

The Criminologist

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SOCIAL DEFENSE OR SOCIAL SANITATION? A Radical Proposal for the Redirection of Law Enforcement

Richard Korn
John Jay College of Criminal Justice

Note: This essay was discovered among the literary remains of a retired criminology professor whose career as a teacher, social scientist, practitioner and self-styled activist, must, by the most charitable consensus of his peers, be considered a failure. Professor Korn also viewed himself as a writer of poetry and fiction. The common thread running through these diverse occupations was their consistent non-success. At his not-untimely death (the delayed result of falling from a bicycle), he was engaged in a furious and characteristically failing attack on the law-enforcement establishment of Mendocino County, an idyllic coastal region of Northern California.

Professor Korn wished to be remembered as a penal reformer. The hitherto unpublished essay is remarkable in that it contradicts or refutes virtually every value for which he appeared to stand during his long professional life.

Introduction

All natural systems, including human systems, depend on the integrity of three vital functions: (1) reproduction or self-maintenance, (2) self-defense and (3) disposition of waste, ideally through re-cycling. Self-maintenance serves the needs of the living—who must reproduce in order to survive as a species. Additionally, all living systems must defend themselves against external attack by predators. Finally, sanitation is required for the safe disposal of



waste, including that created by the useless, the unproductive, the dying and the dead.

Sanitation as Essential for Maintenance & Defense

In the ecology of the sea, certain organisms maintain themselves by metabolizing the bodies of animals which other predators usually avoid. Uncharitably called *scavengers*, these creatures keep themselves alive by feeding on the waste products constituted by the unproductive, the dying and the dead. Among the better known scavengers are lobsters and crabs, creatures which do not scruple at consuming the sick and dying of their own species. In addition to maintaining them, this survival tropism benefits the ecology by

efficiently disposing of organic waste.

Waste may be broadly defined as anything which absorbs more than it produces, thereby depleting the energy required for a system's maintenance and defense. (In a human context, for example, a welfare family, might be considered "waste" because maintaining it subtracts more from the social system than it returns.) No one has faced this stark fact more forthrightly than the eighteenth-century writer and divine, Jonathan Swift, whose "Modest Proposal" advocated using surplus Irish babies as food, thereby enriching rather than depleting the Mother Country's resources. (This seminal work was, until now, mistakenly viewed as satire.)

Please see RADICAL PROPOSAL, page 3

1994 Conference Update . . . 2

ASC Award Winners . . . 6

Conferences and Workshops . . . 8

IN THIS ISSUE . . .

Position Announcements . . . 9

Book Reviews & Essays . . . 12-16

Teaching News . . . 18-19

1994 CONFERENCE UPDATE

Jerome H. Skolnick, President
Thomas Blomberg, Program Chair

We are moving forward on the 1994 Conference in Miami. We feel we have an outstanding site with numerous attractions and opportunities for those attending the meetings. Arrangements with the Hyatt Regency and several overflow hotels have gone well.

The Hyatt will provide the majority of room accommodations at \$99.00 per night. Conference meeting rooms and reception space will all be in the Hyatt. Overflow hotels include the Occidental Parc, located adjacent to the Hyatt (involves an approximate 50-foot walk along the riverfront to the Hyatt doors). The Occidental is a small hotel with attractive rooms at \$99.00 per night. The Sheraton is located just across the river from the Hyatt. Its rooms are comparable to the Hyatt's and run \$90.00 per night. The Sheraton will provide ASC members with a water taxi every 3-5 minutes from 7:00 a.m. to 10:30 a.m., and then every 10 minutes from 10:30 a.m. to 2:30 a.m. The water taxi ride takes only a few minutes and picks up just outside the Sheraton and drops off a few feet from the Hyatt. The other overflow hotel is the Holiday Inn with rooms at \$70 per night. The Holiday Inn is the least attractive of the overflow hotels, is located one block from the Hyatt and requires crossing two busy roads. During evening hours it is recommended that people travel in groups between the Holiday Inn and the Hyatt.

Make your reservations early! The Hyatt telephone number is (305) 358-1234 or 1-800-233-1234. We look forward to seeing you in Miami.

AROUND THE ASC

John CRANK has joined the faculty in the Department of Criminal Justice Administration at Boise State University in Boise, Idaho. Professor Crank comes to BSU from a position in the Department of Criminal Justice at the University of Nevada, Las Vegas. He has published extensively in the area of policing.

Joan PETERSILIA, former President of the American Society of Criminology, has resigned as Director of the Criminal Justice Program at The RAND Corporation to join the criminology faculty at the School of Social Ecology, University of California, Irvine.

NOMINATIONS FOR DIVISION ON WOMEN AND CRIME AWARDS

Nominations are requested for the following Division on Women and crime awards: **Distinguished Scholar Award** which recognizes outstanding contributions to the field of women and crime by an established scholar. The contributions may consist of a single outstanding book or work, a series of theoretical or research contributions, or the accumulated contributions of an established scholar.

New Scholar Award which recognizes the achievements of scholars who show outstanding merit at the beginnings of their careers. Outstanding merit may be based on a single book or work, including dissertation or a series of theoretical or research contributions to the area of women and crime. In submitting your nomination, please provide the following supporting materials: a letter evaluating a nominee's contribution and its relevance to the award and the nominee's c.v. (short version preferred). No nominee will be considered unless these materials are provided and arrive by the deadline. Send nominations and supporting materials **by September 30, 1994** to: **Nancy WONDERS**, Department of Criminal Justice, Northern Arizona University, Flagstaff, AZ 86011-5005

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SHALALA GIVES FINAL APPROVAL FOR NIH BEHAVIORAL AND SOCIAL SCIENCE OFFICE

On July 13 Secretary of the Department of Health and Human Services Donna Shalala signed the documents which officially establish the Office of Behavioral and Social Sciences Research (OBSSR) in the Office of the Director, National Institutes of Health (NIH). The Office will begin its operations with a \$2.5 million budget, according to Louis Sibal of the NIH Office of Extramural Research. (Reprinted with permission from *COSSA Washington Update*).

RADICAL PROPOSAL, continued from page 1

Human societies threatened by energy depletion must enforce a viable balance between the functions of social anabolism and anabolism. In practical terms, this means that elements which subtract more than they add to the gross national energy product (GNEP) are best viewed as candidates for disposal rather than for maintenance or defense.

Among the populations which consume far more than they contribute, one must cite: the aged, the fatally sick and dying, the genetically inferior, criminals and the criminally inclined, the insane and mentally defective, the culturally inferior and antagonistic, and the uneducable. One might do well to add those otherwise "sound" persons who waste their energy and ours by defending these parasitical or contaminating elements. Unfortunately this stark solution conflicts with a religious precept requiring the "unfortunate" to be maintained—kept alive—and defended by the rest of us. In cold terms of a balance between energy production and waste, this injunction would require us to violate the natural processes which defend and preserve us.

