence where he stayed for about a year. During this time he worked for the city of Lawrence as a laborer and after the family moved to East Boston in 1925 subject did very little work until his present commitment.

Subject's criminal record began in 1911 just prior to his coming to this country, when he served a seven-months jail sentence for assault with a dangerous weapon. From 1922 to the present time he has been arrested ten times for assault with a dangerous weapon, carrying a gun, or simple assault. Most of these attacks have been made with a knife or revolver and for the most part unprovoked and unwarranted. He has also been arrested for selling liquor and for the use of profanity. He has served sentences totalling five years in Houses of Correction and has paid fifty dollars in fines. In the present offense subject went to a storekeeper to whom he owed money and asked for further loan. Upon being refused, he took a gun from his pocket and fired point blank at the storekeeper, but because of interference of another person the shot went wild and nobody was injured. He was sentenced to State Prison for 3-6 years.

Subject is a large, healthy-looking individual. He is highly emotional, and he fights on the slightest provocation; and neither reasons out nor cares what happens as the result of his assault. He is impulsive, aggressive and disliked among his fellow Italians. His wife and seven children have been supported by charities almost continuously since coming to this country.

Because of subject's impulsive nature and restless behavior and low intelligence (I. Q. 63) he is a decided risk in the community and except for his strong though sentimental attachment to his wife and children, he has little to help him make future adjustment.

Subject's offense, assault with intent to rob, is punishable by a possible maximum State Prison sentence of ten years, according to the statutes.

Case #2.

Subject, age thirty-three on commitment, is a white and unmarried offender, who was born in Boston, Mass., on May 21, 1900 (v), the second

of six children of Irish-American parentage. His mother and sister, Anna, have been psychotic at times in the past, while his father is now confined in the Boston State Hospital. Anna and his brothers have court records, but none has ever been committed. During subject's life, his family have been known to, and aided by, many social agencies and state institutions. Although subject's father always supported his family adequately in the past, subject's early home environment was unsatisfactory, as neither of his parents could control him, while his mother allegedly allowed, and even encouraged, him to steal. At the age of three, he entered a Roxbury grammar school where he remained for ten years, completing only grade six and repeating two grades. In general, he was a poor scholar, although his master stated that he was intelligent and capable of doing good work.

On April 18, 1912, when he was only eleven years old, he made his first court appearance when he was placed on probation in Roxbury for delinquency (breaking and entering). Since that time he has been arrested on seventeen occasions in Boston, Roxbury, Florida, Delaware, Connecticut and Maine on four charges each of drunkenness, larceny, breaking and entering, two charges of robbery, and one charge each of idleness, assault and battery, begging, injuring property, violation of an inter-state auto theft act, and assault and battery with a dangerous weapon. He has served two commitments to Deer Island House of Correction, one commitment each to the Lyman School for Boys, Iowa Men's Reformatory, New Castle (Ind.) Workhouse, and Maine State Prison, and one previous sentence to Massachusetts State Prison. He was returned on one occasion each to the Lyman School and the Maine State Prison for violations of respective parole and pardon conditions. Through efforts of his mother and Boston politicians, he was twice pardoned from the Maine State Prison. Almost immediately after his release from each institution, he has committed a new criminal offense and theoretically has violated parole from every institution from which he has been paroled. Prior to his present commitment, he has served a total of almost twelve years in correctional institutions. During his previous Massachusetts State Prison sentence he was placed in solitary confinement on two occasions for institution infractions, while he made a successful escape from the Prison Camp and Hospital two months after his transfer to that institution. For this escape, he received an additional sentence to Massachusetts State Prison.

Industrially, subject has shown no stability whatsoever, and although he claims to have held various unskilled positions in the past, some lasted over an extended period of time. Economically, he has been dependent practically his entire life. For about eighteen months during 1919 and 1920 he served with the United States Army. His enlistment terminated when he deserted.

The present offense, which occurred just six weeks after subject's parole from his previous Massachusetts State Prison sentence, was committed at subject's home in Roxbury, and consists of his seriously stabbing a drinking companion with a jackknife after the latter had remonstrated with subject for attempting to steal his money. Both men had been drinking earlier in a Boston tavern and because it was snowing, the victim accepted subject's invitation to spend the evening at his home. Subject was arrested immediately after the crime, and subsequently he was convicted of assault and battery with a dangerous weapon, following which he received his present 3-5 year sentence. As result of this

offense, his parole from his previous State Prison sentence was revoked and a warrant is now on file against him.

On several occasions throughout his life, subject has shown symptoms of having a psychosis. In 1916, after two suicidal attempts, he was sent to the Westboro State Hospital and, for fifteen months from 1926 to 1927, he was a patient at the Augusta (Maine) State Hospital where he was diagnosed as insane, possibly suffering from manic-depressive psychosis. During his present sentence he has at times appeared to be mentally unbalanced, but the psychiatrist reports that he is not psychotic although he can be considered a psychopathic personality and a possible malingerer. He has refused to take a psychometric test, but psychiatrists believe him to be of low average intelligence.

In interviews, he is usually at first sullen and defiant, following which he becomes very loquacious. Then, in a loud-mouthed manner, he twists facts and standards to fit his own warped viewpoint and makes vicious accusations against the administration's officials. Since his present commitment, he has been a demoralizing influence through constant agitation. In view of his sustained past criminality, he may be considered a professional and habitual offender. His mother, who has apparently been dominated by him throughout his life, is his most loyal relative. She lives with one of her daughters in Roxbury. As shown by the present offense, subject can be vicious, especially when under the influence of liquor. In view of his anti-social attitude and his escape from the Massachusetts Prison Camp and Hospital, he should be considered a maximum security risk.

Subject is a definite menace when at large in the community and should be permanently confined.

Case #3.

Subject, aged twenty-eight, white, married, was born in Boston on Dec. 26, 1905, the second of two illegitimate children of unmarried parents. The family background was exceedingly unfortunate. Subject's father, a professional boxer of considerable ability, lived illicitly with subject's mother, later marrying another woman by whom he had three children, and from whom he was later twice separated by divorce. The father made eight court appearances for offenses ranging from threats and assault to bastardy. Subject's mother later married another man, having two children. Subject's stepmother made a court appearance for larceny and his stepfather was in court once for larceny and twenty times for drunkenness. Subject's illegitimate sister had an illegitimate son, but later married another man by whom she had four children. This man had been in court for assault with a dangerous weapon and breaking and entering. Her illegitimate son has made seven court appearances, two for larceny. One of subject's halfbrothers made three court appearances, two for larceny. Subject's common-law wife was in court twice for larceny.

When but a youngster, subject was put with his grandparents to be raised, his father contributing but a small amount to his support. He claims that he lived in a condition of extreme poverty, oftentimes being hungry and forced to stay home from school for lack of clothing and

shoes. Subject showed considerable truancy in school, partially due to his father's taking him out of school to help in his gymnasium and to box. The last grade he completed in school was the fifth, which he left at the age of fifteen.

Subject has had a little employment as a manual laborer for short periods. He was a professional boxer for about eight years, making a fair living from that pursuit. He has spent most of his time in Boston with the exception of one year in New Jersey.

Subject's criminal record is a long and varied one. Starting in 1925, he has been in court twenty times for thirteen types of offenses. These range from drunkenness and loitering through lewd and lascivious cohabitation and bastardy to inciting a riot and murder.

He has been convicted fourteen times; once for violation of the true name law, once for idle and disorderly conduct, twice for assault and battery, once for assault and battery with intent to commit robbery, once for lewd and lascivious cohabitation, once for loitering, four times for drunkenness, once for breaking glass, once for manslaughter, once for carrying a weapon. These convictions were disposed of by: filed (seven); fines (two); probation (two); suspended sentence to the House of Correction (one); suspended sentence to the Massachusetts Reformatory (one); and sentence to State Prison (one, present offense). Rather significant is the fact that he has received one suspended sentence to the Massachusetts Reformatory and five sentences to the House of Correction but he had never served any time previous to the present commitment due to his either being placed on probation or the cases being dismissed or filed after appeal to the Superior Court. The present offense, committed while subject was under the influence of liquor, although a serious crime hardly showed any greater degree of viciousness on the part of subject than heretofore displayed. Subject's present sentence resulted from the death of a girl whom he had been intimate with. While under the influence of liquor, he returned to his apartment where this woman was awaiting him early in the morning. He then fooled around with a gun, accidentally shooting her. He sent her to the hospital in a taxicab and he was arrested later the same morning at a Boston hotel. The woman subsequently died and subject was arraigned in Boston Municipal Court charged with murder. He pleaded not guilty but was bound over to the Grand Jury which indicted him for manslaughter, and carrying a weapon charge was filed.

Subject has been treated in the past for ear trouble, gun shot wounds, hernia, stab wounds and syphilis. At present he is in good health. He is intellectually dull, neither psychotic nor feebleminded. He is of inferior intelligence (I. Q. 81).

Subject's family ties with his parents are not very close and he has expressed an intense dislike and mistrust of his father whom he claims has been a bad influence and dishonest. Subject intends to live with his wife after serving his present sentence and claims to be very fond of her, stating that she is a fine woman and admitting that he has not treated her fairly. She has expressed her willingness to return from New York City to live with subject upon his release. Subject is an habitual offender and his record includes many offenses against the person. Nevertheless, he should not be classed as vicious but rather as an

individual lacking will power to refrain from wrongdoing and indulging every whim.

In view of subject's inferior intelligence, alcoholic habits, long and varied criminal record, industrial instability, poor family ties, lack of self-control, and indifference and lack of understanding as to the seriousness of his past offenses, prognosis is poor.

The maximum sentence of twenty years as provided by the statutes for manslaughter, would, if it had been imposed, given subject the necessary long period of close supervision on parole. Instead, the 4-5 year sentence imposed allows but two and a half years on parole at the most, a period wholly inadequate to prevent additional criminal activities of this offender.

Case #4.

Subject, age thirty-seven, was born in Cambridge, Mass., on January 3, 1897. His father was alcoholic and abusive and left the family a few years prior to his death in 1907. The mother kept the home intact by her own industry and has enjoyed a good reputation in the past and at present. No other member of the family has had a criminal record.

After completing the seventh grade of public school, subject became a behavior problem by his acts of bunking out, running away from home and stealing, at the age of fourteen years. A Massachusetts Reformatory sentence for stubbornness failed to deter him at this age and he has since been arrested twenty-five times and has served eight terms in houses of correction and one in a state prison (New York, for about five years on a nine-year term), for offenses of larceny, burglary, robbery, assault and battery, disorderly conduct, possessing drugs and carrying a pistol after conviction of a crime. Since 1922 he has spent nearly seven years in penal institutions.

His employment history shows extreme mobility in work as seaman, messman, waiter and salesman. He admits never having held a position longer than a year and his history suggests that he has turned to crime for subsistence when in need of funds. The vagrant and transient existence which he has led may be traced throughout the country by his institutional care or criminal activities in Marysville, Calif., Detroit, Mich., Philadelphia, Pa., Brooklyn and New York City, N. Y.

He has had poor health since 1915 and has received hospital care in numerous institutions where he has consistently complained of vague disorders which were not always confirmed by examination. These hypochondriacal tendencies have been most marked during his confinement in penal institutions since 1925 where he has been a behavior problem because of his excitable, complaining and assaultive manner. He was admitted to the Dannemora State Hospital, N. Y., with a diagnosis of psychosis with psychopathic personality, and received treatment until discharged, recovered, three years later.

The present offenses of assault and battery with a dangerous weapon occurred in Boston when subject stabbed the victims in street brawls which were the cumulation of earlier encounters or grudges. A

one-year probationary sentence for the earlier offense was defaulted when subject absconded in 1924. He was not apprehended for the later offense until his release on parole from Clinton State Prison, N.Y., where (including his State Hospital care) he served five years of a nine-year sentence for carrying a pistol after conviction of a crime. When arraigned in Suffolk Superior Court he pleaded not guilty but was found guilty of assault with a dangerous weapon (later offense). He was surrendered on the probation for the earlier offense. He was sentenced to serve two terms, each concurrent, of $2\frac{1}{2}$ - $3\frac{1}{2}$ years at Massachusetts State Prison.

Subject is co-operative in interviews and places the blame for his criminality upon his physical condition, vague complaints of which he continues to make, although careful examination at State Prison and Norfolk Prison Colony Hospital fails to confirm them. He is of high average intelligence (I. Q. 105). There is no evidence of a psychosis but he is a markedly profound psychoneurotic with a question of an underlying psychopathic personality. While under treatment at Norfolk Prison Colony Hospital he has been extremely difficult and unpleasant to deal with because of his very strongly worded but medically unfounded chronic complaints and occasional explosiveness. The latter trait is also the basis of his danger in the community.

In spite of his high average intelligence, the prognosis is definitely unfavorable because of his industrial instability, serious and habitual criminality of long standing, the failure of numerous past commitments to deter him, and his present psychoneurotic and possibly psychopathic makeup.

Case #5.

Subject is a white, unmarried offender, who was born in Boston on Oct. 24, 1903 (unv), the fifth of eight children of Italian parentage to survive infancy. He was brought up in the West End of Boston where he early displayed delinquent traits. His father was actively engaged in business, and his probably feebleminded mother failed to discipline him properly as a child. Only one of subject's siblings, however, has shown a similarly lawless disposition.

After completing four grades of school in seven years, subject made his first court appearance at the age of thirteen for larceny. In all, he was arraigned twenty times in the eighteen years from 1917 to 1935. The most serious charges have been violation of the narcotics law, larceny and attempted larceny, and assault and battery (on at least six occasions). He has served four House of Correction terms, one jail term and sentences of one year each to the Atlanta Penitentiary; and he has paid \$80. in fines, divided among four offenses. Subject characteristically confessed to only four previous offenses on admission to Massachusetts State Prison. Many of his crimes have been relatively minor, but they have gained him a distinct notoriety with the Boston Police. He was convicted at least twice before of assaultive offenses arising at the scene of the present offense. The latter consists of subject's stabbing a man slightly in a Boston restaurant during a brawl which was started by subject and two of his companions.

He has had very little verifiable legitimate employment and is known to have sold drugs during 1926 and 1927. He enlisted in the Navy in 1919, using a brother's name and birth certificate, and was given an inaptitude discharge when it was learned that he was under age. On the two occasions in recent years that subject has been on probation, he has lived up to the requirements. He is of inferior adult intelligence (M.A. 11 yrs. 5 mos., I. Q. 71). Because of his recent persistent assaultive offenses, he can be classified as a somewhat vicious person.

In view of his inferior adult intelligence, well-established habits of dishonest living, past persistent criminality and the failure of previous punishments to deter him from repeating the crime for which he is now serving, subject's prognosis must be considered very poor. // (Subject has been since committed to State Prison for 9-10 years on charges of assault and battery with dangerous weapon and unlawfully carrying a revolver.)

Illustrative Case Histories of Habitual Weapon-Carrying Offenders.

All twelve cases selected in the group of offenders convicted of charges involving the carrying of weapons are of the habitual and professional type. Unfortunately, a statutory limit of five years prevents proper sentencing of these offenders, many of whom are dangerous risks when in the community, if they are not professional gangsters. The following six histories are typical:

Case #1.

Subject was born August 1, 1909 (v), and has never lived elsewhere than in the North End of Boston, son of an Italian father and Irish mother. His parents are honest, literate, industrious, Americanized people, law-abiding and anxious to have their children do well. His father is a teamster and truckdriver. His mother was a laundress and factory operative before marriage and has worked out some since marriage in times of special family stress. Subject is the second of seven children. One younger brother, delinquent, bids fair to become a criminal; the other children lack industrial stability but have kept out of trouble.

Subject graduated from parochial grammar school with a fair record. However, he would not work even when employment was obtained for him. He first appeared in the Juvenile Court for larceny when twelve years old, one of a group of little boys who had broken into and entered a store and stolen cigarettes which they sold. On three subsequent occasions he appeared in the Juvenile Court, once with other boys for holding up and robbing a man, once detected by the police robbing a drunken man. When even his father's patience ceased and he was threatened with the Industrial School, he obtained a position as errand boy in a wallpaper shop and remained thirty-seven months, advancing to position

of order clerk. He was laid off through reorganization of the business but left with an excellent record, was well regarded and well liked. Again he would not work and has held no legitimate business since that time, a period of three years.

He professes to have subsequently carried on an extensive bootlegging business, but in the opinion of the police he has been only a tool for bootleggers, has "taken the rap" for them and aspired to be a "big shot."

Although he kept out of trouble while employed, a few weeks after his employment terminated he was arrested for assault and battery. Since that time he has been arrested as follows: on four later occasions during 1929, twice in 1930, three times in 1931 prior to the present offense; violation of liquor laws, idle and disorderly conduct, assault to rob, breaking and entering. He has paid frequent fines and on four occasions has been committed to the House of Correction.

In his recent activities he has been an associate of a notorious band of North End gangsters and is regarded as the gun-toter for a gang chief. He was arrested for the present offense following the murder of two gangsters of an opposing party. He was first charged with murder but dismissed on this charge for lack of evidence and committed for carrying three loaded revolvers on his person. His present sentence is 2½-3½ years.

In view of the seriousness of the present offense alone, it is most difficult to understand why he did not receive a five-year term as his maximum instead of three and a half years.

Case #2.