Brute nature is not so self-destructive. Creatures unable to survive in the fierce competition described in Darwin's *Theory of Natural Selection* are not merely destroyed but recycled by means of the most efficient waste-disposal system known: *the guts, the intestines of their predators*. "Waste" is thereby transformed into nourishment for survivors. No one but Jonathan Swift has had the intellectual courage to advocate this procedure in the case of human animals. Some have approached it. During World War Two the Germans recycled certain body parts (hair, skin, teeth) productively. But the bodies themselves were sent up the chimneys in the form of smoke and ashes. This waste or rich sources of protein was biologically and militarily inexcusable.

Following the defeat of Germany in 1945, *Social Sanitation* acquired a bad odor for a time, and progress in this area slowed to a stop. It was not until the revival of certain regimes in South America that law-enforcement under siege from the Left, began taking a second look at some of the preventive measures the German state had pioneered earlier. Certain police groups informally began experimental programs of after-hour, on-the-spot elimination of antisocial elements, thus saving the costs of trial, deten-

tion and later incarceration. Sometimes called "Death Squads," these pioneering groups suffered some local criticism—which did not abate until the units began systematic inclusion of their critics within their activities. Locally, at least, the elimination of the critics tended to dampen criticism.

Nevertheless, immediate termination of antisocial elements merely replaced one sanitation problem with another. Having eliminated *persons*, the law-enforcement apparatus was confronted with the task of eliminating *bodies*. For obvious political reasons, incineration could not be a solution of choice. The theory and practice of *Social Sanitation* therefore remained stalled on its latest frontier.

Application to Law Enforcement

Having introduced the issue in its broader context it is appropriate to narrow our focus to the subject at hand: the implications for law enforcement and criminal justice generally. Among the most obvious creators of loss and waste in our social system are *offenders*. In addition to criminally inflicting damage on persons and property they impose a variety of contingent harms and losses at several levels.

Under prevailing laws, they must be accorded the right of legal defense, often at no cost to them. An elaborate judicial establishment is required for their trials. They must often be supported in their appeals. Finally, if and when they are convicted they must either be granted probation or be maintained in extremely expensive "correctional" institutions, staffed by trained professionals who would otherwise be available for more productive labor in the economic system.

When finally released on parole or at the end of their penal servitude, they are permitted to return to the community, in the hope that they will no longer offend. In part because they typically lack the skills to compete on the labor market, in up to fifty percent of the cases, this hope is disappointed, and, after inflicting additional harms and losses, they must be returned to custody. Recent enactments require their incarceration for life, after a third felony. The cost of the penal system now begins to approach the costs inflicted by their original offenses. The penal solution is fast becoming part of the problem.

Nevertheless, a frustrated citizenry still shrinks from embracing the obvious conclu-

sion, namely that the most economic way to terminate offenses is to terminate actual and potential offenders. It becomes increasingly obvious that potential offenders derive from certain at-risk groups. These are readily identifiable by means of actuarial studies; statistical research has already located the most at-risk cohorts within the general population.

Unfortunately, formidable legal barriers prevent carrying out the kind of pre-emptive action that is required. The Constitution, buttressed by precedents, forbids us to move against probable offenders until *after* they have committed their crimes. Persons cannot be arrested and prosecuted because of what they most probably will do in the future. The presumption of innocence further frustrates us, a fact which drives conscientious law enforcement agents to desperation. These officers have clearly read the inner will of the people—and the bolder among them have taken steps to carry out that will despite high personal risks.

Great innovators often earn the stigma of deviants. A valuable social invention is often denounced as a crime. (Galileo almost paid with his life for publishing his confirmation of the heliocentric theory which is now acknowledged to be the foundation discovery of modern physics.) In law enforcement the most daring officers are now putting into unofficial practice certain measures which their superiors cannot formally countenance and acknowledge. *They are taking pre-emptive action against members of at-risk groups.*

In rural Mendocino County these predominantly derive from underemployed, underqualified young people who cannot survive without participation in the underground drug economy. Many are aboriginal Americans. Many are the children of illegal immigrants from south of the border. Some are from the white underclass. The police are sensitized to detect them by means of visible stigmata: good clothes, a good car, a busy travel schedule undertaken with no legitimate business purpose. None of these would be legally acceptable as evidence in a criminal trial. *The most efficient way is to take direct action which in itself obviates the need for a trial in the first place.*

But taking direct action places the arresting officer in the anomalous and simulta-

RADICAL PROPOSAL, continued from page 3

neous roles of prosecutor, judge, jury, and executor of disabling sanctions. A case in point is illustrated by a letter received from a person currently serving in jail. The prisoner credits one Ukiah patrolman, Peter Hoyle, with single-handedly engineering his present predicament. I quote the letter literally in toto, reserving only the identity of the writer:

The first time I met Peter Hoyle, he pulled me over on State street in Ukiah for no license plate. He searched my car, and found some prescription pain pills, and high blood pressure pills, and two pills I did not have a prescription for. He gave me a ticket for an expired license and for the two pills that I didn't have a prescription for. *He had my car towed.* Then, a week later, he stopped me at Albertson's parking lot and *had my car towed away.* Five days after that he pulled me over on my bicycle and harassed me in front of the laundromat. Three days later he saw my car parked at the gas station and *had it towed again.* About a week later he saw me standing on the sidewalk and asked me how many codeines I had taken. I told him I had taken two, because I have a prescription for them. Then he arrested me and took me to jail. I had to spend the night in the drug tank, and was released the following day. *He also had my car towed again.* Three or four days later, my friend was driving my car, and Hoyle pulled him over and arrested him, and *had my car towed again.* The next day he came to my house and arrested me on my bicycle for three pills I had in my pocket. That's why I'm in jail now.

Another time he saw my car parked in an alley and *had it towed again.* He laughed about it and said I'm the only guy who had his car towed so many times. *Every time my car got towed it cost me \$165.*

One time I was washing my car at the car wash and he came over to me and started harassing me. I told him he couldn't tow my car because I was only washing it. He then drove around the block repeatedly, waiting for me to drive my car.

Recently he pushed my girlfriend down the stairs of her house, causing her to break her ankle.* *Emphasis supplied.*

Legal purists may take exception to the officer's actions in this case. Assuming for the moment the factuality of the prisoner's allegations—which may be certified at least in part by examination of the records of the car-storage facility—there are a number of factors which might lend substantial rationality to Officer Hoyle's actions:

- Where, for example, did the suspect obtain the \$825 he needed to bail his car out of storage on the 5 listed occasions it was towed?
- If he was legitimately employed, why was he found wandering around Ukiah during regular working hours?
- Where did he find the time to have his car washed, again, presumably during working hours?
- How did he obtain—and pay for—the pills for which he could show no prescriptions.

While these questions do not rise to the level of probable cause, they are certainly adequate for raising suspicions in the mind of an experienced officer.

Both the suspect and his girlfriend are reputed drug abusers. Most drug abusers must raise the money for their addictions by illicit means; frequently these include the peddling of drugs to others. But these things are difficult to prove in court. What is undisputable is the fact that the officer's actions resulted in disabling the suspect even prior to him winding up, finally, in jail.

The general public is growing more and more impatient with a justice system which takes too long, costs too much, and is ineffective in preventing drug abuse. Officer Hoyle was aware of the public's impatience, and shared it. His superiors, while not approving of his work, clearly reveal their position by refusing to intervene, or to censure him. This inaction, tantamount to unofficial approval, suggests that full legitimization of such activities is within sight.

The Last Step: The Final Disposition of Offenders

Permitting officers to take direct action in disabling the offender, thus bypassing the uncertainties and expenses imposed by prosecutors, judges and juries, achieves many of the objectives of the proposed program of *Social Sanitation*. The potential or suspected offender is disabled and removed from the street. But our program, as far as we have taken it, still imposes on society the huge expenses involved in housing and feeding the imprisoned inmate. Recent Supreme Court decisions have enabled penal authorities to dispense with many of the amenities formerly accorded prisoners when *rehabilitation* was a right rather than a privilege to be offered at the state's discretion. Disablement and retribution having displaced rehabilitation as a goal, the expenses of education, job-training, and recreation can be avoided.

Current constitutional doctrine requires little more than keeping the prisoner alive, under conditions which do not materially threaten his physical survival. Nevertheless, though more and more offenders are sentenced to longer and longer terms, imprisonment, for many, finally ends, and the prisoner is released to the street—in most cases, to offend again. There is increasing pressure to impose life sentences after only one felony—but this does not solve—and actually would increase the cost of confinement.

This country must eventually ask and answer the question. What is the point of keeping the confirmed human predator alive? Why not avoid the misery endured by Keeper and Kept? Why not solve the problem once and for all? The objective need not be revenge or retaliation. A higher purpose could be served—one which conveys a striking benefit to the community. Most would agree that the offender owes a debt to society. Rather than increase that debt by maintaining his life until it ends naturally, the

*In an interview with the girlfriend we were able to correct the prisoner's impression that it was Officer Hoyle who pushed her down the stairs. According to her it was another officer whose name she did not know.

RADICAL PROPOSAL, continued from page 4

prisoner could erase it dramatically, by offering himself completely to the community—and save himself the misery of long confinement in the bargain.

Earlier in this essay we referred to Jonathan Swift's modest proposal: the utilization of surplus Irish children as nourishment. Extending this principle to older offenders would require little stretching of the imagination. Connoisseurs of human flesh have described it as reminiscent of pork. As a major supplement to the diet, it would provide an inexhaustible supply of animal protein. Instant freezing would avoid the dangers of spoilage. For the excessively fastidious, the meat could be delivered in small packets—small enough to disguise its origins.

This proposal will outrage many. But as overpopulation increases and the food supply diminishes, chronic undernourishment may become more universal. Hunger is an ideal cure for fastidiousness. Certain anthropologists insist that a number of Mezo-American societies utilized prisoners of war—routinely slaughtered—as a food source. The advanced character of these societies refutes the notion that the consumption of human beings takes place only among the most primitive.

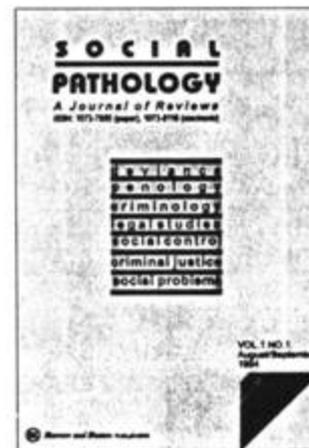
Oscar Wilde, while in prison, wrote a famous stanza asserting that "each man kills the thing he loves." The poem reminds us that we are all, in a sense, consumers of one another. It is a point of honor among many professional hunters that destroying life for the joy of it is immoral, and they refuse to kill game they will not eat.

Profound social change must be gradual in order to be lasting. We are not pressing for immediate implementation. Decent men and women must decide whether and when they are ready to experiment with radical new solutions. Criminologists and other social scientists stand ready to test the efficacy of the procedure in small experimental programs. Aware of the unbridgable gap between a moralistic and a scientific approach, they are skilled in guiding us over the chasm.

We are ready. Are you?

The author assures the reader that Richard Korn, the author, is alive and well, enjoying his second childhood at age 72. He hopes to continue to scandalize his colleagues for some time to come.

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1994 ASC AWARD WINNERS

AUGUST VOLLMER AWARD

Joan PETERSILIA, University of California, Irvine

Joan Petersilia is a Professor of Criminology, Law & Society in the School of Social Ecology, University of California, Irvine. Prior to joining UCI, she was Director of the Criminal Justice Program at RAND. She has directed major studies in policing, sentencing, career criminals, corrections, and racial discrimination. For the past several years, Dr. Petersilia's work has focused on the effectiveness of probation and parole.

Dr. Petersilia has served as president of the American Society of Criminology and of the Association for Criminal Justice Research in California. She is a fellow of the American Society of Criminology and has received awards from the American Probation and Parole Association and the California Probation, Parole, and Corrections Association.



She contributed a chapter on "Crime and Punishment in California: Full Cells, Empty Pockets, and Questionable Benefits" to the book, *Urban America: Policy Choices for Los Angeles and the Nation*, published by RAND (1992). She is co-author of *Smart Sentencing: The Emergence of Intermediate Sanctions* (1992). Her other major publications include *Intensive Supervision for High Risk Probationers: Findings from Three California Experiments* (1990); *Expanding Options for Criminal Sentencing* (1987); *Police Performance and Case Attrition* (1987); *The Influence of Criminal Justice Research* (1987); *Prison versus Probation in California* (1986); *Granting Felons Probation* (1985); *Racial Disparities in the Criminal Justice System* (1983); *Implementing Change in Local Criminal Justice Agencies* (1983); *Age, Crime and Sanctions* (1982); *The Prison Experiences of Career Criminals* (1981); *Criminal Careers of Habitual Felons* (1980); and *The Criminal Investigation Process* (1978). Dr. Petersilia has a B.A. (1972) in sociology from Loyola University of Los Angeles, a M.A. (1974) in sociology from Ohio State University, and a Ph.D. (1990) in social ecology from the University of California, Irvine.