Subject, aged twenty-four at commitment, white and unmarried, was born in New Hampshire, the older of two children of Lithuanian-born parentage. Residing with his mother and sister in Lithuania from the age of three down to about the age of twelve, subject returned with them in 1922 to Boston where his father had resided since returning from Lithuania in 1914. Home conditions were unsettled inasmuch as subject's father worked irregularly and drank excessively while his mother supported the home by taking in boarders and possibly by bootlegging. The resulting separation of his parents appears to be an unsettling influence in his life for he failed even at the age of fourteen to complete the sixth grade of a special class in school, and quit or was discharged from numerous general laboring jobs, and for at least four years prior to his arrest for the present offense persistently associated with well-known professional criminals. Although he makes a pleasant, smooth, almost naive appearance, his past arrests for murder, armed robbery, and carrying revolvers, together with his reputation of being a tool of gangsters, classify him as a potentially vicious offender. Because of his youth, low intelligence (I. Q. 85), lack of strong home ties and persistent gangster connections, subject should be considered a maximum security risk. His present offense involved the sale of two revolvers to another man with a Boston Police record; he changed his plea from not guilty to guilty and received a 3-4 year term for unlawfully carrying weapon on his person.

Case #3.

Subject, age nineteen on commitment, white and unmarried, is native-born of American-Canadian parentage and has a seventh grade school education. He has had practically no vocation or industrial experience. His father has a court record of two arrests, one for drunkenness and one for violation of the motor vehicle laws, while his sister, Ruth, has been a persistent social problem since the age of nine, and has served one commitment to the Lancaster Industrial School to which institution she was returned on two occasions for violation of parole. Following her first parole, she gave birth to an illegitimate child. Parental relations and the home environment have been unfavorable and present little possibility for improvement.

At the age of thirteen, subject made his first court appearance when he was arraigned in the Dorchester Court on a charge of assault and battery. Since that time he has been persistently in conflict with the law and has made, not including the present offense, nine court appearances in Dorchester and Roxbury, primarily for larceny, breaking and entering, and using autos without authority. He has also admittedly participated in handbag snatching and armed robberies for which he has not been prosecuted. He was first committed to Lyman School for Boys at the age of fourteen and has served approximately two years and four months in that institution, being returned three times on parole revocation for the commitment of two new offenses. He ran away from Lyman School on two occasions, and during his last runaway he and an associate stole an automobile and drove to Boston. As result of that offense, a previous suspended sentence was revoked and he was committed to serve two years indeterminate at Massachusetts Reformatory. A concurrent two-year indeterminate term was also given him two years later. He was paroled three months before the expiration of his sentences, and within four months he was arrested for the present offense, the unlawfully carrying of a pistol on his person. At the time of his present arrest, he was living in a Boston lodging house under an assumed name and according to information which came to the Boston Police, he and three companions were contemplating committing holdups in Roxbury. He pleaded guilty in Suffolk Superior Court to unlawfully carrying a pistol on his person and was sentenced to serve $2\frac{1}{2}$ -3 years at Massachusetts State Prison. Two of his companions were placed on probation for five years, while one companion was released without court arraignment.

Subject is a co-operative and pleasant individual who apparently has very little ambition and very little social responsibility. He seems somewhat easily-led and his associates in the past have been extremely poor. According to the psychiatrist, he is not psychotic, while a psychometric test reveals he is of average adult intelligence (M.A. 14 yrs. 10 mos., I. Q. 93). His family, living in Boston, is loyal to him. He has never displayed signs of viciousness in the past, but the nature of the present offense makes him a potentially vicious offender.

Subject's history of continued criminality, his well-formed anti-social interests, gang associations, inadequate parental control, and lack of industrial training, indicate a poor prognosis.

Case #4.

Subject, age nineteen at commitment, and unmarried, was born in Holyoke, Mass. He is the oldest of six children of Polish parents to have survived infancy, one having died at the age of two weeks. His father was alcoholic and appeared in court frequently for drunkenness, while his mother was an illiterate woman whose home was kept in a poor condition. They lived in an unsatisfactory tenement district of Holyoke and as both were absent from the home during the daytime working in mills, the early home training and supervision of subject were inadequate. On occasions, he was entrusted to a woman who did housework for his mother, and she often administered a drug to him in order to make him sleep.

Before he was five years old, he entered a Holyoke grammar school where he remained for four years, completing grade three and repeating grade one. At an early age he showed an intense dislike for school and its authority with the result that he truanted to such an extent that in 1924, at the age of eight, he was committed to the Hampden County Training School. Sixteen months later, having completed grade four, he was paroled to his parental home against the judgment of the superintendent. For the next six months he attended Holyoke schools, but his conduct was so poor while on parole that he was returned to the training school where, after two and a half years, he was said to have completed grade eight. His scholastic rating ranged from poor to good, while he truanted on many occasions. From the time that he entered school until he completed the eighth grade at the Training School, he displayed an antagonistic attitude toward the school authorities and toward school work.

Subject's first court appearance was on June 25, 1924, when, at the age of eight years he was committed to the Hampden County Training School for truancy. On Sept. 19, 1928 after once being paroled and returned, he was allowed to remain at home with his parents. Two months later he was arraigned in the Springfield District Court for violation of the Training School laws and received a suspended sentence to the Lyman School for Boys. On July 15, 1929, he was surrendered on this sentence and committed. His conduct at this institution was poor, as he ran away on three occasions and twice was returned for parole revocation. On May 7, 1931, he ran away and was not apprehended until July 31, 1931 when he appeared in Holyoke District Court on a charge of unlawful appropriation of an auto. He was found guilty of this charge and was sentenced to a two-year indeterminate term at the Massachusetts Reformatory. [On July 22, 1932, while working outside that institution, he effected an escape, but was returned the next day. For this offense he received an additional indeterminate sentence of two years at the Reformatory, this sentence to be served from and after the sentence he was then serving. On Jan. 5, 1934, after completing his two sentences, he was paroled home and twenty-four days later he violated this parole by participating in the present offense. For the period of nine years and four months prior to his present commitment, he has spent a total of seven years and four months in various institutions, remaining in the community for a total of only two years and three months. On five occasions he has been paroled from institutions and each time his parole has been revoked.

In view of the long time spent in institutions, subject's industrial record is very meagre. He claims that he has done only farm

work in the past and that the longest time that he was employed was for one month. At no time has he shown any industrial stability or earning capacity.

The present offense, which occurred in Holyoke, Mass., consists of carrying a loaded sawed-off shotgun. Subject and two companions stole an auto, and upon being discovered by the Holyoke Police, attempted to escape. They abandoned the stolen car and fled down to the railroad tracks where, after a short chase by the police, they were arrested. On information received from a bystander that three men carried weapons, the police made a search of the railroad property and soon found two loaded .32 calibre revolvers and one loaded sawed-off shotgun. The three men were arraigned in Holyoke District Court. They were each charged with using an auto without authority, while two of them were charged with carrying loaded revolvers, and subject was charged with carrying a loaded sawed-off shotgun. In Hampden Superior Court, they pleaded guilty shortly after their trial began and subject's two codefendants were each sentenced to serve 3-5 years at Massachusetts State Prison for carrying revolvers, while subject was given the same sentence for carrying a sawed-off shotgun. The charges against each of using an auto without authority were filed.

Subject was very co-operative and friendly when interviewed and discussed his past life with apparent frankness. His present attitude, however, is one of antagonism. This was first displayed when, at an early age, he showed an intense dislike for school and it has greatly increased during his long periods of confinement in the past ten years. At present he is a reckless, unstable individual who shows no insight into his problems, displays poor judgment, and who does not seem to be affected by his present sentence. He is well-institutionalized and accepts institutional care as a routine matter because he has hardly known anything different since he was a youth. The fact that he has had only a slight contact with society during the ten years of his adolescent period has made it, and will probably continue to make it, very difficult for him to adjust himself in the community. Intellectually, he is of inferior intelligence (I. Q. 80) and in view of his impulsive makeup, he must be classified as a psychopathic personality. He seems also to suggest a potentially psychotic individual. He is a maximum security risk.

Because of subject's psychopathic personality, frequent violations of past parole periods, lack of industrial stability, and present antagonistic attitude, prognosis is unfavorable.

Case #5.

Subject, age twenty-one and unmarried, was born in Holyoke, Mass., on Feb. 16, 1913, the third of five children of Polish parentage (v). His father and mother resided in the Polish tenement district of the city and both worked in mills during the day, leaving the children without suitable training or supervision. As a youth, subject was inclined to be wayward and he went beyond the control of his parents at an early age. In 1920, at the age of six, he entered grammar school, attending school for the next nine years, and finally completing grade six. He was a poor student, repeating the second and fourth grades and finally dropping out of school because he refused to attend further. His employment record has been very meagre, as he has worked only as a spare hand for about

three months in a mill and as a farmer's helper for a few days.

Subject made his first court appearance in 1925 when, at the age of twelve, he was placed on probation for one year for delinquency and larceny. Since then, and not including the present offense, he has appeared in court on six occasions on two charges of the attempted larceny, and one charge each of breaking and entering in the daytime, using an auto without authority, larceny from a building, carrying a revolver, assault with a dangerous weapon, and robbery. His only prior commitment was in 1930 when, upon conviction of the latter three charges, he received two concurrent six-year sentences in Massachusetts Reformatory. After serving three years, he was paroled and one month later participated in the present offense. The present offense is the same as that described in Case #4, above.

Subject was frank and co-operative when interviewed. He is of the youthful gangster makeup, boastful and self-assured, and one who does not appear to be taking his present sentence very seriously. He has failed to learn any lesson from his past arrests and convictions, and the present offense, which he states was committed for the adventure that he would obtain, is his second of carrying a revolver and shows distinctly the poor judgment and potential dangerousness which he possesses, especially in view of the fact that it was committed one month after his release on parole from Massachusetts Reformatory. He is of inferior intelligence (I.Q. 89) and is not psychotic. He should be considered a maximum security risk.

Because of subject's present boastful and undisciplined attitude and his poor judgment and serious criminality as displayed in his two most recent offenses of carrying loaded revolvers, prognosis is unfavorable.

Case #6.

Subject was born in North Walpole, N.H., on Dec. 8, 1913, the fourth of twelve native-born children of Polish parentage. His mother and father speak very little English and for the past twelve years have resided in a poor Polish tenement district of Holyoke. In recent years his father has not been steadily employed and has been compelled to seek State aid in order to provide for his large family. Subject's brother, Walter, is the only other member of the family besides subject who has a criminal record and at present he is a parolee from Massachusetts Reformatory. As a youth, subject was allowed too much freedom without proper supervision, and he was known to one of his former teachers as a "street problem" and as one who "could be found on the street at any hour of the night."

Subject attended six different schools with a final attainment of an eighth grade education. His scholastic rating ranged from poor to good, while his attitude and conduct were always satisfactory. There was no record of truancies or special talents and his education was interrupted only when his anti-social activities caused him to be committed to the institutions.

His first court appearance was on Dec. 21, 1927, when, at the age of fourteen, he was placed on probation for two years in Holyoke Juvenile Court for larceny from a building, and delinquency. A short time later he

violated that probation and was committed to the Division of Child Guardianship which placed him seven times in four different foster homes, but he ran away each time, usually stealing articles when he left. He was finally allowed to remain at home with his parents. Since his first court appearance he was arraigned on five other occasions on two charges of carrying a revolver, two charges of larceny, and one charge each of breaking, entering and larceny, delinquency, unlawful appropriation of an auto, and using an auto without authority. At the age of fourteen, he was committed to Lyman School where he remained for one year and four months. A year later, he was committed to the Shirley School where he remained for six months. On Sept. 4, 1931, less than six months after his parole from the latter institution, he was sentenced to Massachusetts Reformatory for larceny, while a charge of carrying a revolver was placed on file. When he was paroled from the Reformatory, his conduct was satisfactory for only two months and he then left the State, causing his parole to be revoked. For a period of about five years prior to the present arrest, he spent a total of three years and eight months in institutions.

Since subject has not spent a great length of time in the past five years within the community, he has not been able to establish any working habits. His longest period of employment was with his father when the latter owned a restaurant, but even this work was not steady. For one month, subject worked in a factory as an oiler and as sweeper, but he grew tired of this and left of his own accord. He also worked as a baker's helper, restaurant helper, and a laundryman, but the longest period of time that he was employed was for three weeks. At no time has he shown any industrial stability or any real earning capacity.

The present offense is the same as that described in Case #4, above.

Subject was co-operative and friendly when discussing his past life, although there were a few points on which he was quite reticent. He is a person who thinks that he must display a "hard-boiled" attitude, not only to impress other people with his importance, but to satisfy his own vanity. He is of the youthful gangster makeup and his present sentence does not appear to be affecting him. Although not deliberately vicious, he is a reckless and daring individual and one who displays poor judgment, e.g., the present offense of carrying a loaded revolver and his attempted escape from the Massachusetts Reformatory. He is of average intelligence (I. Q. 102), and his past suggests a psychopathic personality makeup. He may be classified as a persistent offender and a maximum security risk.

In view of subject's present anti-social and reckless attitude, frequent and increasingly serious past offenses, and continued violations of past parole periods, prognosis is unfavorable.

Illustrative Case Histories of Offenders Convicted of Miscellaneous Crimes.

A miscellaneous group of offenders totalling thirty-four, has twenty-nine (or 85 per cent) who are habitually inclined to criminal activities. A fair picture of this group may be obtained from the follow-

ing five histories:

Case #1.

Subject, forty years of age, was born in Russia. He was brought to the United States by his parents in infancy and reared in New York City. His father was a peddler. Subject was one of a large family, and as far as known the others have engaged in legitimate business and have been law-abiding. No significant mental history is admitted by the family, but one of his nieces is known to be epileptic.

Subject became a difficult conduct problem at an early age. He had mental ability but did poorly in school and reached only the sixth grade. At sixteen he was sent to a juvenile asylum. Two years later, drifting through another State, he stole from a boarding mistress and was sentenced to a Reformatory where he was detained two years. Immediately upon release, he joined the United States Army but was soon court-martialed for larceny, sentenced and dishonorably discharged.

In adult life subject has had little opportunity for self-support, but even when free in the community he has not held legitimate employment. He has consistently followed illegal practices (forging, swindling by various methods, practicing medicine illegally). He married, but nothing is now learned as to what became of his first wife nor whether he has been legally freed from that marriage. Four years ago, after a brief acquaintance, he married another, a woman recently widowed who was about to receive several thousand dollars for War Risk insurance. It was obvious his sole motive for marriage was the woman's money, and their intentions were filed on the day she received Government compensation. He openly referred to her as feeble-minded and incompetent, and was brutal to her.

While subject has referred in exaggeration to his own wealth, he has in reality had neither money nor property. He professes to have served overseas through the World War with distinction, and to have been cited for distinguished service. In reality, his government service is limited to the one enlistment for which he was dishonorably discharged. Subject has also professed to be a graduate of various universities, including Harvard Medical School. He has been a source of amusement to his relatives by reason of his various impersonations, posing alternately as a lawyer, dentist, nurse, recently as a medical practitioner.

Since subject's initial arrest at sixteen, he has come into conflict with the law on fifteen occasions in nine different states. He has been sentenced ten times, serving terms in nine different correctional institutions totalling more than fifteen years. On five occasions he has been detained in hospitals for mental diseases, and has been diagnosed as suffering from a psychosis superimposed upon a constitutional psychopathic inferiority. His absences from institutions have varied from thirteen days to two years, three months and fifteen days, but on eight occasions were of less than six months duration. His longest absence from institutional care occurred four years ago when upon release from Leavenworth Penitentiary he drifted to Boston and set himself up as a physician specializing in the treatment of gonorrhoea. Fifteen months later, discovering the police investigating an abortion, he was suspected of having

committed, he fled from Massachusetts. Four months later, however, for similar practices in Alabama, he was sentenced to penal servitude there. Upon completion of that sentence he drifted into Georgia where thirteen days later he was arrested, impersonating a Government official, and sentenced to Atlanta Penitentiary. Upon release, he joined the 1932 Bonus Army in its march on Washington and when that group was dispersed, returned to Boston where he was identified as wanted on an outstanding warrant, convicted of attempt to commit an abortion and given the present sentence of 2 $\frac{1}{2}$ -4 years at Massachusetts State Prison.

Subject is of average mentality, I. Q. 95. The psychiatrist considers him a psychopathic personality and a pathological liar. In the past diagnoses of manic depressive insanity, constitutional inferiority and hypo-manic have been made. Subject is an habitual offender and requires custodial care.

According to the statutes, the maximum sentence for an offense of this kind (i.e., where the patient did not die) is seven years.

Case #2.

Subject, age thirty-one and unmarried, was born in Quincy, Mass., on Oct. 30, 1901, the second of five children of hardworking and respectable Finnish parents. His father, a granite worker by occupation, provided well for his family, but non-understanding of English lessened the effectiveness of his training of his children. Subject's two brothers are alcoholic and have made court appearances for offenses in which the excessive use of alcohol has played a large part. His youngest brother, who was raised in Finland, came to the United States a few years ago, and since then has become involved in frequent offenses, mostly violations of the Motor Vehicle Laws, and has served four commitments in the House of Correction. Subject's two sisters, who are trained nurses and married to doctors, are of good character, although one of them was arrested in Boston some years ago for drunkenness. Before subject was old enough to attend school, he became a behavior problem at home, because of his association with a group of youths whose practice it was to steal small articles from neighbors.

In 1907, at the age of five, subject entered grammar school in Quincy and during the next four years he attended two schools in that city, completing grade three, and attending grade four for almost a year. In 1910, when he was eight years old, his mother passed away, following which the family was dissolved and the children were placed with relatives. One year later, subject became a persistent truant from school and finally, on May 27, 1911, at the age of nine, he made his first court appearance in Quincy juvenile Court on a charge of truancy. Upon being adjudged delinquent, he was committed to the Union County Training School where he received education through the eighth grade and where he remained because of poor conduct, for four years and three months before being released on parole. Shortly after he was committed to this school, with his oldest sister, then aged twelve, acting as housekeeper, the members of his family were reunited in the family home. In 1915, at about the time subject was paroled from the Training School, his father was married for a second time, to a Finnish woman of good character. For a time,

subject adjusted himself satisfactorily in his home and in the community and in the fall of 1915 he entered the freshman year of high school where he received his final education, attending grade nine for six months, although with a poor scholastic record.

One month after leaving school, he again began to show delinquent traits and on April 14, 1916, he received a suspended sentence to the Lyman School for Boys upon conviction of larceny. Five months later, at a time of his third court appearance, he was adjudged a delinquent and was committed to Shirley Industrial School. Since that time, and not including the present offense, he has made nineteen court appearances for twenty-three charges ranging from larceny and forgery to carrying a loaded revolver and escape from a house of correction. He has served seven commitments to Houses of Correction, two commitments to a county jail, and in 1927, on conviction of larceny of an auto, he was committed to the Massachusetts State Prison where he served five years of a 5-7 year sentence. On three occasions he has escaped from a house of correction and on one occasion he made a successful escape while awaiting trial in a courthouse. His criminality has not been confined to Massachusetts, as he has been arrested six times in other states. From the time of his first court appearance in 1911 up to the time of the commission of the present offense, a period of twenty-one years and six months, he has spent, not including the time consumed while awaiting trial, a total of approximately sixteen years and four months in various institutions.

Because of his persistent criminal offenses and subsequent commitments, subject's industrial record is very meagre. He has, however, at very infrequent intervals, been employed as a lineman's helper, ship-fitter's helper, helper on a truck, and granite worker. At no time has he ever shown stability, as his periods of employment have always been of short duration. Even when under supervision, as when he was on parole from Massachusetts State Prison, he has shown himself to be an ambitionless, unstable workman, as he quit the work obtained for him, falsely claiming ill health, and permitted himself to be supported by charity and relatives.

The present offense occurred in Quincy, Mass., a little less than nine months after subject was released on parole from Massachusetts State Prison, and consists of his stealing dresses, overcoats, and lawn sprinklers from the home of one of his friends, following a drinking party at the latter's house. After committing this offense, subject removed the stolen articles to the home of one of his brothers, where he had been living, and then disappeared. Upon learning of the offense, the Quincy Police went to the home of subject's brother and, after a search, found the stolen property and also uncovered certain office equipment which had been stolen one day previous from a Quincy granite company. Warrants charging subject with having committed these two offenses were issued, while subject's two brothers were arrested, one on a charge of receiving stolen goods and the other on a charge of larceny, namely, the larceny with subject of clothes and sprinklers. The charge against one brother was later dismissed, and the other brother received two suspended sentences of three months each in the House of Correction upon conviction of two charges against him. The whereabouts of subject was not known until three weeks later when he was arrested in Central Falls, R.I., for an attempt to break and enter. While awaiting trial in that State, he escaped from the detention room of the courthouse, but a month later he was arrested in

Pittsburgh, Pa., for a larceny. He was discharged by the Pittsburgh authorities and was delivered to the Quincy Police who returned with him to Massachusetts. After being indicted by the Grand Jury, he pleaded guilty in Norfolk Superior Court, to charges of larceny, and breaking, entering and larceny, the latter charge resulting from the break committed in the granite company property. On the charge of larceny, he was sentenced to serve 2 $\frac{1}{2}$ -3 years in Massachusetts State Prison, while the second charge was placed on file.

Subject is a negative, ambitionless, excusing individual, who is totally lacking in self-criticism and whose attitude toward society and its laws is one of antagonism. His traits of criminality are firmly established and while his criminal offenses have been, for the most part, of a comparatively non-serious nature, they have been so persistent throughout the past seventeen years that he must be classified as an habitual criminal requiring custodial care. Although alcohol has never played a large part in his offenses, he has admitted the use of drugs over a period of six years, part of which occurred while he was serving his previous committment in Massachusetts State Prison. He is of average adult intelligence (I. Q. 91) and although he is not psychotic at the present time, there is a possibility of an incipient psychosis, probably of a paranoid nature. He is totally lacking in family ties, as his brothers, who are themselves of an unstable type, apparently have no interest in him, while his stepmother has stated that she wishes to have nothing further to do with him.

(Subject has since been committed for the third time to Massachusetts State Prison for 4-7 years for assault to rob. The maximum provided by statute for this offense is ten years.)

Case #3.

Subject, age thirty-five, and unmarried, was born in Malden, Mass., on Oct. 2, 1898, the second of six children by Canadian-born parents to survive infancy. His parents are steady, law-abiding citizens who bear good reputations in the community. They are, however, possessed with marked temperamental differences which have affected the courses of their children's lives to quite a large extent. Subject's father is a very quiet, pious person whose influence has been an inhibiting one, while subject's mother, by contrast, is an extreme extrovert with an over-abundance of energy and love for her children and she has apparently dominated her home, allowing her children freer expression of their impulses than did their father. Subject, being an impulsive person by nature, and with his mother acquiescing, revolted against the paternal standards and developed traits which later led him into many difficulties and which he has been unable to check satisfactorily. His brothers and sisters, however, are of apparent stability with the one exception of his oldest sister, who, after being married and divorced at a very early age, has been arrested on one occasion for fornication. Shortly after subject's birth, his parents moved to Roxbury and his home has been located in that section of Boston up to the present time.

In 1904, at the age of five, subject entered grade one in a Roxbury grammar school and from that time on he made normal progress through grammar school, completing grade eight in 1912. During this period, his

scholastic rating and conduct were good, as was his attendance record. In the fall of 1912 he entered high school where he attended for one year, but with a poor scholastic record, as he was not promoted at the end of the year. In the fall of 1913 he claims to have received his final education at a private school in Boston where he attended for about one month. Subject left home at the age of sixteen, going to Connecticut where he obtained employment in the tobacco fields. Since that time he has worked at irregular intervals as a mechanic, stock room manager, engineer, salesman, time clerk, house man in a poolroom, and construction worker. Although he has done well in many of these positions, he has never been satisfied with his employment and has been unable to remain in any one position for a period of much more than a year. On occasions he has been self-supporting, earning a fair weekly income, while at other times, he has been unemployed, and the source of his income, unless it resulted from his criminal activities, remains unknown. There is no record of his ever receiving public aid.

In 1916, at the age of seventeen, he made his first court appearance when he was arraigned in Dedham District Court charged with unlawfully riding upon a freight car, an offense for which he paid a small fine. Since that time and not including the present offense, he has been in steady conflict with the law, having made twenty-eight court appearances on forty-four charges ranging from drunkenness, present at gaming and attempted larceny, to possessing drugs, breaking and entering, and armed robbery. He has paid fines on ten occasions, the total amount being \$275., while he has twice been placed on probation. On ten charges he was found not guilty, while nine were dismissed and eight were placed on file. He has been committed on six occasions, twice in default of payment of fines, and once when he was surrendered for violation of probation. In 1923 he served one year in the house of correction for breaking and entering in the night time, and two years later he was sentenced to the same institution for one month for possessing burglar tools. In 1927 he was surrendered in Middlesex Superior Court for violation of a probation and was committed to Massachusetts Reformatory where he served seventeen months of a five-year indeterminate sentence. On Oct. 22, 1930 he was convicted in the Suffolk Superior Court of breaking and entering in the night time and was sentenced to serve 2 $\frac{1}{2}$ -3 years at Massachusetts State Prison. Six months after being transferred to the State Prison Colony, he was returned from that institution because he had been responsible for liquor being introduced into the Colony, had been drunk and had been reported for assault upon an officer and an inmate. When paroled, after serving his minimum sentence, he was returned two months later for violation of his parole and he was compelled to serve his maximum sentence.

The present offense occurred in West Roxbury and was one of two similar offenses committed by subject on the same victim six weeks after he had been paroled from Massachusetts State Prison. On this date, he approached an Italian business man at the latter's place of business in West Roxbury and stated that he had been hired to beat him, but for a consideration of \$200. would refrain from doing so. The man had only twenty-five dollars on his person and he gave this to subject. Three days later, after again demanding money, subject was arrested at the Roxbury Police Station where he had been driven unbeknown to him as he was in an intoxicated condition, in a taxicab at the instigation of his victim.

Subject was subsequently found guilty of attempting to extort money and was returned to Massachusetts State Prison for violation of parole. He was released after having served his maximum sentence, and was held to face trial for the offense of extortion. After having been indicted by the Grand Jury on a charge of threatening to extort, he appeared in Suffolk Superior Court where he was found guilty as charged and where he was sentenced to serve 3-5 years in Massachusetts State Prison.

Subject has been only passively co-operative throughout interviews, refusing at all times to discuss his family, while upon commitment he refused, when requested, to list his criminal or employment record. He appears to be a generally unreliable individual, impulsive, argumentative and evasive. His judgment, insight, and self-control are poor and he rationalizes his numerous arrests on the grounds of police persecution, denying that he has ever been involved in any serious criminality. His criminal offenses have been quite persistent throughout the past eighteen years, but in general they have been of a comparatively non-serious type. He has, however, on a few occasions, been involved in rather serious offenses, but on these he has usually been found not guilty on appeal. He is of average intelligence (I. Q. 97) and although he is not psychotic, the psychiatrist reports that he is probably a psychopathic personality. In the past fifteen years, when not in correctional institutions, subject has lived with a woman whom he claims is his wife. No verification of their marriage could be obtained and she has stated on two occasions in recent years that they never were married. She remains loyal to him and they hope to live together again upon his release. Subject's parental family are slightly interested in him, but his contact with them in recent years has been small. Although he is basically a non-vicious individual, he should be watched rather closely because he has at times shown some traits of viciousness and because of his impulsive and reckless nature.

The maximum sentence provided by the statutes for this offense is fifteen years at State Prison.

Case #4.

Nothing verified is known concerning the birth, parents, siblings or school history of subject, who claims that he was born in Baltimore, Md., on May 10, 1895. It is fairly certain from investigation that his true family name is unknown. His wife is a manicurist with whom he had been living for several years before his marriage to her (1926), and who at one time was suspected of larceny and possessing drugs, along with subject, in Boston, and common nightwalking. She is now ill in New York City with acute pulmonary tuberculosis. Subject's criminal record dates back to 1913, when he was taken into custody by Federal authorities for taking matter from the United States mails. Since that time he has served sentences totalling more than twelve years in the Workhouse, N. Y. C., New York County Reformatory, District of Columbia Reformatory, New York State Prison (Sing Sing), Massachusetts State Prison (1922) for offenses involving disorderly conduct, possessing drugs, impersonating an officer, burglary, breaking, entering and larceny, and extortion. He was arrested for the present offense when, impersonating a police officer, he attempted to extort money from a man by accusing him of indecent behavior. He was released on \$3500 bail and he defaulted. He was returned to Massachusetts from the New York

County Penitentiary and was sentenced to Massachusetts State Prison for 2 $\frac{1}{2}$ -4 years for verbally maliciously threatening a person to accuse him of the crime of assault and battery with the intent to extort money. Subject is an unreliable, weak-willed individual of low average adult intelligence (I. Q. 80) and not psychotic.

Case #6.

Subject, age thirty-seven at commitment, is a single, native-born Negro. As far as is known, his parental home was favorable, subject's parents being considered hardworking and respectable. However, when subject was twelve, his father died, necessitating his mother leaving her children alone during the day while she worked as domestic and laundress. Although subject claims to have attended a Normal School in Macon, Ga., and an embalming school in Chicago, Ill. (nv), it is only verified that he attended school in 1907 and completed the sixth grade. A teacher who remembers him never found subject troublesome and described him as a quiet boy. Subject left school to go to work but in about 1916 left home because, according to his mother, she was too strict with him. This action was the beginning of much mobility and industrial instability on subject's part, and for a period of about fourteen years he had little contact with his family. Since leaving school, subject's employment history, when not confined in penal institutions, has consisted of unskilled jobs, such as errand boy, laborer, dishwasher, tile washer and porter, most of which are unverifiable. However, it is verified that for three years (1920-1923) subject was a member of the Illinois National Guard, from which he received an honorable discharge. Although subject admits two court appearances, one in 1917 and the other in 1925, for disorderly conduct and violation of auto laws, respectively, his known court record began in 1925 and consists of eight court appearances previous to the present commitment, mostly for auto larcenies, which classifies subject as a persistent, though non-vicious offender, who has been undeterred by seven previous commitments, totalling slightly more than five years.

Subject's present offense involved the theft of an auto in Fall River, following which he drove it to Newport, R. I., where he stole Rhode Island registration plates and put them on the stolen Fall River car. Heading for Providence in the car, subject was apprehended by Rhode Island State Police and immediately turned over to Fall River Police for prosecution. He pleaded guilty when arraigned in Bristol Superior Court and was sentenced to serve 3-5 years at Massachusetts State Prison on a charge of larceny and unlawful appropriation of an auto. The maximum sentence permitted by statute for this offense is ten years.

Subject, a second-comer to Massachusetts State Prison, having been previously under sentence for 2 $\frac{1}{2}$ -3 years for auto larceny from Fall River, is of high average intelligence (I. Q. 108) but offers a poor prognosis in view of his lack of industrial training, extreme mobility over a fourteen-year period, lack of strong home ties, and failure to be deterred from criminality by seven previous commitments.

Illustrative Case Histories of Accidental and Occasional Offenders.

A second situation revealed by the analysis of the State Prison sentences is the presence of twenty-eight (or 3 per cent) accidental and occasional offenders¹ who received far longer sentences than many of those given to professional and habitual offenders. For example, in the armed robbery group sixteen whose histories show nothing of a persistently anti-social nature received much longer sentences than the twenty-six habitual and professional armed robbers described on pages fifteen to twenty-four, inclusive. As a further sample of confusing objectives and rationale of sentencing, the following six cases (four cases of armed robbery, one case of auto larceny, and one case of carnal abuse of female child) -- all accidental and occasional offenders -- are presented:

Case #1.

Subject, twenty-four years old, was born in Syracuse, N. Y., on July 12, 1910 (v). Before he became three years old his parents died and he and his brother were placed in an orphanage in Oklahoma. When four years old he was adopted and was reared by foster parents who are of good reputation. Subject, as a child, had rickets and when fifteen years old received an injury which has permanently affected his left leg, making him lame. Recently he has also suffered from a rectal fistula.

During early youth subject moved about in Oklahoma, California and Oregon, with his foster parents. He claims to have completed the eighth grade before his leg was injured. Immediately thereafter he spent considerable time in hospitals and for months used crutches. In time he was able to help his foster-father at gladioli farming and also did a little work in a dairy and in a cannery.

¹Accidental and occasional offenders include (1) those who have no previous convictions except for minor traffic violations or violation of minor city ordinances; and (2) those who have convictions for offenses committed on the average of less than one a year and who cannot be otherwise classified.

Subject says that he left Oklahoma and came to Lawrence, Mass., to stay with a paternal uncle and aunt. He worked with them in the Salvation Army driving a truck. When they were transferred to Bangor, Me., subject accompanied them and continued the same work. He soon became dissatisfied with the strict discipline, over-religious atmosphere and low pay, and went to Lawrence. Here he did general work in a furniture store for about a month and then quit because of low pay. He started to hitch-hike back to his foster parents in Oklahoma but was picked up by two young men who were driving back towards Lawrence. The three laid plans for a robbery. Subject held up a First National Store collector with a revolver, secured about \$300. and escaped with the aid of his two companions with whom he shared the money. He then returned to Oklahoma though on the way he was hospitalized for a rectal fistula. A few months after subject arrived at his foster parents', a friend in Lawrence persuaded him to return. He did so, but again found no satisfactory work. He attempted to hold up the same collector he had previously robbed but was caught, and received sentences for both crimes, i.e., 12-18 years for armed robbery, and 3-5 years from and after, for attempting armed robbery (totalling 15-23 years).

He appears to be a genuinely co-operative individual who speaks with regret of his two present offenses and describes his past history with complete frankness. He talks slowly and deliberately, but nevertheless logically and with some insight. His only prior offense was a conviction for illegally riding a freight train, and for this he was fined. Although he scored inferior level of intelligence (I. Q. 85) the psychometrist did not regard the results as representative as subject was generally regarded as of high average adult intelligence.

Case #2.

Subject, twenty-eight years old, was born in Boston on March 27, 1906 (v). When he was three years old his father left the family for reasons which are not known, and has since lived with a paternal aunt in another part of Boston. Since 1915 the father has been arrested over thirty-five times for drunkenness and was committed for three months in 1932 to State Farm, but without the desired effect. Subject claims he has seen his father but on few occasions. His mother was arrested in Boston for larceny in 1913 and again in 1926 for a similar offense, receiving probation in each instance. Her death occurred in 1933. A twenty-eight year old brother has been arrested on numerous occasions since 1924 for offenses of breaking and entering, receiving stolen goods, assault and battery to rob, using an auto without authority, and drunkenness, receiving probation and a short sentence to the common jail.