HERBERT BLOCH AWARD

C. Ronald HUFF, The Ohio State University

Dr. C. Ronald Huff is Director and Professor, School of Public Policy and Management, and Director, Criminal Justice Research Center, at The Ohio State University, where he has been a member of the faculty for 15 years. Prior to that, he held faculty positions at the University of California (Irvine) and at Purdue University, as well as professional positions in corrections, mental health, and children's services. His education includes a doctorate in sociology with a specialization in criminology from Ohio State (1974). His publications include eight books and more than 50 journal articles, monographs, and book chapters. He has recently served as a consultant to the U.S. Senate Judiciary Committee, the U.S. Department of Justice, the Office of Juvenile Justice and Delinquency Prevention, the F.B.I. National Academy, and five states. In addition to the Bloch Award, his recent honors include the Donald Cressey Award from the National Council on Crime and Delinquency and the Paul Tappan Award from the Western Society of Criminology.



Dr. Huff has been a member of ASC since 1973, when he won first prize in ASC's graduate student paper competition. His service to ASC includes: Chair, Annual Meeting Site Selection Committee, 1992-present; Program Committee, 1982 (Toronto) and 1991 (San Francisco) meetings; National Policy Committee, 1989-1990; Chair, Awards Committee, 1984-1985; Constitution and By-Laws Committee, 1983-1984; Finance Committee, 1978-1982 (chair, 1980-1982); Associate Editor, *Criminology*, 1978-1981; Executive Board, 1978-1979 (appointed to fill unexpired term); Committee on International Relations, 1976-1979; Program Co-Chair, 1976 Annual Meeting (Tucson); and Committee on Regional Activities and Meetings, 1974-1975.

NEWLY ELECTED ASC FELLOWS

The 1994 winners of the ASC Fellows award are **Freda ADLER**, Rutgers University; **David GREENBERG**, New York University; **Malcolm W. KLEIN**, University of Southern California; and **Lawrence W. SHERMAN**, University of Maryland.

EDWIN L. SUTHERLAND AWARD

Joan McCORD, Temple University



Photo by Robert E. Dias, Temple University

Joan McCord, Professor of Criminal Justice at Temple University since 1987, received a B.A. (Phi Bet Kappa) and a Ph.D. in Sociology from Stanford University. As a graduate student at Harvard University, where she was a Josiah Royce Fellow in Philosophy, McCord began to retrace members of the Cambridge-Somerville Youth Study. That work formed the basis for a series of studies on the development

of criminal behavior and alcoholism, effects of paternal absence and child abuse, and iatrogenic results of intervention programs.

Professor McCord was President of the American Society of Criminology in 1988-1989. She also chaired the American Sociological Association Section on Crime, Law and Deviance, 1989-1990. Among the pioneers in longitudinal research linking socialization practices to adult behavior, she was chair of the Society for Life History Research from 1990 to 1992. She is currently Vice-chair of the National Academy of Sciences. A Fellow of the ASC since 1982 and of the International Society for Research on Aggression since 1984, Professor McCord was given the Herbert Bloch Award for service by the American Society of Criminology in 1991. She serves on the Editorial Boards of *Psychological Bulletin*, *Advances in Criminological Theory*, *Law & Society Review*, *Journal of Research in Crime and Delinquency*, and *Criminology*.

Professor McCord received the Prix Emile Durkheim for research from the International Society of Criminology in Budapest, Hungary, in 1993. Her writing ranges widely over such topics as psychopathic behavior, effects of punishment, methodological issues in research, and theories of criminal behavior. She has considered interactions between historical circumstances (such as Prohibition) and criminal behavior, motivation, and the interplay between biological and sociological forces as they affect crime and alcoholism. Her essays reflect interests in domestic crimes (child and partner abuse), women in relation to crime, crime through

computers, and urban violence. She has authored or co-authored more than one hundred articles, books, and essays. She recently edited *Facts, Frameworks, and Forecasts: Advances in Criminological Theory*, 3 (New Brunswick, NJ: Transaction, 1992), *Preventing Antisocial Behavior: Interactions from Birth through Adolescence* (NY: Guilford Press, 1992) with R. E. Tremblay, and *Coercion and Punishment in Long-term Perspectives* (NY: Cambridge Press, in press). Currently, Professor McCord is studying crime in Philadelphia, using official records to understand the impact of co-offending on offenders and on reports of crime rates. She hopes to develop a theory showing why people intentionally choose to act in one way or another.

Married to Carl Silver, a retired Professor of statistics, Joan McCord has two sons and two grandsons.

THORSTEN SELLIN & SHELDON AND ELEANOR GLUECK AWARD

Per-Olof H. Wikstrom, National Council for Crime Prevention, Stockholm, Sweden

Per-Olof H. Wikstrom is currently Director of Research at the National Council for Crime Prevention, Sweden and professor in the Sociology of Crime at the University of Stockholm.

Dr. Wikstrom was born in 1955 in Uppsala, Sweden. He received his education at the University of Stockholm where he obtained a B.A. in 1976 and a Ph.D. in 1985. He was awarded the title of docent in criminology in 1988 and appointed by the university as professor in the Sociology of Crime in 1993 (40% of full time).

Dr. Wikstrom is a member of the advisory boards of *Studies in Crime and Crime Prevention* (Sweden) and *The European Journal of Criminal Policy and Research* (The Netherlands). He has also been a guest editor for the *Journal of Quantitative Criminology* (Vol. 6, No. 1).

Dr. Wikstrom has published predominantly in five areas of research: Ecology of Crime, Criminal Careers, Crime Prevention, Violent Crimes and Cross-National Comparisons of Crime.



1994 GENE CARTE' STUDENT PAPER COMPETITION WINNERS

First Place, Social Structure and Social Contexts: A Hierarchical Analysis of Race, Class, and School Effects on Delinquency, **Rodney L. ENGEN**, University of Washington; Second Place, Race, Gender, and Juvenile Justice: An Examination of Disposition Decision-Making for Delinquent Girls, **Jody MILLER**, University of Southern California; Third Place (Tie), The Differential Effects of Information and Formal Social Controls on the Processing of Status Offenders, **Denise C. HERZ**, University of Maryland; and Third Place (Tie), Life Events as Intervening Processes between Adolescent Drug Use and Psychological Distress: An Examination of the Self-Medication Hypothesis, **Kelly R. DAMPHOUSSE**, Texas A&M University.

CONFERENCES AND WORKSHOPS

The School of Social Work Theory and Practice is part of the Inter-University Centre for Post Graduate Studies and offers one-week social work courses each year. Foster Family Care as an Alternative to Institutional Care will be held **October 16-21, 1994** and Social Work with Youth will be offered on **October 23-28, 1994**. These courses will be held at the Hotel Dubrovnik in Zagreb, Croatia. For further information, contact the Inter-University Centre, Frana Bulica 4, HR-50000 Dubrovnik, Croatia, Tel. & Fax 385-50-411-718.