Subject completed grammar school with average attainment and was certificated in Continuation School in 1922 with a record of excellent reliability and good scholarship. His employment history shows fair regularity in work as stockboy, seaman, electrician's helper, kitchen helper and steeplejack. Although he has worked at a variety of jobs, his preference was for work as steeplejack in which he was competent and was engaged for eight years until 1933 at high wages. He was discharged from his last position, as kitchen helper, in April 1933 because of reported laziness, dishonesty and incompetence.

He made the first of five court appearances for drunkenness in 1926, and was alcoholic at intervals until the present offense. In 1933 an arrest for breaking and entering in the night time brought no bill when it was established that he had accidentally fallen through a store window while intoxicated.

Following his mother's death, he was without employment or a home and became further disorganized by his excessive use of alcohol. He was evicted from his lodging for non-payment of rent.

The first of three armed robberies made by subject in the present offenses occurred in a Roxbury variety store, netting him twenty dollars. A second holdup in a Dorchester candy store brought him \$123. Subsequently, he held up the cashier of a Boston Elevated Railway Station, escaping with \$65.83. He escaped detection by police until an anonymous report implicating him brought his arrest at his Dorchester lodging house. He was identified by two of the victims. Police are inclined to credit part of the motivation which he offers for the crime, namely, that he was without food and a home. He was indicted in Suffolk Superior Court on three counts of armed robbery, to which he pleaded not guilty, but was found guilty and was sentenced (on a single indictment) to serve 15-18 years at State Prison.

He is fairly co-operative and alert in interview but lacks frankness in discussing family relationships or his motivation for the present offenses, in which he makes an unconvincing argument for his innocence. He is of superior intelligence (I. Q. 113) and gives the impression that he will choose carefully the extent to which he will reveal himself in interviews, guarding against damaging admissions. There is no evidence of a psychosis. A possible paranoid trend is suggested in certain of his explanations of his life situations, but a diagnosis to this effect is premature at present. He denies that his alcoholism presents any serious problem in spite of his arrests for drunkenness. He is inclined to be depressed and to show bitterness at what he considers an excessively long sentence for the present offenses.

His only active family ties are with his two brothers, one of whom has a very poor reputation. The father's interest is secondary or absent entirely, and subject is not concerned to encourage it.

Case #3.

Subject, age thirty-one, the seventh of eight living children, was born in Boston on Sept. 28, 1901 (v). Because of frail health he was pampered during childhood. By adolescence he attained good health. The history of the older children in the family shows that parental supervision and discipline were inadequate. Subject was mischievous and a disciplinary problem in school. He was also excessively truant, becoming retarded. He left school, age sixteen, while in the sixth grade to work for his father as a painter's helper. He retained this position for about five years. During this period he engaged in amateur boxing and a few professional bouts. Finding his father's trade not to his liking, he worked irregularly from 1922 until 1927 as a securities and electrical supplies salesman.

Since marriage, on Oct. 24, 1926 (v), subject claims to have worked for his wife's employer. His occupation appears to have been of a dubious nature. His wife also retained her position. Her relations with her employer appeared compromising. The latter died in Dec. 1931. The following summer subject's wife separated from him and instituted divorce proceedings on grounds of infidelity by subject.

The present offense was an armed robbery of a Boston fruit store clerk. Subject drove the car for his two codefendants who committed the robbery. Being considered the leader, subject received the present sentence of 12-15 years, his codefendants being sentenced to the Reformatory, for seven years each. Subject's known prior criminal record, starting in 1919, consists of five arrests, primarily for violations of the auto laws.

Subject is a man of low average intelligence, I. Q. 90. His history shows traits suggesting possibility of a psychopathic personality.

Case #4.

Subject, age twenty-seven, the youngest of five living children of Irish descent, was born in Boston on Aug. 2, 1904. Both parents were intemperate; there were family discord, economic need, and constant insecurity. The mother worked out and the father later deserted.

Starting at the age of six, subject left school while in the seventh grade, age fifteen, to enlist in the Navy. He had shown some improvement in the upper grades, being good in conduct and average in his work. His Naval service was unsatisfactory and he received an undesirability discharge, being considered "useless" after three transfers during the nine months of the enlistment. He then went to work and started on an evening school course which he only attended a few months, being committed to the Industrial School, age sixteen, when a suspended sentence for larceny of an auto from his place of employment was invoked upon his failing to report to the probation officer. He previously, since age eleven, had been on probation three times and once received a suspended sentence to Lyman School.

Paroled the following year, age seventeen, he began attending high school but did not complete his freshman year. He then was sent to a boarding school in New Hampshire but left at the end of two years. His conduct there, also, was unsatisfactory. Subject now worked irregularly for short periods as a department store salesman, advertising salesman and hotel worker. Deciding to prepare for a position as hotel chef or steward, subject began working and getting experience as a cook in summer resort and beach hotels. His work being seasonal, he spent his winters at home, living on his summers' earnings. During the past few years he occasionally worked as a seaman to supplement his seasonal earnings. His industrial career has been irregular, unstable, and on the whole unsatisfactory. He continued getting into difficulty, from time to time, primarily for automobile offenses.

Unemployed, he made the acquaintance of his present codefendants while seeking work as a seaman. Incriminated in the confessions of two of

them as the driver of the stolen auto used in the armed robberies of three Boston chain store managers, subject was traced to Miami, Fla., returned, and convicted on the evidence given by one of his codefendants. He was sentenced to 4-7 years, from and after, on each of the three armed robbery charges, thus being committed for a total term of 12-21 years.

Subject is of low average intelligence (I. Q. 92), friendly and co-operative, but inclined to be evasive, over self-confident, and a glib talker.

Case #5.

Subject is the second of six children of native-born American parentage, and was born in Orange, Mass., on Apr. 8, 1908. In his earlier years subject's father drank considerably but in later years has become more temperate, being a steady workman as a printer, using his spare time conducting an orchestra. He seemed to lack control over his children, as did his wife, who was regarded by social agencies as a poor home-maker.

One of subject's brothers is an inmate of the Massachusetts Defective Delinquent Colony and another brother is feeble-minded. The other siblings have developed normally and live with their parents in Springfield. Subject completed the sixth grade in school in 1922 at the age of fourteen. Since that time he has had a poor, erratic and quickly changing period of employment as laborer, truckdriver and farm worker. In 1928, at the age of twenty, subject married an illiterate and ignorant Irish woman twenty years older than himself who came from a family of very poor reputation. They lived together only a short time in New Hampshire when subject left her and returned to his own home. Subject has been convicted three times for larceny of autos or of auto accessories and twice for automobile violations, having served one commitment in Shirley School for larceny. In his present offense, for which he is serving a term of 6-7 years, subject, with a younger brother, stole an old Ford automobile for the purpose of taking its parts to supply his own machine with accessories. He is of inferior intelligence (I. Q. 82).

Case #6.

Subject, age fifty-one, and married, was the seventh of eight children to be born to native-born parents in Zanesville, O. When he was eight years old, his mother died, and four years later his father was killed in a train wreck. Upon graduating from grammar school at the age of thirteen, and following the dissolution of the family due to a quarrel over the disposition of the father's estate, he obtained work as a clerk and office boy in a local store. He has since followed the vocation of a clerk and was employed in that capacity until about three years ago with an average record for skill and stability. His general earning capacity was not large, but he was steadily employed during that period of time. With one concern his record was very poor, as he speculated with the firm's money, while with another he was considered to be one of the best employees and was retained as such when his employer found it necessary to discharge men because of lack of business. In 1910 subject came to

Massachusetts and during the following year was married. He has always lived happily with his wife who continued to work after her marriage and whose earnings supplemented those of the subject to allow them more than the necessities of life. They had no children.

Subject's first arrest was for the present offenses of carnal abuse of a female child (three counts) which occurred during the summer, when subject had sexual relations with two young girls, ages ten and eleven, who frequented his house in Waltham, often doing errands for him and his wife. His wife worked in Boston during the daytime and it was while she was absent from the home that the offenses took place. Subject was indicted in Middlesex Superior Court on charges of carnal abuse of a female child (three counts), being a lewd person, and committing an unnatural and lascivious act. Following a directed verdict of not guilty on the charge of being a lewd person, the jury deliberated the other charges, but was dismissed because of a disagreement. After a new jury was empanelled and the evidence presented again, subject was found guilty on each of the three counts of carnal abuse of a female child and was sentenced to serve 10-15 years at Massachusetts State Prison on each count, sentences to be served concurrently. The charge against subject of committing an unnatural and lascivious act was placed on file.

Subject is a very pleasant, mildly mannered, and ingratiating individual who, although seemingly co-operative, offered little desired information without constant prodding. Although vigorous in denying the acts for which he is now imprisoned, he nevertheless seems to show an extremely guilty conscience. He is of low average intelligence (I. Q. 90) and is not psychotic. He has had no close contact with his parental relatives for many years, but his wife, employed and residing in Boston, is very loyal.

Illustrative Case Histories of Feeble-minded Offenders.

A third distinct trend evidenced in the study of present sentencing practice has been the commitment to State Prison of definitely feebleminded offenders who, though they are habitual and dangerous offenders when in the community, are for the most part institutionally well-behaved inmates. The following six inmates' cases illustrate the inadequacy of anything but permanent custodial care for this group of persistent, feeble-minded offenders. (There are thirty-nine -- or 11 per cent -- of these altogether).

Case #1.

Subject, age about thirty-four, native-born, unmarried, of very little education, lacking all industrial skill. Nothing is known of his father. His mother was sentenced years ago for arson to the Vermont Reformatory and as insane was transferred to the State Hospital where she has since remained, more than ten years. One sister was committed in childhood as dependent to the Vermont Department of Public Welfare and has subsequently become delinquent.

In 1909, at the age of twelve, subject was committed as a juvenile delinquent to the Vermont Industrial School. Because of burning a building, he was transferred in 1917 to the Vermont State Prison. In 1919 he was paroled. Slightly less than one month later, he was convicted of felonious assault and sentenced to Vermont State Prison. At the end of a year he was again paroled.

Within three weeks of that release he was convicted of sodomy and re-sentenced to the Vermont State Prison. That institution reports that he had disturbed periods when he had to be locked up to quiet down and the Warden believed he would sometime become insane. He was considered unfit for life in the community and was detained in the State Prison to the expiration of his maximum sentence of ten years; thus he spent twenty-one years in custody with the exception of two absences of three and four weeks respectively.

During the interval of seventeen months between his release from the Vermont State Prison and his present offense, he drifted about through New England and into New Jersey, doing some odd jobs. He has never aided in the support of other persons. Apparently during the major portion of his time in the community he was not self-supporting, obtaining his living in the Salvation Army Home in different cities where he stopped. He stole Salvation Army insignia and was known to thereby falsely solicit. In one city he was found to be a menace to young girls.

His present term of 6-10 years is upon conviction of sodomy, his victim being a little boy of eight years, in Boston. He is a feeble-minded individual (I. Q. 68), and is not insane.

The statutes permit twenty years as a maximum term for this offense. (It is interesting to note that after his commitment to Massachusetts State Prison, subject, on the basis of information gathered by the Division of Classification, was committed to the Defective Delinquent Department at Bridgewater, Mass.)

Case #2.

Subject was born in England in 1882 and is fifty years of age. During his infancy his mother died. His father married again, to a widow with several children by her previous marriage. His stepmother is said to have been deeply loved by subject, and to have cared for him as for an own son. His father was a steady workman. His family has been respected. The home was about typical, it appears, for a middle class working family.

There appear to have been strong family loyalties and affections between members of this combined household.

The extent of subject's education is uncertain, but he apparently made normal adjustment to school, neighborhood and home demands during boyhood, leaving school when of working age to work as a cleaner on the railroad. As a boy, he evidenced some talent for painting, and as judged by the product of his recent efforts, he has apparently subsequently followed this as a hobby, and does such work with some skill. He mentions interest in art, and this seems to be his only interest. He has posed as an artist and an interior decorator, neither of which professions he is qualified to follow.

Subject's older stepbrother having migrated to America, at eighteen subject came to him in New Orleans and has remained in this country. No information has been obtained concerning his first two years in the United States, but then he apparently left the home of his brother and drifted to Philadelphia where alone and without employment or financial resources, he turned to crime, burglarizing a store. Convicted, he was sentenced to the Pennsylvania Industrial Reformatory (May, 1902). Apparently from that time he has been out of touch with his family, and it is stated his silence was a deep sorrow to his stepmother who did not again hear of him to the time of her death a few years ago.

Subject has falsified for thirty years in his life account, and throughout his period has concealed his identity. Persistent search has revealed who he is and contact has been made with his family. He acknowledges his arrest and sentence in 1902 but declares that from that time to 1920 he was law-abiding and not involved in any offenses nor confined in any institution. He, however, professes inability to recall any employers for that period. He tells of a wife, and claims to have a son by her. He is not conscious of the discrepancy in giving his son's age such as to make his birth before the date of subject's acquaintance with the woman he claims to be his wife. In reality, the woman he claims as his wife is a person who answered an advertisement asking for some girl to correspond with a lonely man, inserted in a magazine by subject while confined in prison. Upon release from that sentence, he drifted to the home of the girl's parents, who gave him temporary shelter. To these persons he did not disclose his identity nor activities. He was soon convicted of further crimes elsewhere, and again imprisoned. So far as can be determined, subject's "wife" and "son" are creations of his mind, only.

During the thirty years since subject's first sentence, he has spent more than twenty-two years imprisoned in penal institutions. He has been released into the community on ten occasions, but his periods of freedom range only from two months to one year and eleven months, never longer. He has served sentences in four states, has been arrested in more than twenty different cities, and has used over forty aliases.

His history shows that immediately upon release from imprisonment, subject reverts to crime, usually drifting to some new community, there to prey upon a number of unsuspecting prominent persons. His usual practice is to introduce himself as a sojourner in the community, an English gentleman, recently arrived in the country to advance a patent for his inventor-

father, stranded through the theft of his goods (including his artist's supplies and utensils) from the ship or upon landing, and unwilling to notify his family of his predicament since a mythical sum of money is to reach him in any event within a short time. His usual first approach is to a clergyman, a Y. M. C. A. worker, or a landlady to whom he has been referred by a clergyman or other prominent person of whom he has asked to be directed to a suitable boarding place. He even carries his craftiness into his creditor's household, paying social calls to the wife of his benefactor in the latter's absence. Despite feeble-mindedness as revealed by psychometric tests (I. Q. 55) this man is of the verbalist type, and his plausibility and ingratiating manner win confidence. He easily secures "loans" varying from a few dollars to several hundred dollars.

This scheme with little variation or originality has worked successfully for him in many communities, in some instances more than one family in a community being victimized at the same time and by exactly the same pretense.

At his recent trial, subject was convicted of five counts of larceny by false pretenses and two for larceny, these cases originating through offenses in Newton, Malden, Cambridge, and Waltham. He is sentenced on one count to 8-12 years at Massachusetts State Prison, while on the other offenses a consolidated verdict was rendered when he was adjudged a common and notorious thief.

As this man is an alien, it is difficult to understand why judges, or other responsible authorities, who have handled this offender for the past thirty years have never bothered to interest themselves in the possibility of deporting him.

Case #3.

Subject, age twenty-seven, the third of nine children of Italian descent, was born in Italy on June 7, 1905. Although his parents were above the average for Italian immigrants, there is history of insanity and alcoholism in the parental background. Subject was brought to this country in infancy.

Mental deficiency was evident during his early school history and he spent three years in a special class. At the age of ten he first appeared in court for larceny, and was placed on probation. Subject also has record of truanting. He says he left school after completing the sixth grade, age fourteen. Since he began working, his industrial career has evidenced marked instability and irregularity.

At the age of fifteen, subject first was committed to the Industrial School. His criminal career has been practically continuous and progressive, consisting of breaking and entering, larceny, drunkenness, assault and battery, and using automobiles without authority. He was committed again on six other occasions to jails and houses of corrections and served a total of not quite two and a half years. Probation and parole have had little effect in the past.

Subject's present sentence constitutes his first known armed robbery. He and two codefendants thus obtained twenty-seven dollars from a Medford shoe store proprietor on Apr. 1, 1932. On Apr. 12, 1932 they stole a parked automobile in Boston, armed themselves with guns they had hidden and drove off in search of stores presenting good holdup prospects. Meeting without success in Chelsea, Winthrop and Lynn, they drove to Maine, planning to rob a man alleged to carry a large sum of money on his person. They were apprehended in Portland, Me., early the following morning, Apr. 13, 1932, and delivered to Massachusetts. One month after sentence to eighteen months at jail for carrying a weapon in a motor vehicle, subject received the present sentence of 3-5 years to be served forthwith.

Since marriage in 1927 subject has failed to provide adequate support and has been a recipient of aid the greater part of the time. Of four children by subject's union, only one, age four, is living. Subject has continued socially and industrially inadequate.

He is mentally of moron level, I. Q. 66. Insight, judgment and interests are clearly defective. Present attitudes are unfavorable. Subject warrants classification as a defective delinquent. Prognosis unquestionably is unfavorable. (Subject has since been committed a second time to State Prison, receiving sentences totalling 18-25 years on charges of robbery armed.)

Case #4.

Subject was born in Malden, Mass., on March 17, 1899 (v), the second youngest of six children. His childhood was spent in miserable home conditions. Both of his parents were intemperate, uneducated, gave little attention to the care and disciplining of subject, and lived on a very low economic level.

At eight, subject was committed to a county training school for truancy. After four and a half years, he was paroled. A few months later he violated his parole and was returned.

Released at fourteen, he joined a gang of delinquent young boys and soon took to stealing, "hopping" freights, and sleeping out in barns. Frequently beaten by his father, he made several attempts to run away from home and was finally sent to Lyman School for truancy. After two years at this institution he was placed on a farm. At seventeen he left and joined the Army, took to heavy drinking, and deserted nine months later. A month or so later he was arrested in Boston and sentenced to fifteen years at the Military Penitentiary at Fort Leavenworth, Kas., for desertion but was released within six months because of dementia praecox. Since then, and prior to the present offense, he has served four years at Massachusetts Reformatory (including one return from parole) and four years at Massachusetts State Prison, both sentences being for burglary.

Subject has a poor work record. During the short periods he has been in the community, he has never remained over a few months at any one job. He has then been employed at various times as a painter, truck-driver, and laborer. Two of his brothers are excessive drinkers, have

long criminal records and have served sentences in penal institutions. Subject blames most of his delinquency to his drinking habits and spirit of "wanderlust".

In the present case, subject, probably under the influence of liquor, broke into the garage of a former employer and went for a ride in the latter's car. After a collision he left the car in the hands of a companion who was later arrested. Subject was sentenced to 2½-3 years at Massachusetts State Prison for breaking into and entering the garage and stealing the car. His codefendant was sent to the House of Correction on lesser charges.

In view of his moron level of mentality (I.Q. 68), frequent use of alcohol, industrial instability and long history of delinquency, prognosis is absolutely unfavorable, and it appears he could be best handled as a defective delinquent.

Case #5.

Subject was born in Nova Scotia fifty years ago. He has lived in Boston and vicinity since infancy. Practically nothing is known concerning his relatives, but so far as ascertained they have kept out of trouble with the exception of the son of one sister who is now serving a life sentence in Massachusetts State Prison for manslaughter and robbery armed. Subject is unmarried. He has no dependents and no close family ties, although when at liberty he makes his home with his sister at intervals.

Subject claims to have completed grammar school but this is doubtful. He worked a short time in rubber factories but since the age of seventeen he has spent much of his time either under sentence or in jail awaiting trial. He has no trade, but in institutions he has worked satisfactorily in textile positions. He claims his early industrial non-adjustment due to inability to obtain work by reason of speech impediment (cleft palate).

Beginning at seventeen years of age, subject has been before the courts on at least eleven occasions, generally for breaking, entering and larceny. For many years he has been a drug addict. He was sentenced at seventeen to the Massachusetts Reformatory, and since that time he has been committed on six occasions to the House of Correction for terms ranging from three months to two years. The present is his fourth sentence in Massachusetts State Prison. Altogether he has spent more than nineteen years in penal institutions. During imprisonments, he earns excellent record by dependability in deportment and faithfulness in work. During the latter part of his third State Prison sentence he was transferred to the State Prison Colony at Norfolk and did well there. In the community, however, he breaks into and enters dwelling houses in the daytime, using little caution to avoid detection, and when apprehended (usually immediately), he acknowledges the crime and accepts sentence with slight protest.

His present sentences are for the same sort of crime as noted above. In this instance he broke into an apartment in Hyde Park in the daytime and stole a suit of clothes. In Suffolk Superior Court he was sentenced to State Prison to serve two concurrent terms of 5-7 years for breaking and entering in the daytime and larceny, and possession of burglars' tools.

Subject's borderline [intelligence] - defective intelligence - (refused psychometric test), unco-operative attitude and habitually criminal behavior for about thirty-three years indicate a completely unfavorable prognosis.

Case #6.

Subject, age twenty-seven, was born in Boston on March 24, 1907, of native parents. He is the younger of two children to have survived infancy. His father was a clerk and night watchman, apparently unassuming and refined, and probably not a very satisfactory wage earner, as his family was periodically dependent. He died in 1929 of heart disease. Subject's mother has long been suspicious, discourteous, and demanding towards the many organizations that have dealt with her, and she has always refused to admit any fault existing in subject, her only son. Subject's sister has apparently adjusted well on the whole, although she is separated from her husband.

Subject was raised in the West End of Boston. The family moved frequently within that section and received public aid from at least the time that subject was seven. At that age, also, subject began to truant and continued persistently. Just before his eighth birthday he made his first court appearance, being placed on probation for larceny, after having sold newspapers which had been stolen. His father said subject's behavior had been very extensive and blamed the leniency of subject's mother for this. At the ages of ten, eleven and twelve subject made additional court appearances for petty larceny, throwing missiles, "bunking out", etc., and was each time placed on probation or the case was filed. To curb his truancy, school misconduct, lying and general untrustworthiness, many devices were tried, and even whipping was resorted to, but all with no satisfactory result. His mother strongly defended him and was twice reported to have directed him in delinquency, i. e., begging or picking pockets.

Despite his delinquencies and truancy, subject was near the completion of the eighth grade when he left school to work when fifteen. However, no information is available as to his scholastic rating, and it is possible, if not probable, that he was promoted for reasons other than good scholarship. Upon leaving school he worked intermittently as messenger, but demonstrated laziness, and seven months after leaving school was committed to Shirley School, from which he escaped once. He was paroled after seven months but soon began a series of unlawful appropriations of autos, and larcenies of goods, resulting in one probation, three House of Correction terms, and a sentence to Massachusetts Reformatory, the latter being appealed and later dismissed because of subject's indictment on charges of armed robbery and the taking of autos. On the robbery charges he was sentenced to the Defective Delinquent Colony at Bridgewater on Dec. 21, 1925, being then eighteen years old. His youthful companions were given long State Prison terms.

Subject was confined in the Defective Delinquent Colony for eight years and three months and had a fair conduct record and rather satisfactory employment record of shoe repairer. His mother, and interested persons in political circles, attempted periodically to procure his release. In 1931 and 1932 reports of the institution stated that his prospects for successful community adjustment were very questionable, but in March 1934 he was re-

leased by order of the court when he was adjudged to be a responsible offender because four different psychometric examinations rated him as having an I. Q. between 70 and 76 which, from the technical and purely intellectual point of view, raised him just over the feebleminded level. His release was unexpected on the part of his mother and sister (his father having died in 1929), and hence neither home nor employment was ready for him, as his mother was living with his sister and the latter's husband. The latter objected to the subject's presence in the home and as a dependent, for subject worked only few days.

Within two months after his release from the Defective Delinquent Colony, he participated in the offenses causing his present commitment. In both cases for which he is now serving sentence, he was accompanied by two companions. They stole cars on two late evenings in Somerville and drove to Baton where they robbed two elderly men who were walking on the street. In one case they stole six dollars in cash and a watch valued at fifty dollars, and in the other case they robbed their victim of about twenty-five dollars. In the latter case they also administered a beating to their victim. Both victims stated that they were threatened with pistols. Subject and his co-defendants were arrested as suspicious persons in a stolen car, while they were preparing to commit another holdup. Subject pleaded guilty in Suffolk Superior Court and was sentenced to serve 14-16 years for armed robbery and a concurrent term of 8-10 years for robbery. A charge of using an auto without authority was filed. Subject's codefendants were committed to Massachusetts Reformatory on two concurrent terms of eight years for the same offenses as subject was sentenced on.

Subject appears to be a friendly and co-operative person when confined, but when in the community he has demonstrated frequently very poor judgment, no ambition, no foresight and no ability to resist temptations for "easy money". Three-quarters of his time between the ages of fifteen and twenty-seven was spent in penal or correctional institutions. The fact that he committed his present offenses within two months of his release from an eight-year term is clear indication of his inability to be deterred from crime by means of incarceration, and many periods on probation have also failed to control him. Psychometric examination at this institution rated him with an I. Q. of 82, but this is not believed representative because he has been previously tested so many times. He is believed to be probably of moron level of intelligence. He seems to possess no assets upon which to base rehabilitative treatment, unless good health be considered as such. His only immediate physical need is for dental attention. Because of the length of his sentence and his very suggestible nature he should be regarded as a maximum security risk, and he is a case for permanent custodial care from a social standpoint. His mother is loyal to him but this is a serious liability rather than a helpful factor.

The imposition of different sentences to similar criminals for essentially similar crimes, and of similar sentences to different criminals for similar crimes, are further trends evidenced in the present study. To illustrate these trends the following charts have been prepared.

Chart Showing Different Sentences to Similar Criminals for Similar Crimes.

(N.B. Cases are grouped according to offenses and arranged in order of ascending minimum sentences.)

Inmate	Age at Commitment	Offense	Type of offender	Sentence	Judge
Case #1.	62	B. E. L. night time	Four prior commitments to Mass. State Prison; 28 years in penal institutions for forgery, carnal abuse, assault to rape, burglary; low average intelligence (I. Q. 85).	2½-3 yrs.	Hall
Case #2.	38	B. E. nt. and L.	1st commitment to Mass. State Prison; 15 yrs. in 7 other penal institutions in Mass., Colorado, Utah and N. Y. for burglaries. Average intelligence (I.Q. 95). A drifter, and drug addict.	4-6 yrs.	Cox
Case #3.	27	B. E. nt. and L.	One prior commitment to Mass. State Prison, and previous commitments to Lyman and Shirley Schools; 8 yrs. in penal institutions; odd job laborer. Average intelligence (I. Q. 102). Burglary is usual offense, although 1st sentence to Mass. State Prison on charge of rape.	5-7 yrs.	Collins
Case #4.	25	Poss. burg. tools	1 prior commitment to Mass. State Prison; and previous commitments to Pittsfield H.C., Shirley School and Mass. Refty.; odd job laborer with no home ties; petty thefts and burglaries committed habitually. I. Q. 102, average intelligence.	6-8 yrs.	Hall

(cont'd.)

- Case #5. 36 B. E. & L. 1st commitment to Mass. 10-15 yrs. Williams
State Prison; 12 yrs, in
penal institutions in 5
states and 3 escapes while
under sentence; a habitual
burglar with average in-
telligence (I. Q. 97), and
an alien.
- Case #6. 40 B. E. L. 1 prior commitment to Mass. 12-20 yrs. Dillon
daytime State Prison; 6 yrs. in
penal institutions in Mass.
and N. Y. for total of 16
charges (mainly drunkenness,
and burglary). Worked as
waiter, porter, janitor.
separated from wife in Tenn.
Low average intelligence
(I. Q. 83).
- Case #7. 33 Robbery Alcoholic vagrant of high 2 $\frac{1}{2}$ -3 $\frac{1}{2}$ yrs. O'Connell
average intelligence
(I. Q. 104), who has been
arrested 11 times previously
for B. E. L., drunkenness,
A. & B., carrying revolver,
and robbery, resulting in
commitments to Shirley School,
House of Correction, and
Auburn Prison for approximate
total of 5 yrs.
- Case #8. 24 Robbery 6 prior arrests for burglary, 3-5 yrs. Walsh
larceny and unlawful approp.
of auto, leading to 3 commit-
ments totalling approximately
3 yrs. U. S. Army dishonor-
able discharge. Alcoholic,
ambitionless, and works seldom.
High average intelligence
(I. Q. 104), surly attitude,
and has assaultive tenden-
cies.

(cont'd.)

- Case #9. 23 Robbery armed Prior commitments to 4-5 yrs. Hall
Lyman School and Mass.
Refty., totalling over
4 yrs., and 3 prior
court appearances for
larceny, B. E., and
robbery. Father deserted
and married bigamously an
alcoholic woman. Mother,
a prostitute, bigamously
married to a man once
committed to Mr.R. and twice
committed to Sing Sing.
Mother has record of 13
arrests for drunkenness.
Subject has strong gang
ties and is known to have
participated in homosexual
activities.
- Case #10. 34 Robbery armed 2 commitments to Mass. 4-6 yrs. Burns
State Prison for robbery
and 6 mos. commitment to
H. C. for carry. weapon;
made a total of 12 prior
court appearances for
drunkenness, bastardy, viol.
of auto laws, neglect of wife
and armed robbery, robbery,
putting in fear for purpose
of stealing, carrying weapon.
Average intelligence (I.Q.94),
but highly suggestible.
- Case #11. 24 Robbery unarmed 2 commitments to Mass. 6-8 yrs. Brown
State Prison for rape, and
armed robbery. 5 other
convictions and \$175.
fines for auto law viols.,
drunkenness, unl. approp.
of auto, and disturbing the
peace. Known participation
in homosexual activities.
Inferior intelligence
(I. Q. 81), and has ingra-
tiating manner.

(cont'd.)

- Case #12. 18 Robbery armed Arrested twice previous- 6-10 yrs. Dowd
ly for A. & B. (6 mos.
probation) and for being
a suspicious person (dis-
charged). Present offenses
involved holdups of 2 chain
stores; 3 companions were
found not guilty. Committed
to Mass. State Prison for
this offense, at age 18.
Following high school gradu-
ation, had worked in C. C.C.
- Case #13. 30 Robbery armed 5 previous court convic- 7-12 yrs. Hammond
tions for larceny, B.E.
M L., receiving stolen
goods, and desertions
from U. S. Army and U. S.
Navy, resulting in 2 jail
terms and prison terms in
the U. S. Navy, U. S. Army
and New Jersey. Is a nar-
cotic addict and a known
participant in homosexual
acts. I. Q. 109, high average
intelligence, but a
pathological liar.
- Case #14. 22 Robbery armed Only previous conviction 8-12 yrs. Brown
was for B. E. nt. intent
to commit larceny in Rhode
Island and sentenced to
one year and costs. Parental
family is respectable and
subject was involved in no
delinquencies until the age
of 21, the year before his
arrest for the present
offense. Present offense
with a codefendant involved
two housebreaks, theft of a
revolver and armed holdup
which netted 90%. Average
intelligence (I. Q. 93).

(cont'd.)

- Case #15. 21 Robbery armed In present offense was 10-12 yrs. Brown
codefendant of Case #14.
Previously twice con-
victed for larceny, re-
sulting in probation, and
in 1 yr. sentence to a
Rhode Island jail. Has
worked as general labor-
er since leaving high
school and has strong
parental ties. Average
adult intelligence (I.Q.95)
and has a boyish, happy-go-
lucky manner.
- Case #16. 28 Armed robbery 2 commitments to Mass. 12-15 yrs. Brown
State Prison for armed
robbery. 4 prior arrests
for larceny, B. E. L.,
drunkenness, and robbery
armed. Also previously
committed to Lyman School.
Average intelligence
(I. Q. 95); prefers idle-
ness and panhandling to
legitimate work.
- Case #17. 22 Robbery armed 9 prior court appear- 12-15 yrs. Dillon
ances and 2 commitments
to Shirley School and
Mass. Refty. for 3 lar-
cencies, 3 burglaries,
4 minor offenses. In-
ferior intelligence
(I. Q. 74), evasive, self-
excusing, unscrupulous.
Lacks desire to work
steadily and has no strong
family ties.

(cont'd.)

Case #18. 21 Robbery armed 6 prior arrests for larceny, A. & B., attempt to break and enter, attempt to steal auto resulting only in 1 commitment to Shirley School. Fairly steady employment as chauffeur. Strong gang ties including active participation in number pool activities. Present offense was professional \$7000 bank holdup performed with 3 codefendants. I. Q. 105, average intelligence. 15-18 yrs. Hanify

Case #19. 33 Robbery 18 prior court appearances 16-24 yrs. Dillon and 9 House of Correction commitments on numerous charges of nonsupport and other charges of larceny, B. E. & L., and keeping liquor. Odd job laborer whose parents are divorced and who is separated from his wife. Low average adult intelligence (I.Q.86) and a psychopathic personality.

Case #20. 24 Robbery armed 11 arrests prior to present offense for robbery, carry. weapon, larceny, resulting in commitments to Shirley School and Mass. Refty., from which he was released after serving 5 yrs. of a 10-year term. Superior intelligence (I. Q. 116); cold, calculating criminal leader who never worked except at occasional odd jobs; admits homosexual experiences while under sentence. Brother under sentence at Mass. Refty. 18-20 yrs. Hanify

(cont'd.)

- Case #21. 24 Rape 10 prior court appearances for auto law violations. Present offense involved 34-year old married woman who was forced into auto driven by subject and co-defendant. Victim was badly beaten as result of assault, but admitted accompanying her attackers and drinking with them at a farm. Low average intelligence (I. Q. 84), industrially stable and strong family ties. 2 $\frac{1}{2}$ -3 yrs. Donahue
- Case #22. 37 Assault Only prior court appearance was to rape. for auto law violation and resulted in \$5. fine. Present offense committed on 7-year old girl when he was under influence of liquor. Has strong family ties, is a trained electrical worker; is of average intelligence (I. Q. 101) and appears to be a mature adult with no outstanding personality defects. 2 $\frac{1}{2}$ -4 yrs. Brown
- Case #23. 38 Assault Two prior arrests for bigamy and to rape. larceny, resulting in sentences totalling approximately two years at Rhode Island State Prison, and the house of correction. Present offense committed on 17-year old girl whom he had never seen before. Is of inferior intelligence (I. Q. 67), regularly employed as a farmhand, and a timid, hesitant personality. 3-5 yrs. Collins

(cont'd.)