The Eighth International Police Exhibition and Conference will be held **October 18-20, 1994** in Olympia 2, London, England. This year's IPEC will focus on community policing. For further information, contact Victor Green, Organizer, IPEC, 305 Ballards Lane, London N12 8NP, Tel.: 081-446-8211, Fax: 081-445-5842.

The National Association of Social Workers Social Work '94 Annual Convention will be held in Nashville, Tennessee on **October 19-22, 1994**. Major topics are managed care issues and violence. Contact: Conference Office, (800) 638-8799 or (202) 408-8600.

The **1994 Fall Conference of the Association for Criminal Justice Research** (California) is to be held on **October 20-21, 1994** at the Bahia Resort Hotel in San Diego, California. There are five panels; the theme is "3 Strikes and You're Out: Research Concerns." Contact Dale K. Sechrest, Program Chair, Cal State San Bernardino, (909) 880-5566, Fax (909) 880-7025 or Ann Goolsby, Executive Officer, c/o Geology and Geophysics, University of California, Berkeley, CA 94720.

The National Girls Caucus Roundtable will be held **October 20-22, 1994** in Orlando, Florida. Program tract will highlight model programs for girls in the juvenile justice system; public policy tract will address policy issues that may impact girls in the juvenile justice system. Contact: Vicki Burke, (904) 358-0555, Fax (904) 358-0555.

The Office of International Criminal Justice (OICJ) at the University of Illinois at Chicago (UIC) is currently planning a unique two-country conference which will take place in Egypt and England from **approximately October 24 to November 6, 1994**. For additional information, please call or contact the Program Coordinator, Jeff Builta, Office of International Criminal Justice (M/C 777), 1033 W. Van Buren Street, Chicago, IL 60607-2919, Tel.: (312) 996-9674; Fax: (312) 413-0458.

The National Conference on Children and Violence: Intervention and Prevention Programs for Youth, School and Media Violence will be held **November 10-12, 1994** in Houston, Texas. The conference is sponsored by the University of Houston at Clear Lake Institute for Family and Community Development. Contact: Dr. Uri Rueveni, (713) 283-3030.

The **American Correctional Health Services Association** will hold its 1995 Multidisciplinary Training Conference in Portland, Oregon on **February 23-26, 1995**. Focus of the conference will be the myriad and complicated factors which make correctional health care a challenge. Papers on resources, environment and liabilities or on related topics are being accepted. Abstracts of 250 words, double spaced, along with an outline of content of the presentation and a current curriculum vitae must be received on or before June 15, 1994. Submissions should be addressed to: Francine W. Rickenbach CAE, ACHSA Executive Director, PO Box 2307, Dayton, OH 45401-2307, Fax: (513) 223-6307, Phone: (513) 223-9630.

The **1995 Annual Meeting of the Academy of Criminal Justice Sciences** will be held **March 7-11** at the Boston Park Plaza Hotel. The theme is "Justice at the Crossroads." To receive the call for papers, contact Robert Langworthy, 1995 ACJS Program Chair, University of Cincinnati, Criminal Justice Department, Cincinnati, OH 45221-0389; (513) 556-5835; (513) 556-3303 (Fax). For registration materials (available December 1994), contact the Academy of Criminal Justice Sciences, Northern Kentucky University, 402 Nunn Hall, Nunn Drive, Highland Heights, KY 41099-5998; (606) 572-5634; (606) 572-6665 (Fax).

The 22nd Conference on Juvenile Justice sponsored by the National Council of Juvenile and Family Court Judges will be held **March 19-22, 1995** in Phoenix, Arizona. Major topics include Gangs, Violence, Delinquency Prevention, Child Advocacy and Mental Health Issues. Contact: Cathy Tolbott, (703) 549-9222.

The Coalition for Juvenile Justice will hold its 6th Annual Spring Conference on **April 2-3, 1995** in Washington, D.C. The 1995 conference will focus on programs and processes that have a positive impact on delinquency prevention. Submission deadline for presentations is August 15, 1994. For guidelines for submission contact William F. Ryan, Director of Conference Planning, Coalition for Juvenile Justice; 1211 Connecticut Avenue, N.W.; Suite 414; Washington, DC 20036; Tel.: (202) 467-0864; Fax: (202) 887-0738.

POSITION ANNOUNCEMENTS

THE CRIMINOLOGIST will regularly feature in these columns position vacancies available in organizations and universities, as well as positions sought by members of the Society.

A charge of \$50 for up to 125 words and \$10 for each additional 25 words will be made. The charge will be waived for institutional members of ASC.

It is the policy of ASC to publish position vacancy announcements only from those institutions or agencies which subscribe to equal educational and employment opportunities and those which encourage women and minorities to apply.

Institutions should indicate the deadline for submission of application materials.

The Professional Employment Exchange will be a regular feature at each Annual Meeting. Prospective employers and employees should register with the Society no later than three weeks prior to the Annual Meeting of the Society. Appropriate forms may be obtained by writing to the ASC offices in Columbus, Ohio.

To place announcements in **The Criminologist**, send all material to: Editors, **THE CRIMINOLOGIST**, College of Criminal Justice, Sam Houston State University, Huntsville, TX 77341-2296. Telephone: (409) 294-1689, FAX 409-294-1653.

Towson State University. Applications are invited for Chair of the Department of Sociology and Anthropology, the appointment to begin July 1, 1995. Towson State University is the second largest institution in the University of Maryland System. It is a highly rated comprehensive university located twenty minutes from downtown Baltimore and an hour from Washington, D.C. The department (about 200 majors) offers an undergraduate degree in sociology with concentrations in anthropology, corrections, gerontology and sociology, and presently has a full-time faculty composed of nine sociologists and four anthropologists. The department is interested in increasing its research output, increasing the pedagogical use of our computer laboratory, and strengthening the quantitative focus of the curriculum. The chair will teach six hours per semester and perform administrative duties including leadership of the department, preparation and administration of budget, scheduling of classes, oversight of program review and annual student outcomes assessment, and recruitment and development of faculty. Ph.D. in Sociology, Anthropology or Criminal Justice, and college teaching experience required. Areas of specialization are open. The applicant should evidence scholarly achievement in research and publication. Administrative experience preferred. Chairpersons are expected to serve in the summer as well as the academic year. The position is at the senior level, Full or Associate Professor. Tenure decision will be made in the first or second year depending on prior experience. Salary is competitive, based on rank

and experience. Applicants should send a letter of application, current curriculum vitae and three letters of reference to: Dr. Sandra Carson Stanley; Chair, Search Committee; Department of Sociology and Anthropology; Towson State University; Towson, Maryland 21204-7097. Application deadline, including letters of reference, is November 15, 1994. Materials may be sent by fax (410-830-2854). Hard copies must follow. Towson State University is an AA/EO Institution. Women and minorities are encouraged to apply.