- Case #24. 28 Abuse of female child. 7 prior court appearances for 3 auto violations, 2 larcenies of autos, and 1 charge each of non-support and attempted B. & E., resulting in a total of 2 commitments to Suffolk Co. House of Correction and New Hampshire State Prison; other offenses resulted in fines, or not guilty findings, or were placed on file. Average intelligence (I.Q. 97) with history of manic-depressive psychosis. Unstable, industrial record with dismissals for dishonesty and incompetency. 3-5 yrs. Beaudreau
- Case #25. 33 Incest Present offense involved 13-year old daughter who did not resist father's advances. Only previous arrest was 13 years before present offense when he received six months probation for fornication. Has strong marital ties, is of inferior intelligence (I. Q. 83) and works irregularly as a general laborer being handicapped by a serious eye defect. Aided by various charitable agencies. 7-11 yrs. Cox
- Case #26. 33 Abuse of female child. 11 prior court appearances on 3 charges of auto law violations, 5 charges of sex offenses, and 1 charge each of A. & B., B. & E., and larceny of auto. Except for fines on auto law violations and a sentence of 1 yr. to House of Correction on charges of unnatural act and A. & B., subject was either found not guilty, given probation or discharged after cases were filed or not proessed. Present offense involved attack upon 13-year old Negro girl (subject is white) after subject had impersonated a police officer and lured her from her home. Age 34, of average intelligence (I. Q. 97) and industrially unstable. 8-12 yrs. Cox

(cont'd).

- Case #27. 48 Incest No prior arrests. Present 10-12 yrs. Beaudreau
 offense involved sex relations
 with 17-year old daughter.
 Worked off and on as shoe factory
 laborer, farmhand and odd job man.
 Average intelligence (I. Q. 100);
 is a psychopathic personality.
 Has strong family ties.
- Case #28. 51 Carnal No prior arrests. Present 10-15 yrs. Beaudreau
 abuse offense involved 2 girls, ages
 10 and 11, who frequented his
 home. Though married and
 regularly employed as a clerk
 he had no children. Is of
 average intelligence (I.Q. 90);
 a mild-mannered co-operative
 individual.
- Case #29. 40 Incest 3 prior arrests for non- 12-15 yrs. Gibbs
 support and being present at
 gaming, resulting in probation
 and a \$5. fine. Present
 offense committed on 16-year
 old daughter who accused sub-
 ject of indecent acts with her
 since she was eight years old.
 Is alcoholic, a widower, of
 high grade moron intelligence
 (I. Q. test not given, but is
 psychiatrist's estimate) and
 worked irregularly on a coal
 team.
- Case #30. 28 Rape An alcoholic with record of 7 12-15 yrs. Whiting
 previous court appearances of
 which 5 were for drunkenness,
 1 for B.E.L., and 1 for malicious
 injuring personal property, re-
 sulting in fines or probation.
 Present offense involved 26-year
 old nurse whom subject had known
 as neighbor and who subject had
 summoned to his house on the
 pretense of assisting his wife to
 hospital. Inferior intelligence
 (I. Q. 68), and fair industrial
 stability as a painter, machinist
 and general handyman.

(cont'd.)

Case #31. 43 Incest 8 prior arrests (7 of which 15-20 yrs. Beaudreau were in St. Louis, Mo.) on 3 charges of drunkenness, 2 violations of liquor laws, 2 charges of susp. robbery, and 1 charge of being a disorderly person. No prior commitments. Is of borderline defective intelligence, has criminal gang ties, is excessively alcoholic and has worked off and on as a carpenter. Manner is extremely resentful and appears to be one who holds a grudge. Present offense on 11-year old daughter.

Case #32. 24 a) Rape 10 prior court appearances on a) 30-35 yrs. Donahue
 b) Asslt. 4 charges of larceny, 2 b) 15-20 " fr. & aft.
 int.rob charges of drunkenness and 1 c) 15-20 " " " "
 & robb. charge each of gaming, unlaw- 50-75 yrs., total
 armed full appropriation, operating
 with without license, and assault, re-
 dang. sulting in 3 commitments to Lyman
 weapon School, House of Correction, and a
 c) Asslt. chain gang, respectively. Average
 int.rob intelligence (I. Q. 105); worked
 & robb. as caddy, bell-boy, waiter. Present
 armed offense was daring armed holdup of
 with bus with codefendant and rape of a
 dang. woman passenger.
 weapon.

Case #33. 57 Assault No previous commitments, but a) Life Beaudreau
 with 1 previous arrest for assault b) Life, concurrent
 intent & battery which was dismissed.
 carnally Present offense involved assault
 abuse on 2 nieces. Testimony also
 (2). offered showing subject had molest-
 ed neighborhood children after en-
 ticing to his home. Chronic epileptic.

Case #34. 42 Larceny 10 previous commitments in 7 4-5 yrs. Gibbs
 (2 cts) states, totalling 10 years,
 mainly on forgery charges.
 Lacks strong home ties; a
 pathological liar; low average
 intelligence (I. Q. 83.)

Chart Showing Similar Sentences to Different Criminals for Similar Crimes.

(N.B. Cases are grouped according to offenses and arranged in order of ascending minimum sentences.)

- Case #1 62 B. E. L. 4 prior commitments to Mass. 2½-3 yrs. Hall
night time State Prison. Total of 28 yrs.
in penal institutions. Although
offenses varied from drunkenness
to forgery, carnal abuse and rape,
he has served 3 prison terms for
burglaries. Has no family ties
and is of low average intelligence
(I. Q. 85). In present offense,
subject broke into a dress shop
and stole 92 dresses.
- Case #2. 26 B. E. nt. 5 prior court appearances main- 2½-4 yrs. Brown
intent to ly on burglary charges resulting
commit Lar. in 3 commitments (Lyman School,
and Larceny and twice to Mass. Refty.). Second
Mass. Refty. commitments was for a
house of correction escape.
Violated 6 Lyman School paroles,
and two of three Mass. Refty. paroles.
Is feebleminded (I. Q. 64), the son
of an alcoholic, deserting father and
an alcoholic mother who employed her
four daughters as prostitutes in a
house of ill fame. One daughter
has been committed as a defective
delinquent. In present offense,
subject and a codefendant broke
into a barber shop and stole \$32.
worth of barber supplies.
- Case #3. 28 Having bur- 1 prior commitment to Mass. State 3-5 yrs. Brown
glaricious Prison on a charge of rape
implements (8-12 yrs.) and 2 other prior court
appearances for violation city
ordinance and B. E. nt. intent to
commit larceny, both of which filed.
Has excellent family ties, has worked
off and on only as general laborer.
Low average intelligence (I.Q.83) and
inclined to be nervous and excitable.
In present offense subject and co-
defendant arrested while trying to
cut the glass window of a clothing
store.

(cont'd.)

- Case #4. 30 B. E. L. 8 prior court appearances and 3-5 yrs. Hammond
 night 4 commitments to Lyman School,
 time House of Correction and Mass. Refty.
 on charges of larceny and B. E.
 Lacks strong home ties, and has
 a brother under sentence at Mass.
 State Prison. Of average intelli-
 gence (I. Q. 102) and maintains an
 attitude of resignation to a
 criminal career. In present
 offense broke into a dwelling
 house and stole money and jewelry.
- Case #5. 37 B. E. L. A chronic social problem as 3-5 yrs. Gibbs
 evidenced by 17 prior court
 appearances for drunkenness,
 idle & disorderly, fornication,
 A. & B., B. E. & L., receiving
 stolen goods, and robbery, re-
 sulting in only two short house
 of correction commitments, the
 other charges either being filed,
 not pressed or dismissed. Is
 married to an alcoholic woman
 of borderline intelligence known
 to be a prostitute and sex per-
 vert. Is of borderline intelli-
 gence (I. Q. 79), and is infected
 with syphilis and has always been
 dependent upon charitable agencies.
 In present offense, subject and 2
 codefendants broke into a freight
 car and stole \$780. worth of
 cigarettes.
- Case #6. 36 Robbery Only prior arrests occurred 15 2 $\frac{1}{2}$ -4 yrs. Burns
 years ago when he was released
 on a drunkenness charge and given
 a 3 months House of Correction
 suspended sentence on larceny charge.
 In present offense, subject need-
 ing money, struck a building own-
 er over the head with a lead pipe
 and took \$12. from him. A
 casual worker of moron level of
 intelligence (I. Q. 67). Has
 strong family ties.

(cont'd.)

- Case #7. 35 Robbery 28 prior court appearances mainly for drunkenness and A. & B., the latter usually being committed in attempts to roll drunks. Known to police as card gambler, panhandler, chronic alcoholic and drug addict. Present offense was a drunk rolling in which victim lost \$31. Has no family or community ties. Is of borderline intelligence (I.Q.78). 2 $\frac{1}{2}$ -4 yrs. Walsh
- Case #8. 30 Robbery armed 3 prior court appearances and 2 short jail and house of correction commitments on charges of auto larceny, larceny of gasoline, and violation of auto laws. In present offense subject and several accomplices held up crippled occupant of a hotel room and obtained \$18. as well as personal property from him. Is of moron level of intelligence and lacks strong family ties. 2 $\frac{1}{2}$ -5 yrs. Hammond
- Case #9. 24 Robbery armed An alien with 5 prior arrests (but no commitments) for minor offenses. An unskilled casual laborer of defective mentality (I. Q. 56). Has no home ties, but strong ties with criminal associates. Attitude is generally evasive, surly, and vindictive. Present offense involved armed holdup of a storekeeper who was bound and gagged and from whom \$15. taken. 3-5 yrs. Walsh
- Case #10.27 Robbery armed. 7 prior jail and house of correction commitments and one reform school commitment on charges of B. & E., larceny, drunkenness, A. & B., using without authority. Is of moron level of intelligence (I. Q. 66), and lacks strong home ties. Present offense involved armed holdup by subject and two codefendants of a shoe store proprietor from whom \$27. was obtained. 3-5 yrs. Hammond

(cont'd.)

- Case #11. 31 Robbery 8 prior court appearances on four 3-5 yrs. Gibbs
armed charges of auto law violations and 4 charges of B. E. L., the latter resulting in 3 house of correction commitments totalling 2 $\frac{1}{2}$ years. In present offense subject and co-defendant while armed held up a chain store manager and obtained \$85. Is of average intelligence (I.Q. 95), lacks family ties, and is a nervous, erratic personality.
- Case #12. 30 Robbery 12 prior arrests and 2 commitments 4-6 yrs. Walsh
armed (6 mos. House of Correction, and 3-5 yrs., Mass. State Prison) for B. E., receiving stolen goods, A. & B., and numerous minor offenses. Present offense was armed holdup of Dorchester man from whom \$56. and a fountain pen were taken. Is of borderline intelligence (I.Q. 71), and is of a suspicious, pugnacious temperament.
- Case #13. 25 Robbery 11 prior court appearances of 12-14 yrs. Dillon
which 9 were for drunkenness or disturbing the peace and 2 for gaming and B. & E., resulting in payment of \$120. in fines and 3 short House of Correction commitments. In present offense with 2 codefendants in assault upon a drinking companion and robbery of latter's \$25. Is of low average intelligence (I. Q. 88), has strong home ties, and has worked as a general laborer.

(cont'd.)

Case #14. 29 Robbery 17 prior court appearances and 15-18 yrs. Dillon
 5 commitments on 10 charges of
 drunkenness, 3 charges of bur-
 glary, 2 charges of A. & B., and
 once each for auto larceny,
 attempted auto larceny, and oper-
 ating under influence of liquor.
 Has served 4 house of correction
 terms totalling 17 months and 1
 Vermont State Prison term of 4-5 yrs.
 In present offense was codefendant
 of Case #13. Is of low average
 intelligence and has fairly strong
 family ties.

Case #15. 31 Robbery 15-20 yrs. Beau-
 armed dreau
 2 prior court appearances, one
 for delinquency which was dis-
 missed and 1 for robbery armed
 which resulted in a Sing Sing
 commitment of 7-14 years. Present
 offense was professional armed
 holdup of a Charlestown hardware
 store proprietor who was shot by
 one of subject's 2 codefendants.
 Is of borderline intelligence
 (I. Q. 74), and has strong ties
 with criminal associates. Has
 good work record as stevedore and
 as electrician's helper.

Case #16. 26 Robbery 15-20 yrs. Beau-
 armed dreau
 7 arrests and discharges as a
 juvenile for petty offenses and
 2 prior arrests as an adult for
 suspicion of larceny and robbery.
 No prior commitments, has strong
 home ties, and has worked as a
 general laborer, bathing beach
 lifeguard, and parachute jumper.
 In present offense, with case
 #15, fired shot which grazed tem-
 ple of holdup victim and was later
 identified with case #17 in holdup
 of a Boston hotel. Is of border-
 line intelligence (I. Q. 72) and
 associates with professional
 criminals.

(cont'd.)

Case #17. 34 Robbery 16 prior court appearances and 10 15-20 yrs. Beau-
 armed prior commitments to penal insti- dreau
 tutions in New York and Pennsylvania
 on numerous charges of forgery, lar-
 ceny, and burglary. Since age of 12
 has not been in community at one time
 for longer than 21 months and has
 been confined for terms totalling 13
 years. Is a professional criminal
 with one brother now serving 35-70
 years in a New York prison. Involved
 in present offense with cases #15 and
 #16. Is of average intelligence
 (I.Q.100).

The variations in sentences evident from the foregoing charts and case summaries appear not only on the part of all judges at widely different times but also on the part of judges within the same court on the same or closely consecutive days and even on the part of the same judge on the same day or closely consecutive days. Of the twenty-eight superior court judges who disposed of the 333 cases included in this study, eighteen judges sentenced five or more offenders to Massachusetts State Prison. The trends evidenced by an analysis of the total sentences imposed by each of these eighteen judges are shown in the tabulation which follows:¹

Judge	Total Sentenced	Trends Evidenced
Cox	47	1) Thirty-one (65 per cent) of the forty-seven received terms ranging from a minimum of 2½ yrs. (the lowest possible State Prison sentence) to a maximum of five years for offenses of breaking and entering, forgery, attempt to commit abortion robbery armed, and manslaughter.

¹Percentages included in this section of the thesis are derived from a relatively small total number of cases sentenced by those judges (eighteen in all) who happened to have sentenced a total of five or more offenders to Massachusetts State Prison, during the five-year period covered by this study. To avoid any possible misinterpretation, therefore, these percentages which seem large but which are based on small numbers of cases, have been included only parenthetically.

Judge	Total Sentenced	Trends Evidenced
Cox (cont'd.)		<ul style="list-style-type: none"> 2) Twenty-eight of the above thirty-one cases pleaded guilty (either maintaining original pleas of guilty or changing original pleas of not guilty to guilty). 3) Only four of all forty-seven offenders maintained their pleas of not guilty down to the time when sentence was imposed. 4) Most severe terms were sentences of 14-16 years and 12-15 years imposed upon two offenders charged with robbery armed.
Hall	13	<ul style="list-style-type: none"> 1) Seven (54 per cent) of the thirteen cases received sentences of 4-5 years on charges of robbery armed, larceny, and manslaughter. Six of those so sentenced pleaded guilty. 2) Six remaining cases with only two pleading guilty were given sentences ranging from a minimum of $2\frac{1}{2}$ years to maximum of not more than eight years.
Burns	11	<ul style="list-style-type: none"> 1) Seven (63 per cent) of the eleven cases received minimum sentences of $2\frac{1}{2}$ years and maximum sentences of not more than five years on charges of breaking and entering, forgery, robbery, incest, and assault to rape. 2) Six of the seven pleaded guilty, original not guilty pleas being changed to guilty in four instances. 3) Most severe sentence, 7-10 years, imposed in sodomy case. Other maximum terms imposed were not over six years.
Goldberg	6	<ul style="list-style-type: none"> 1) All six (100 per cent) of the cases pleaded guilty. 2) Three cases of burglary received sentences of $2\frac{1}{2}$-3 years. 3) Two cases of incest were given terms of 3-5 years each while one case of auto larceny was given a term of 4-6 years.

(cont'd.)

Judge	Total sentenced	Trends Evidenced
Brown	30	<ol style="list-style-type: none"> 1) Twenty-eight (93 per cent) of the thirty cases pleaded guilty, six changing from original pleas of not guilty. 2) Two-thirds of the cases received maximum sentences of not more than five years and minimum sentences of either $2\frac{1}{2}$ years or 3 years, on charges of robbery armed, carnal abuse, burglary, assault to rape, incest, larceny, assault and battery, with a dangerous weapon. 3) Most severe terms of 18-20 years, 12-18 years, 12-15 years, 10-15 years, 10-12 yrs., were imposed in four cases of robbery armed and one case each of manslaughter and rape.
Fosdick	14	<ol style="list-style-type: none"> 1) Eleven (79 per cent) of the fourteen cases received sentences with minimum terms as low as $2\frac{1}{2}$ years and maximum terms of not more than five years, on charges of armed robbery, burglary, unnatural act, rape, assault and battery with a dangerous weapon, carrying a revolver, and assault to rob and robbery. 2) Six cases received sentences of $2\frac{1}{2}$-$3\frac{1}{2}$ years each; in three cases concurrent terms of $2\frac{1}{2}$-$3\frac{1}{2}$ years were imposed. 3) One offender charged with <u>five counts</u> of breaking and entering and <u>larceny</u> was sentenced to five consecutive terms of 3-5 years each, making a total sentence of 15-25 years. Another offender charged not only with <u>ten counts</u> of robbery armed but also with <u>carrying a revolver</u> was sentenced to concurrent terms of only 4-5 years each. 4) Most severe terms were 10-15 years, 6-10 years imposed in three cases of burglary. Remaining eleven cases received maximum sentences of not more than five years. 5) Ten (71 per cent) of the fourteen cases pleaded guilty, three changing from original pleas of guilty; pleas bore no apparent relation to sentence imposed.