University of West Florida. The Department of Political Science is seeking applications for a tenure-track position at the Assistant or Associate Professor level to teach in the Criminal Justice Program effective August 1995. A Ph.D. in Criminal Justice or in a related discipline such as Political Science, Public Administration, or Sociology (with a documented concentration in Criminal Justice) required. ABD's may be considered if all degree requirements would be completed by the end of the first year of appointment. An interest in policy and/or organizational questions in criminal justice preferred. The successful candidate will also have demonstrated a commitment to student advising and to strengthening ties with the practitioners' community. Teaching duties will involve primarily undergraduate courses, including Criminal Justice Research Methods, Crime and Criminal Justice, and Police and Society/Law Enforcement issues. Since a course in Criminal Justice Research Methods will be part of the teaching assignment,

quantitative skills should be evident in the dissertation or publications. Minorities are strongly encouraged to apply. Send curriculum vita, two samples of scholarship, and three letters of recommendation to: Prof. Alfred G. Cuzan, Chairman; Department of Political Science; The University of West Florida; Pensacola, FL 32514-5751. Deadline for applications is October 31, 1994. UWF is an EO/Access/AA Employer.

University of Alabama at Birmingham. The Department of Criminal Justice seeks applications for a tenure-track position to begin Fall, 1995. Qualifications: J.D. and Ph.D. in Criminal Justice/Criminology or relevant social science discipline required. JD's who are ABD will be considered if the dissertation can be completed by December 1995. Applicants should be qualified to teach Criminal Law, Evidence, and Procedure at both the undergraduate and graduate levels and to direct existing pre-law program. Teaching load is two courses per quarter. Closing Date: December 15, 1994 or until filled. Send cover letter, vita, and three letters of recommendation to Dr. Brent L. Smith, Search Committee Chair; Department of Criminal Justice; University of Alabama at Birmingham; Birmingham, AL 35294. UAB is an EO/AA Employer.

Georgia State University—Atlanta. The Department of Criminal Justice announces the September 1995 availability of one tenure-track, Assistant Professor position on an academic-year contract with annual reviews and the possibility of Summer teaching. The position requires a Ph.D. in Criminal Justice or directly related field. ABD's may apply but must have been awarded the degree prior to the start of employment. The Department intends to hire the most qualified individual regardless of his/her area of criminal justice specialty. University teaching experience required, as well as a demonstrated record of research and publication. Responsibilities will include teaching undergraduate and graduate courses in at least two specialty areas within criminal justice, conducting research, publishing scholarly work, advising students, and participating in university-related service. With more than 24,000 students, Georgia State University is one of the Southeast's largest urban universities and is ideally situated in the heart of down-

town Atlanta. We are within easy access to the state capitol, state and federal departments and criminal justice agencies, and the vast array of social service agencies that are vital to the life of an urban complex. The Department of Criminal Justice, one of five academic departments within the College of Public and Urban Affairs, offers degrees at the baccalaureate and masters' levels and is involved in a number of public service and research efforts. The State's Statistical Analysis Bureau, a federally-funded part of the national network of such criminal justice research units, is housed in the Department, and the Center for Urban Policy Research is also a research base within the College. No later than November 17, 1994, interested applicants should send letter of application, vita, and complete contact information on at least three references to Dr. Mark D. Reed; Chair, Search Committee; Department of Criminal Justice; Georgia State University; PO Box 4018; Atlanta, GA 30302-4018. Georgia State University, a unit of the University System of Georgia, is an EO/AA Institution.

University of Florida. The Center for Studies in Criminology and Law of the university of Florida invites applications for a tenure-accruing Assistant Professor position to begin August, 1995. Minimum qualifications for the position include: (1) an earned Ph.D. in history, political science, or related field; (2) substantial evidence of competence in one or more areas of civil and/or criminal law; (3) strong commitments to scholarly research and teaching. The center is an interdisciplinary unit in the College of Liberal Arts and Sciences. The Center offers no graduate degree, but opportunities for teaching and supervision of graduate students exists in affiliated departments. The University is an equal opportunity employer (AA/EOE); applications from women and minority candidates are encouraged. Anyone requiring accommodations to make an application should contact the Search Committee Chair. Submit a letter of application, a curriculum vita, and three letters of recommendation to Professor Lon Lanza-Kaduce; Chair of the Search Committee; Center for Studies in Criminology and Law; PO Box 115950; University of Florida; Gainesville, FL 32611-5950. The closing date for applications is November 15, 1994.

The University of Texas at San Antonio. Applications and nominations are invited for the position of Director of the Division of Social and Policy Sciences. The Division Director is the chief academic administrator of the Division and reports to the Dean of the College of Social and Behavioral Sciences. UTSA is a comprehensive, metropolitan university enrolling over 17,000 students, located on the edge of the Texas hill country. The City of San Antonio combines a rich cultural heritage with a modern focus on education, research, and technology. Qualifications for this position include a J.D. degree or doctoral degree in one of the disciplines of the Division—Criminal Justice, Geography, Political Science, Public Administration, or Sociology; successful university teaching experience; demonstrated communication and interpersonal skills; a record of effective interaction with diverse constituencies—faculty, students, staff, and administrative colleagues; and a record of scholarly achievement and service that would qualify for an appointment at the rank of Professor. The position is a full-time, twelve-month appointment, beginning no later than September 1, 1995. The salary is competitive and commensurate with qualifications and experience. Letter of application, including vitae and three letters of reference must be postmarked no later than November 15, 1994. Materials, as well as nominations, should be sent to: Chair, Director Search Committee; Division of Social and Policy Sciences; c/o Office of the Dean; College of Social and Behavioral Sciences; The University of Texas at San Antonio; San Antonio, TX 78249-0651. The University of Texas at San Antonio is an EO/AA Employer. Women and minorities are encouraged to apply.

Washington State University. Applications are being accepted for an Assistant Professor, tenure-track position at WSU Vancouver starting in Fall, 1995. Applicants must be able to teach upper-division undergraduate courses in Deviance, Crime, Juvenile Delinquency, or Law and Social Control. Teaching load is two courses per semester. The successful applicant will be a member of the Washington State University faculty at Pullman, assigned to the Vancouver campus. WSU Vancouver is a relatively new branch (established in 1989) of the Washington State University System, located in the Portland, Oregon metropolitan

area. Ph.D. in Sociology or Ph.D. in related field with extensive sociological training is required. Demonstrated excellence in the classroom and in scholarly productivity, or strong evidence of the promise of both is required. Applicants should send vita, letter describing research and teaching interests, three letters of reference, and samples of written work to Mark Stafford; Chair of Search Committee; Department of Sociology; Washington State University; Pullman, WA 99164-4020. Review of applications will begin around October 24, 1994. Washington State University is an AA/EOE. Members of racial/ethnic minorities, women, Vietnam-era or disabled veterans, persons of disability, and/or persons age 40 and older are encouraged to apply.