(cont'd.)

Judge	Total Sentenced	Trends Evidenced
Williams	6	<ol style="list-style-type: none"> 1) Only two retained not guilty pleas but this had no more apparent relation to the sentence than did four pleas of guilty. 2) Three (50 per cent) offenders were given terms of $2\frac{1}{2}$-3 years each. 3) Most severe sentence imposed, 10-15 years for charge of burglary.
Swift	5	<ol style="list-style-type: none"> 1) All five (100 per cent) of the cases involving auto larceny, assault and battery with a dangerous weapon, breaking and entering, and robbery armed received minimum sentences ranging from $2\frac{1}{2}$ years to a maximum sentence of not more than five years. 2) Three pleaded not guilty and two pleaded guilty.
Broadhurst	7	<ol style="list-style-type: none"> 1) Three cases involving the charge of carrying a revolver or a shotgun were given maximum terms of five years, the limit provided by law. All pleaded guilty. 2) Of the remaining four cases of burglary, the two who pleaded guilty received sentences of $2\frac{1}{2}$-3 years, while the two who pleaded not guilty were given terms of 4-5 years and 6-8 years each.
Leary	5	<ol style="list-style-type: none"> 1) Four (80 per cent) of the cases involving charges of auto larceny, incest, assault with dangerous weapon, carrying revolver and forgery, received minimum terms as low as $2\frac{1}{2}$ years and maximum terms of not more than six years. 2) The fifth case, involving a charge of rape, represented the most severe term, 10-12 years. 3) Three not guilty pleas and two guilty pleas bore no apparent relation to sentences imposed.

(cont'd.)

Judge	Total Sentenced	TTTT	Trends Evidenced
Hemify	16		<ol style="list-style-type: none"> 1) Ten ($62\frac{1}{2}$ per cent) of the sixteen cases received minimum terms as low as $2\frac{1}{2}$ years and maximum terms of not more than five years. Seven cases received terms of $2\frac{1}{2}$-3 years on charges of auto larceny, robbery, sodomy, possession of narcotics, assault with intent to rob being armed, unlawfully carrying a weapon. 2) Most severe terms were 18-20 years, 15-18 years, 12-15 years imposed in three cases of robbery armed. 3) Eleven (68 per cent) of the sixteen cases pleaded not guilty, but this had no apparent bearing on sentences imposed.
Dillon	24		<ol style="list-style-type: none"> 1) Only one case received a term as low as 3-5 years; the offender had been once before committed to Mass. State Prison also by Judge Dillon who had imposed a sentence of 9-12 years. 2) Six (twenty-five per cent) of the twenty-four cases received sentences of 9-12 years, and no other sentence was imposed as often. 3) In six cases out of nine in which more than one charge was brought against an offender, consecutive terms were imposed, resulting in total sentences of 16-24 years, 14-20 years, 12-16 years in three cases involving charges of robbery, forgery and uttering, breaking and entering in the daytime. These represent the most severe sentences imposed. 4) The number of guilty and not guilty pleas were about evenly divided and bore no apparent relation to the length of sentence imposed.

(cont'd.)

Judge	Total Sentenced	Trends Evidenced
Gibbs	38	<ol style="list-style-type: none"> 1) Sixteen (42 per cent) of the thirty-eight cases received 3-5 year terms for offenses other than sex offenses. 2) Most severe terms were imposed upon sex offenders who received 15-25 yrs., 18-20 years, 12-15 years respectively. 3) All but twelve of the thirty-eight pleaded guilty.
Donahue	8	<ol style="list-style-type: none"> 1) Five (82½ per cent) of the eight cases received sentences from a minimum as low as 2½ years to a maximum of not more than 6 years for burglary, auto larceny, receiving stolen goods, and rape. 2) Most severe terms were imposed upon armed robbers (one of whom was also charged with rape) who received sentences of 19-20 years, 33-45 years, 60-75 years, respectively. 3) Pleas of guilty and not guilty were about evenly divided.
Walsh	15	<ol style="list-style-type: none"> 1) Fourteen (93 per cent) of the fifteen cases received relatively short sentences, seven with maximums of not more than five years and seven with maximums of more than five years but less than nine years, for offenses of burglary, robbery armed, rape, assault with intent to murder, assault with intent to abuse. 2) Most severe sentence imposed upon an offender who pleaded not guilty to three charges of robbery armed. Three consecutive terms of 4-7 years each totalling 12-21 years were imposed. 3) Pleas of guilty and not guilty were about equally divided.

(cont'd.)

Judge	Total Sentenced	Trends Evidenced
Beaudreau	24	<ol style="list-style-type: none"> 1) Seventeen (71 per cent) of the twenty-four cases received relatively short terms, their maximum sentences not exceeding six years and minimum terms as low as $2\frac{1}{2}$ years on charges of larceny (swindling), burglary, abuse of a female child and unnatural act, receiving stolen goods, and forgery. 2) Sentences of 10-12 years, 10-15 years and 15-20 years were imposed in six cases involving three sex offenses and three armed robberies. 3) Most severe sentence imposed upon an aged first offender on charges of assault with intent to carnally abuse. Two concurrent life sentences were imposed. 4) Pleas of guilty and not guilty were about equally divided.
Hammond	15	<ol style="list-style-type: none"> 1) Six (40 per cent) of the fifteen cases received sentences with minimum as low as $2\frac{1}{2}$ years and maximums of not more than five years, on charges of assault with a dangerous weapon to murder, burglary, robbery armed, assault and battery with a dangerous weapon. 2) Most severe sentences imposed in three cases of robbery armed for which two 9-15 year sentences and a 15-23 year sentence was imposed, and in one case of burglary (7 counts) for which a 10-15 year term was imposed. 3) All but two offenders pleaded guilty.
Collins	18	<ol style="list-style-type: none"> 1) Fourteen (77 per cent) of the eighteen cases received sentences with minimums as low as $2\frac{1}{2}$ years and maximums of not more than 7 years on charges of burglary, robbery armed, and larceny from the person. 2) Most severe sentence imposed upon two armed robbers, was 12-15 years. 3) All but four pleaded guilty.

On the basis of the above findings it can be said in general that an offender's chances of receiving a relatively short sentence from Judge Dillon are markedly less than they would be if he were sentenced by any of the seventeen other Justices included in this study. If he has committed a sex offense, the offender's chances of receiving a relatively short sentence from Judge Beaudreau are likewise diminished. Unless Judge Fosdick regarded the burglar charged with five counts of breaking and entering and larceny five times as bad as an ordinary burglar, there seems to be no apparent explanation of the 15-25 year sentence (3-5 years on each count, from and after) imposed in that case. Apparently an armed robber charged with ten counts of robbery armed as well as with carrying a revolver was not ten times worse than (or even twice as bad as) the ordinary robber; hence Judge Fosdick imposed a 4-5 year sentence in that case, although another offender with only one charge of robbery armed received a $2\frac{1}{2}$ - $3\frac{1}{2}$ year term, which leads to the conclusion that the nine other robberies committed by the 4-5 year offender may have compensated him for the slight difference in sentences. All seven offenders sentenced to Massachusetts State Prison in Worcester Superior Court in August of one year were given 3-5 year terms by Judge Beaudreau. Four were burglars (one had been previously committed to Massachusetts State Prison), two were sex offenders, and one was a robber charged with six counts of robbery. Professor Albert Morris in his "Criminology" states that "only a quack doctor would prescribe the same patented remedy for every type of leg ailment. Yet judges all carry one patented medicine for every type of faulty conduct."¹ It is possible that such a sentencing procedure as demonstrated by Judge Beaudreau affords ample grounds for Professor Morris' observation.

¹Albert Morris, "Criminology", p. 514.

CHAPTER III

CONCLUSIONS

It can be concluded on the basis of the foregoing evidence that 20 per cent of the sentences of felons in Massachusetts over a recent five-year period do not afford adequate protection to society. On the one hand, the shortest possible sentences were often imposed upon the dangerous, habitual and professional offenders, while on the other hand, much longer sentences were often imposed upon the relatively harmless, situational and occasional offenders. In the light of the case histories of the individual offenders, more than 50 per cent of those included in the present study received sentences which were far too brief to permit the achievement of desired goals of rehabilitation; while some twenty eight (18 %) promising offenders, who conceivably might have been treated in the community under probationary supervision, with less expense to the state and less opportunity for moral contagion, received disproportionately long sentences. In neither case does society benefit, for habitual offenders are soon released only to be again involved in crime, while situational or occasional offenders are by reason of relatively long imprisonment denied the opportunity of an early readjustment in the community. The fact of different sentences being imposed upon similar criminals for essentially similar crimes, or of similar sentences being imposed upon different criminals for essentially similar crimes serves to illustrate the eccentric course which sentencing judges have followed. It was not unexpected, therefore, that these eccentricities and often puzzling variations in sentencing should appear not only on the part of all judges at widely different times but also on the part of judges within the same court on the same or closely consecutive days.

The present study, however, has not endeavored to analyse the

possible psychological factors involved in judicial bias, nor has it attempted primarily to prove the fact of judicial differences in sentencing practices. It is axiomatic even among judges themselves, that such biases and differences do exist. What is most important, it seems, is the fact that one-fifth of all the felons sentenced to Massachusetts State Prison receive sentences which are inadequate from the point of view of what is feasible and reasonably to be expected. Is it not reasonable, therefore, to expect something better than 80 per cent efficiency in the sentencing function of the courts? The persistence of such widely varying and illogical sentences unnecessarily handicaps the rehabilitation of certain hopeful offenders and leads to many misconceptions of justice on the part of inmates, their relatives, and some of the general public. Moreover, the effect of such sentences upon institutional morale is well-known to all prison authorities.

It may well be asked at this point why sentences, in 20 per cent of the cases, are illogical. The following are submitted as some of the possible reasons therefor:

1. Judges frequently impose sentences on the basis of little or no verified information of the offender's past or recent social, criminal or mental history. This situation may exist either because the probation officers have an excessive case load or are poorly directed, incompetent, or untrained, or because the judges disregard the probation officers' reports even though the reports may be adequate. It is difficult to believe that many of the sentences given to the 333 felons in the present study would have been given if all the facts gathered after commitment to Massachusetts State Prison were known to the court before sentence. Lack of adequate information does not permit the sorting out of accidental offenders, the habitual and professional offenders, the mentally ill, etc., and frequently results in failure to utilize to the utmost existing

facilities (e.g., many Massachusetts State Prison commitments should have been originally committed to the Massachusetts Department for Defective Delinquents at Bridgewater.) However, Sheldon Glueck observes that "even if the best available information as to the characteristics and background of the offender were laid before judges as a basis for the exercise of their discretion -- which is not often the case -- they could not reasonably tell in advance that it would take X from two-and-a-half to three years to reform, Y from two-and-a-half to three-and-a-half; A from forty to forty-five, B from forty-two to forty-five; or, if deterrence be stressed, that X's punishment should be half a year shorter or longer than Y's because they require these different sentences to prevent them from repeating their crimes, or because the public requires this fine distinction to deter it from violating the respective laws. Such ultra precision is on its face irrational. It satisfies neither the prisoner's nor the public's conception of justice; nor does it meet the demands of a realistic individualization of punishment."¹

2. Judges themselves may fail to devote enough time to a study of an individual offender's case history based largely upon verified social facts, or they may lack sufficient training in the interpretation of materials involving medical, psychiatric, psychometric, and sociologic information.

3. In some instances, notably in cases of carrying a revolver unlawfully, where the maximum sentence is only five years, there are serious statutory limits upon the maximum sentence which can be imposed.

4. Judges can not be blamed entirely for faulty sentencing, for,

¹ Sheldon Glueck, "Crime and Justice," p. 122, Boston, 1936.

as Dr. Glueck states in characteristic fashion, "society has thus far supplied them with but few bottles of peno-correctional medicine. Insufficient experimentation with new methods of treating offenders is a characteristic of even twentieth century penology; but inadequate employment of the existing remedies is also a feature."¹

5. A current crime wave, or a publicity drive on sex criminals, as well as the judge's own personal biases are also influences which affect present sentencing practice.

¹Sheldon Glueck, "Crime and Justice", p. 125, Boston, 1936.

CHAPTER IV

STEPS TOWARD IMPROVEMENT OF SENTENCING

If it is true, as the present study would indicate, that one-fifth of all felons sentenced to Massachusetts State Prison are given terms which in the light of the individual felon's social case history are undeniably inappropriate, then it can be assumed that there is room for improvement of our present sentencing procedure. The following steps toward such an improvement are, therefore, suggested:

1. To obtain closer agreement among judges as to the fundamental purpose of a sentence to a penal or correctional institution, as to the kinds of sentences which best serve this purpose, it is suggested that the Chief Justice of the Superior Court might call a conference, or series of conferences, to which not only Superior Court judges would be invited but also correctional administrators (including representatives of probation, and parole divisions and heads of penal institutions), physicians, psychiatrists, police executives, and representatives of civic, educational, and federal organizations directly concerned with policies of handling criminal offenders.

2. a) Some criminologists have suggested separating the sentencing and guilt-finding functions of the court with the provision that following a finding of guilt an offender would be granted a private hearing by the court for the purpose of deciding whether immediate sentence should be imposed or whether the offender would be released to the custody of a treatment board. The court's decision would be based upon a well-verified case history of the offender. The treatment board, composed of recognized experts in dealing with behavior problems, would outline a long-range treatment program, which might include a sentence to a penal institution

but which in any case would provide for careful supervision and training of an offender until all evidences of behavior and personality maladjustment have disappeared.

b) Dr. A. Warren Stearns, former Commissioner of Correction in Massachusetts, and present dean of Tufts Medical School, has urged consideration of the sentencing method of the United States Army Courts-martial. Their sentences, which are imposed by a military tribunal convened only for the duration of the trial, have no legal validity of themselves, being in the nature of recommendations merely until they have received the approval of the military commander, designated by law for this purpose, who is called the reviewing authority. Only with such approval or confirmation do the sentences of these tribunals become operative and acquire the same sanction as the civil courts having criminal jurisdiction.¹ Dr. Stearns believes that review of superior court sentences by another justice appointed for the purpose possibly by the Chief Justice of the Massachusetts Supreme Court, would act as a check upon the tendency of judges to impose sentences based entirely upon the "hunch" method. Though it be argued that judicial courtesy would tend to make the sentences in review the same as the original, no matter how inadequate the basis for the penalty in the earlier case might have been, the plan merits thoughtful consideration and might well be discussed at one of the conferences referred to above.

c) A proposal also deserving serious consideration was made in the Report of the Massachusetts Governor's Committee on Crime in November, 1937. The Committee composed of the Commissioner of Correction,

¹"Military Law", Encyclopaedia Americana, Vol. 17, p. 103. New York, 1936.

Arthur T. Lyman, the then Commissioner of Public Safety, Paul Kirk; the Chairman of the Parole Board, Major Ralph W. Robart; Governor Hurley's assistant secretary, Francis McKeown, -- and possibly others whose names are not available -- recommended the establishment of a Sentencing Board, consisting of three judges of the Superior Judicial Court. Assignment to this Board would be made by the Chief Justice of the Superior Court with rotation if deemed advisable. This Sentencing Board would determine the final sentence for each individual found guilty of a felony. The judge presiding at the trial in which a felony conviction is obtained would dispose of the case by ordering the convicted individual remanded to the Department of Correction pending the determination of final sentence by the Sentencing Board. The sentence would be given within six months of the time the individual is ordered remanded. Sentence would be to whatever State institution the Sentencing Board believed had the most suitable facilities available for the individual's best interests and the protection of society. (This involves also the establishment of a Receiving Station where convicted felons would be housed until the Sentencing Board finally made dispositions of their cases.) The Division of Classification in the Department of Correction would prepare a thorough, well-verified social case history on each offender, to be made available to the Sentencing Board prior to passing of sentence. The Sentencing Board would also be empowered to question any court or departmental official, or anyone connected with any particular case under consideration.

3. The maximum statutory limits upon penalties for all felonies would be greatly extended, if not entirely removed, to give the Sentencing Board a greater opportunity to protect society and to aid the individual over a longer period of time than is now possible in many cases, such as those illustrated in the present study in the class of dangerous,

habitual or professional offenders.

4. The defective delinquent law would be broadened to include the authority to commit the following types:

a) Those attackers of children who, in the opinion of the Sentencing Board, or other superior court judge, have a probably incurable moral deficiency, even though not feebleminded.

A long study of the records of this type of individual tends to make clear that reformation is next to impossible from any knowledge of care and treatment that we now have. Therefore, for the protection of children and the protection of the individual, the proper commitment is to the Defective Delinquent Department of from one day to death, in accordance with the present statutes covering commitment to the Defective Delinquent Department.

The statutes with reference to commitment of this type of offender, who has already been sentenced to State Prison, or the Reformatory for Men, and whose moral deficiency or perversion and likelihood of repeated attacks on children is discovered after sentence, should be modified in such a way that these individuals can be brought before the Sentencing Board for commitment, regardless of their institutional behavior. Many of these individuals are not serious institutional problems but will be extremely serious community problems and a menace to themselves as well, unless segregated for a much longer period of time than called for by their original sentence.

b) Any feebleminded, borderline feebleminded, borderline insane or markedly psychopathic criminals, either now in State Prison, State Prison Colony or Massachusetts Reformatory or yet to come, who appear to the Sentencing Board, or other superior court judge, to have a hopeless or nearly hopeless future with respect to community adjustment or who appear to be,

or have prospect of being, serious obstacles to the safe and smooth administration of these three institutions. (This would eliminate the present clause in the statute which bars commitment to the Defective Delinquent Colony of any individuals convicted of offenses punishable by life; these offenses including armed robbery and certain sex cases, as well as murder cases, among which types there are now some serious menaces to the discipline of these institutions.)

5) Create a statute requiring the District Attorney's office to forward to the institution to which remanded or committed a detailed official statement of the crime for which ordered remanded or committed and of other cases disposed of at the time of present sentence. The Federal Government and California have such a practice at present.

6) Along with the above suggestions, the proposal made by Sheldon and Eleanor T. Glueck in their "500 Criminal Careers" deserves equally serious consideration. They have outlined a technique whereby the sentencing judge may not only acquaint himself with the thorough, well-verified case history of each offender, but also with the mathematical chances of success inherent in the several alternative sentences which may be imposed. Based upon established rules of statistical procedure, these mathematical chances of success would be embodied in the so-called prognostic tables.¹ Judge Ulman of Baltimore views the proposal as one which would not only minimize the extreme differences that arise out of the personality of the individual sentencing judge but also would give to the sentencing judge something tangible upon which to rest his decision.² Judge Ulman, however, sees possible weaknesses in the necessarily subjective

¹Glueck "500 Criminal Careers", New York, 1930. Chap. XVIII.

²Glueck "Probation and Criminal Justice", New York, 1933. Chap. VI, p. 121.

judgments of the investigator which must enter into the appraisal of some of the factors making up data for the prognostic tables. He also questions whether such elusive factors as industrial habits, attitude toward family and type of home are subject to scientific controls. In his judgment the chief value of the Glueck's proposed instrument as an "aid" to the sentencing judge lies in its tendency to focus attention upon the haphazard operation of the "hunch" system, and upon the almost entire lack of coordination between the imposition of sentence and any objective visualization of its results.

Meanwhile, until some fundamental change in our present haphazard sentencing procedure is made, individual judges will continue to impose good and bad sentences. To minimize the number of the latter, the probation office staffs in superior courts should be increased in number and improved in quality so that judges may have more adequate information on which to base sentences, as well as to permit the raising of standards of supervision over probationers, which in turn helps reduce prison populations. If, as has been soundly argued, probation staffs cannot keep pace with investigation of all the complicated, serious cases, then following a finding of guilty the court should commit to a receiving station in or near Boston those offenders eligible for commitment to State Prison or Massachusetts Reformatory. There they would be held for a period of time until a complete, well-verified social case history could be completed as the basis for the judge's sentence. In this connection, consideration should be given to the suggestion made above, namely, that a law be passed permitting or requiring judges to commit to the Department of Correction rather than directly to State Prison or Massachusetts Reformatory.

CHAPTER V

Abstract of Thesis

The protection of society has long been accepted as a proper aim in the sentencing of criminals to penal or correctional institutions. However, certain illogical variations in Massachusetts State Prison sentences have aroused the suspicion that our present sentencing practice may not be wholly consistent with this aim. Accordingly, the present study was undertaken to determine as precisely as possible whether, over a five-year period, each Massachusetts State Prison sentence was based upon and was consistent with a complete, well-verified account of an offender's social history or whether it was based upon the "hunch" method or some other illogical system in complete violation of the principle of social protection.

The analysis of 1,651 total commitments to Massachusetts State Prison during a recent five-year period showed 333 cases with illogical variations in sentences. These cases, representing 20 per cent of the total five-year commitments, were intensively studied and revealed the following facts:

Twenty per cent of the sentences of felons in Massachusetts over a recent five-year period do not afford adequate protection to society. On the one hand, the shortest possible sentences were often imposed upon the dangerous, habitual and professional offenders, while on the other hand, much longer sentences were often imposed upon the relatively harmless, situational and occasional offenders. In neither case does society benefit, for habitual offenders are soon released only to be again involved in crime, while situational or occasional offenders are by reason of relatively long imprisonment denied the opportunity of an early readjust-

ment in the community. The fact of different sentences being imposed upon similar criminals for essentially similar crimes, or of similar sentences being imposed upon different criminals for essentially similar crimes serves to illustrate the eccentric course which sentencing judges have followed. It was not unexpected, therefore, that these eccentricities and often puzzling variations in sentencing should appear not only in the part of all judges at widely different times but also on the part of judges within the same court on the same or closely consecutive days.

The present study, however, has not endeavored to analyze the possible psychological factors involved in judicial bias, nor has it attempted primarily to prove the fact of judicial differences in sentencing practices. It is axiomatic even among judges themselves, that such biases and differences do exist. What is most important, it seems, is the fact that one-fifth of all the felons sentenced to Massachusetts State Prison receive sentences which are inadequate from the point of view of what is feasible and reasonably to be expected. Is it not reasonable, therefore, to expect something better than 80 per cent efficiency in sentencing function of the courts? The persistence of such widely varying and illogical sentences unnecessarily handicaps the rehabilitation of certain hopeful offenders and leads to many misconceptions of justice on the part of inmates, their relatives, and some of the general public. Moreover, the effect of such sentences upon institutional morale is well-known to all prison authorities.

It may well be asked at this point why sentences, in 20 per cent of the cases, are illogical. The following are submitted as some of the possible reasons therefor:

1. Judges frequently impose sentences on the basis of little or no verified information of the offender's past or recent social, criminal or mental history. This situation may exist either because the probation officers have an excessive case load or are poorly directed, incompetent, or untrained, or because the judges disregard the probation officers' reports even though the reports may be adequate. It is difficult to believe that many of the sentences given to the 333 felons in the present study would have been given if all the facts gathered after commitment to Massachusetts State Prison were known to the court before sentence. Lack of adequate information does not permit the sorting out of accidental offenders, the habitual and professional offenders, the mentally ill, etc., and frequently results in failure to utilize the utmost existing facilities (e.g., many Massachusetts State Prison commitments should have originally been committed to the Massachusetts Department for Defective Delinquents at Bridgewater). However, Sheldon Glueck observes that "even if the best available information as to the characteristics and background of the offender were laid before judges as a basis for the exercise of their discretion -- which is not often the case -- they could not reasonably tell in advance that it would take X from two-and-a-half to three years to reform, Y from two-and-a-half to three-and-a-half; A from forty to forty-five, B from forty-two to forty-five; or, if deterrence be stressed, that X's punishment should be half a year shorter or longer than Y's because they require these different sentences to prevent them from repeating their crimes, or because the public requires this fine distinction to deter it from violating the respective laws. Such ultra precision is on its face irrational. It satisfies neither the prisoner's nor the public's conception of justice; nor does it meet the demands of a realistic individualization of punishment."¹

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2. Judges themselves may fail to devote enough time to a study of an individual offender's case history based largely upon verified social facts, or they may lack sufficient training in the interpretation of materials involving medical, psychiatric, psychometric, and sociologic information.

3. In some instances, notably in cases of carrying a revolver unlawfully, where the maximum sentence is only five years, there are serious statutory limits upon the maximum sentence which can be imposed.

4. Judges can not be blamed entirely for faulty sentencing, for, as Dr. Glueck states in characteristic fashion, "society has thus far supplied them with but few bottles of peno-correctional medicine. Insufficient experimentation with new methods of treating offenders is a characteristic of even twentieth century penology; but inadequate employment of the existing remedies is also a feature."¹

5. A current crime wave, or a publicity drive on sex criminals, as well as the judge's own personal biases are also influences which affect present sentencing practice.

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If it be true, as the present study would indicate, that one-fifth of all felons sentenced to Massachusetts State Prison are given terms which in the light of all the individual felon's social case history are undeniably inappropriate, then it can be assumed that there is room for improvement of our present sentencing procedure. The following steps toward such an improvement are, therefore, suggested:

1. To obtain closer agreement among judges as to the fundamental purpose of a sentence to a penal or correctional institution and as to the kinds of sentences which best serve this purpose, it is suggested that the Chief Justice of the Superior Court might call a conference, or series of conferences, to which not only Superior Court judges would be invited but also correctional administrators (including representatives of probation and parole divisions and heads of penal institutions), physicians, psychiatrists, police executives, and representatives of civic, educational, and federal organizations directly concerned with policies of handling criminal offenders.

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b) Dr. A. Warren Stearns, former Commissioner of Correction in Massachusetts, and present Dean of Tufts Medical School, has urged consideration of the sentencing methods of the United States Army Courts-martial. Their sentences, which are imposed by a military tribunal convened only for the duration of the trial, have no legal validity of themselves, being in the nature of recommendations merely until they have received the approval of a military commander, designated by law for this purpose, who is called the reviewing authority. Only with such approval or confirmation do the sentences of these tribunals become operative and acquire the same sanction as the civil courts having criminal jurisdiction.¹ Dr. Stearns believes that review of superior court sentences by another justice appointed for the purpose possibly by the Chief Justice of the Massachusetts Supreme Court, would act as a check upon the tendency of judges to impose sentences based entirely upon the "hunch" method. Though it be argued that judicial courtesy would tend to make the sentences in review the same as the original, no matter how inadequate the basis for the penalty in the earlier case might have been, the plan merits thoughtful consideration and might well be discussed at one of the conferences referred to above.

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¹"Military Law", Encyclopaedia Americana, Vol. 17, p. 103. New York, 1936.

available -- recommended the establishment of a Sentencing Board, consisting of three judges of the Superior Judicial Court. Assignment to this Board would be made by the Chief Justice of the Superior Court with rotation if deemed advisable. This Sentencing Board would determine the final sentence for each individual found guilty of a felony. The judge presiding at the trial in which a felony conviction is obtained would dispose of the case by ordering the convicted individual remanded to the Department of Correction pending the determination of final sentence by the Sentencing Board. The sentence would be given within six months of the time the individual is ordered remanded. Sentence would be to whatever State institution the Sentencing Board believed had the most suitable facilities available for the individual's best interests and the protection of society. (This involves also the establishment of a Receiving Station where convicted felons would be housed until the Sentencing Board finally made dispositions of their cases.) The Division of Classification in the Department of Correction would prepare a thorough, well-verified social case history on each offender, to be made available to the Sentencing Board prior to passing of sentence. The Sentencing Board would also be empowered to question any court or departmental official, or anyone connected with any particular case under consideration.

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Delinquent Colony of any individuals convicted of offenses punishable by life; these offenses including armed robbery and certain sex cases, as well as murder cases, among which types there are now some serious menaces to the discipline of these institutions.)

5. Create a statute requiring the District Attorney's office to forward to the institution to which remanded or committed a detailed official statement of the crime for which ordered remanded or committed and of other cases disposed of at the time of present sentence. The Federal Government and California have such a practice at present.

6. Along with the above suggestions, the proposal made by Sheldon and Eleanor T. Glueck in their "500 Criminal Careers" deserves equally serious consideration. They have outlined a technique whereby the sentencing judge may not only acquaint himself with the thorough, well-verified case history of each offender, but also with the mathematical chances of success inherent in the several alternative sentences which may be imposed. Based upon established rules of statistical procedure, these mathematical chances of success would be embodied in the so-called prognostic tables.¹ Judge Ulman of Baltimore views the proposal as one which would not only minimize the extreme differences that arise out of the personality of the individual sentencing judge but also would give to the sentencing judge something tangible upon which to rest his decision.² Judge Ulman, however, sees possible weaknesses in the necessarily subjective judgments of the investigator which must enter into the appraisal of some of the factors making up data for the prognostic tables. He also questions whether such elusive factors as industrial

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habits, attitude toward family and type of home are subject to scientific controls. In his judgment the chief value of the Glueck's proposed instrument as an "aid" to the sentencing judge lies in its tendency to focus attention upon the haphazard operation of the "hunch" system, and upon the almost entire lack of co-ordination between the imposition of sentence and any objective visualization of its results.

Meanwhile, until some fundamental change in our present haphazard sentencing procedure is made, individual judges will continue to impose good and bad sentences. To minimize the number of the latter, the probation office staffs in superior courts should be increased in number and improved in quality so that judges may have more adequate information on which to base sentences, as well as to permit the raising of standards of supervision over probationers, which in turn helps reduce prison populations. If, as has been soundly argued, probation staffs cannot keep pace with investigation of all the complicated, serious cases, then following a finding of guilty the court should commit to a receiving station in or near Boston those offenders eligible for commitment to State Prison or Massachusetts Reformatory. There they would be held for a period of time until a complete, well-verified social case history could be completed as the basis for the judge's sentence. In this connection, consideration should be given to the suggestion made above, namely, that a law be passed permitting or requiring judges to commit to the Department of Correction rather than directly to State Prison or Massachusetts Reformatory.

APPENDICES

APPENDIX #1.

List of legal offenses included under each heading of the offense classification.

BURGLARY

Breaking and entering to steal.
 Breaking and entering and larceny in the night time.
 Breaking and entering in the night time.
 Breaking and entering in the night time with intent to commit larceny and larceny.
 Breaking and entering.
 Breaking and entering in the day time with intent to commit larceny.
 Breaking and entering in the day time and larceny.
 Attempt to break and enter in the night time.
 Breaking and entering in the night time to commit larceny.
 Breaking and entering in the night time with intent to commit larceny.
 Possessing burglar tools.
 Having burglarious implements in possession.
 Having burglarious implements.

ROBBERY

Robbery.
 Assault to rob.
 Assault with intent to rob.
 Robbery armed.
 Robbery while armed.
 Assault to rob and robbery.
 Assault with a dangerous weapon to rob.
 Robbery unarmed.
 Accessory before the fact of assault to rob.
 Robbery and putting in fear.
 Robbery armed with a dangerous weapon.
 Assault to rob armed with a dangerous weapon.

SEX

Unnatural act.
 Sodomy.
 Abuse of female child.
 Assault with intent to rape.
 Unnatural and lascivious act.
 Assault with intent to commit rape.
 Rape.
 Incest.
 Statutory rape.
 Assault with intent to rape.
 Carnal abuse.
 Assault to rape.
 Carnal abuse of female child.
 Assault with intent to abuse a female child.
 Assault with intent to carnally abuse.

APPENDIX #1, cont'd.FORGERY AND SWINDLING

Larceny.
 Uttering a forged instrument and larceny.
 Forgery with intent to defraud.
 Uttering.
 Common and notorious thief.

FELONIOUS ASSAULTS

Manslaughter.
 Assault to murder.
 Assault and battery with a dangerous weapon.
 Assault with a dangerous weapon to murder.
 Accessory after the fact of assault with a dangerous weapon with intent to murder.
 Assault with intent to murder.
 Assault and battery with a dangerous weapon with intent to murder.

CARRYING WEAPONS

Carrying a revolver without a permit.
 Carrying a weapon without authority.
 Carrying a revolver in vehicle.
 Carrying a revolver.
 Carrying a revolver without authority.
 Carrying a dangerous weapon.
 Unlawfully carrying a pistol.
 Carrying a shotgun.
 Unlawfully carrying a dangerous weapon.
 Unlawfully carrying a weapon.
 Unlawfully carrying a pistol on person.
 Having a vehicle a dangerous weapon.
 Unlawfully carrying a weapon on person.

MISCELLANEOUS

Larceny of auto.
 Receiving a stolen auto.
 Receiving stolen goods.
 Larceny from the person.
 Operating an auto without authority.
 Attempt to commit abortion.
 Threatening to extort.
 Verbally and maliciously threatening a person to accuse him of assault and battery with intent to extort money.
 Unlawful possession of narcotic drugs with intent to sell or deliver.
 Unlawfully having a narcotic drug with intent to deliver.
 Wilfully and maliciously burning a building.
 Unlawful possession of narcotic drugs.

APPENDIX #2

Annual Court Commitments to State Prison for a five-year period.	Cases Selected	Percentages
314	74	23.56%
330	71	21.51%
303	74	24.42%
344	39	11.33%
370	75	20.27%
Totals <u>1661</u>	<u>333</u>	<u>20.04%</u>

APPENDIX #3

	Total number of offenders	Habitual and Professional Offenders	Situational and Occasion- al Offenders	Habitual or dangerous feebleminded Offenders
Burglary	113	72	3	19
Robbery	86	26	16	9
Sex	49	8	7	6
Forgery and Swindling	20	18	0	1
Felonious Assaults	19	13	2	1
Carrying Weapons	12	12	0	0
Miscellaneous	<u>34</u>	<u>29</u>	<u>0</u>	<u>3</u>
Totals	<u>353</u>	<u>178</u>	<u>28</u>	<u>39</u>

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