Moravian College. Applications are invited for a tenure-track Assistant Professor of sociology with emphasis in criminology/criminal justice to begin Fall, 1995. Areas of specialization are open, but routine responsibilities will include teaching Introductory Sociology and/or Introduction to the Criminal Justice System, as well as supervision of senior level criminal justice internships. Interest/skill in research methods a plus. Ph.D. in sociology or doctorate in related discipline required. Moravian faculty teach regularly in the evening division and are encouraged to participate in interdisciplinary teaching. Strong evidence of excellence in teaching and research potential are expected. Teaching load is three 4-credit courses per term, with optional summer teaching available. Salary competitive. Moravian College is a selective liberal arts college in the beautiful Lehigh Valley of Pennsylvania with 17 academic departments and 87 full-time faculty. It typically enrolls 1,200 students in its regular day session and another 500 in the evening division. Founded in 1742, it is the 6th oldest college in the country. As a member of the Lehigh Valley Association of Independent Colleges, Moravian is engaged in a variety of cooperative programs with Lehigh University and with Allentown, Cedar Crest, Lafayette, and Muhlenberg Colleges. Moravian's proximity to New York and Philadelphia presents unusual opportunities for professional and cultural enrichment. Send only a letter of application, vitae, graduate transcript, and three letters of recommendation by January 1, 1995 to Bettie M. Smolansky, Chair; Department of Sociology; Moravian Col-

lege; 1200 Main Street; Bethlehem, PA 18018-6650. Moravian is an EOE Institution. We welcome applications from women and minorities.

Penn State (University Park Campus). Applications are invited for up to three faculty positions in a program in crime, law and justice within the Department of Sociology comprised of faculty from the former Administration of Justice Department and criminologists in the Sociology Department to begin Fall 1995. The rank and tenure status of these positions are open. We seek scholars in criminology, criminal justice and/or the sociology of law. An established record of outstanding research and scholarship is required for a senior appointment, while junior appointees are expected to show promise of attaining the same. Strong quantitative skills are preferred. We shall begin reviewing applications October 15, 1994, and continue until the positions are filled. Submit a letter of application, curriculum vitae, and names with addresses and phone numbers of three references to: Search Committee Chair; Box C; 901 Oswald Tower; University Park, PA 16802. An AA/EOE Institution. Women and minorities are encouraged to apply.

Buffalo State College. The Department of Criminal Justice invites applications for TWO tenure-track, Assistant Professor appointments (pending 94-95 budget approval). Salary is competitive; excellent benefit package. The College is the largest of the SUNY Colleges of Arts and Sciences. The Department currently has eight full-time, multi-disciplinary faculty including four new members appointed during the past four years. The undergraduate and masters programs have been completely revised. Qualifications: Ph.D. in criminal justice or related field required (ABD may be considered if Ph.D. is completed prior to appointment). Candidates should demonstrate a commitment to effective undergraduate and masters level teaching and advising, research/publications, and funded research. Areas of research and teaching specialization needed for position #1 are a combination of the following: Juvenile Justice, Community Correction. Areas needed for Position #2 are White Collar, Gender and Crime, or Victimization. Position #1 application deadline: October 28, 1994, Appointment date, January 1, 1995. Position #2 deadline:

November 30, 1994, Appointment date, September 1, 1995. Send curriculum vita, courses specifically qualified to teach, a statement on research plans for the next three years, a writing sample, the names, addresses and phone numbers of four references, and indication of whether you are applying for Position #1 or #2 to: Dr. John A. Conley, Chair; Department of Criminal Justice; State University College at Buffalo; 1300 Elmwood Avenue; Buffalo, NY 14222. (The College and the Department specifically invites and encourages applications from women and minorities.) An AA/EOE.

Texas A&M University—Corpus Christi. Criminal Justice Program invites applications for a tenure-track, assistant professorship, specialization in administration and management of criminal and juvenile justice to begin January 1995 pending budgetary approval. Strong commitment to teaching is necessary; faculty advise students, serve on committees, conduct research, and perform service activities. A Ph.D. in Criminal Justice or Criminology is preferred: Ph.D. is preferred but advanced ABD's may be considered. Prior teaching and practical experience is desirable. Review of applications begins November 1, 1994 and continues until position is filled. AA/EOE. Women and minorities are encouraged to apply. Send letter of application, curriculum vita, graduate transcripts, and three letters of reference to Dr. Ross Purdy; College of Arts and Humanities; TAMU-CC; 6300 Ocean Drive; Corpus Christi, TX 78412.

Ohio University. Entry level criminology generalist for sociology department with large criminology certificate program. The ideal candidate would teach undergraduate and graduate courses in both core sociology and criminology areas, plus offer a teaching specialty in an area of department need, such as elite deviance, policing, or criminal justice administration. The university, a selective admission "best buy" public ivy, requires a balance between teaching and research, along with personal advising and other service. Teaching load is two courses per quarter, with competitive salary and benefits. Position contingent upon funding. Send letter, c.v., letters of reference, and any evidence of excellent teaching to Criminology Search; Sociology; Ohio University; Athens, OH 45701 by November 20, 1994. AA/EOE.

Criminal Justice Opportunities

The National Criminal Justice Reference Service (NCJRS) is accepting resumes and employment applications for criminal justice information specialists with experience in the areas of corrections, grants/funding, justice statistics, and juvenile justice. Responsibilities include responding to telephone and written requests from practitioners, policymakers, researchers, and others working in the criminal justice field. Qualified applications will have a bachelors degree in criminal justice or related field and demonstrated work experience in a criminal justice setting. Library, information management, and on-line data base searching experience a plus.

For further information, please send a cover letter and resume to:

Aspen Systems Corporation
Attn.: KACJ/Mail Stop 4G
1600 Research Boulevard
Rockville, MD 20850
or fax to: (301) 251-5445

NIH Seeks Director for New Behavioral and Social Research Office

The National Institutes of Health is recruiting for the position of Associate Director for Behavioral and Social Sciences Research. The individual would be the first Director of the Office of Behavioral and Social Sciences Research, located in the Office of the NIH Director and created by Congress in 1993. Applications must be post-marked no later than October 17, 1994. The position may be filled through (1) a Civil Service appointment in the Senior Executive Service, (2) a leave of absence from a university or state or local government agency to serve on an Intergovernmental Personnel Act assignment, or (3) an appointment to serve as a Special Expert. For more information, contact the Personnel Office in the Office of the Director at (301) 496-2400.

BOOK REVIEWS

Michael L. Perlin. *The Jurisprudence of the Insanity Defense.* Durham, North Carolina: Carolina Academic Press. 1994. 468 pages. \$49.95.

For those not specialized in criminal law, news last spring that the U.S. Supreme Court had upheld Montana's statute abolishing the insanity defense was surprising indeed. Most of us were unaware that a state had attempted to forbid "the insanity plea," and certainly we would have expected this to be unconstitutional. Specialists or not, we have all studied the same criminal justice basics, and we know that both *mens rea* (wrongful intent) and *actus reus* (a wrongful act) must be proven before a person may be convicted of a crime. The classic explanation of the insanity defense is that a person lacks *mens rea* if the mind is so dysfunctional that guilty intent cannot be formed. If so, the person is legally innocent but subject to restraint in the mental health system. Although teething about "criminals who get off when their fuzzy psychiatrists hoodwink a jury into believing they are insane" periodically follows sensational cases, most of us assume the *mens rea* requirement is sacrosanct.

Apparently not, though Michael Perlin wishes it were. He begins his book saying "I am an unapologetic insanity defense retentionist, and, at heart, an expansionist . . . most comfortable with the positions taken by Judge David Bazelon" (p. 8). Bazelon was the leading intellectual light of the federal appellate court for the District of Columbia in the 1950s and 1960s, and his opinions on regulation and criminal law stand today as some of the most fully-explicated examples of Warren Court-era jurisprudence. Perlin's candor in revealing from the outset that his book is a piece of advocacy, criticizing current reforms that redefine the insanity defense until it is almost nonexistent, is refreshing. However, his critique—while passionate—is muddy.

This book presumes that the reader knows the law of the insanity defense. Perlin then sets out to explain what he believes is its confused jurisprudential underpinning by referring to several "myths" upon which it is based. If we could recognize the myths as faulty depictions of fact and illogical reactions to mental abnormalities, he believes, we could sweep them away and formulate an insanity defense that takes account of the many gradations of criminal responsibility. He says the result would be "therapeutic jurisprudence."

Perlin outlines the "myths" and debunks them nicely. Contrary to popular perception, the num-

ber of defendants who claim they were insane is small, they are mostly poor (and thus not creations of clever highly-paid psychiatrists), their crimes are usually not heinous, and the defense is successful in only an infinitesimal percentage of criminal cases. Empirical evidence also shows that defendants acquitted by reason of insanity are confined, on the average, twice as long in mental institutions as those whose insanity defenses fail and who then serve time in prison or jail (p. 26).

Unfortunately, sensational cases often involve claims of insanity: John Hinckley's attempted regicide, for example, or the Menendez brothers' parricide. Perlin explains how standards of criminal responsibility become warped in the hot lights of publicity and political debate, in which the insanity defense is a condensation symbol (in Gusfield's parlance) for our society's reliance on the concept of free will. Everyone is presumed to act rationally, according to choices freely made, but the insanity defense undercuts this basic assumption because it uncomfortably acknowledges that many people do not base their actions on a rational calculus. To denigrate the insanity defense is thus to uphold the Western vision of individual responsibility and to reject Perlin's "reality of an indeterminate, subjective, psychosocial universe" (p. 32). Perlin goes so far as to say the law does not accept the insights of psychiatry and new techniques to treat the mentally ill because "we are terrified that they will tell us what we do not want to confront—that far more criminal defendants are 'not responsible' than we thought" (pp. 126-127).

This book presents a nice overview of the history and current state of the insanity defense with reference to developments in psychiatry and the social role of punishment. As a manifesto in support of the *Durham* standard for the insanity defense, however, it is unconvincing—not because its arguments fail but because it is jargon-laden and puffy. Perlin begins the work by presenting the "myths" and social history of the insanity defense, finally explains the law in Chapter Three, describes the uneasy relationship between courts and the psychiatric profession, and then returns to his critique of the "myths." If the aim is to critique the new legal reforms such as "guilty but mentally ill," this is a confusing way to do it. Not until Chapter Three is there a statement of the current state of the law, much less an understanding of the reforms. Instead, Perlin rails continuously against such notions as "sanism" (bigotry against people with mental problems) and courts' "pretextual" thinking (dishonest, result-oriented reasoning).

Claiming that the current reforms have simply returned us to the *M'Naughten* test, Perlin says that, if we understood the hypocrisy of our current assumptions about mental illness, we could reform this "confused" jurisprudence in favor of law comporting more directly with reality. But the jurisprudence isn't so confused; it is not "massive societal irrationality." It's just not what Perlin wants. Surely the "myths" he describes are easily disproved empirically, but the deeper issue of how the law regards a defendant's lack of *mens rea* is not easily dismissed by saying it is simply the construct of hysterical political and cultural forces. If American jurisprudence prefers to adhere to a jurisprudence based on a presumption—however faulty—of free will, it simply means that Perlin and his colleagues are on the losing side of the debate, not necessarily that the winners are confused.

To be fair, I agree with Perlin's arguments: the insanity defense, along with the exclusionary rule and the death penalty, becomes perverted by political manipulation; the courts incorrectly distrust psychiatric evidence; narrowly defining mental illness does an injustice to many disturbed people who are held to a standard of rationality that they cannot possibly meet. But readers of this book must plow through a lot of excess verbiage to extract these arguments. A glum joke among law students is that you can get the gist of a law review article by reading either the text or the footnotes; the entire intellectual history of each assertion made in the text must be footnoted. Imagine a 445-page law review article on the insanity defense, complete with concurrent subtext footnotes. That is this book. For the reader already familiar with insanity defense jurisprudence, it will be valuable because it is an unabashed statement of the ideas upon which retentionists rely. The rest of us should look elsewhere.*

* Try Norval Morris' *Madness and the Criminal Law* (1982) for a much more lucid overview of the jurisprudence and philosophy that Perlin critiques, and Henry J. Steadman, et al., *Before and After Hinckley: Evaluating Insanity Defense Reform* (New York: Guilford Publications, 1994) for the empirical debunking of Perlin's "myths."

Candace McCoy
Rutgers University

Candace McCoy. *Politics and Plea Bargaining: Victims' Rights in California.* Philadelphia: University of Pennsylvania Press, 1993. 221 pages. \$36.95.

In this book the legal ideal of due process and the practical operation of plea bargaining are skillfully examined, demonstrating how a concern with one, plea bargaining, may subvert the other. In particular the research carefully documents the passage, implementation, and evaluation of California's Proposition 8. Officially labeled and presented to the public as a "Victims' Bill of Rights," the real intent was a procedural change restricting the operation of plea bargaining in Superior court. How a change in procedural law alters the normal process of court operation and ultimately compromises due process is the important and interesting story of this investigation.

Chapter One sets the stage with a brief history of previous reform efforts in California's criminal courts, their failures and the eventual passage of Proposition 8. Chapter Two constructs a finely nuanced review of entrepreneurial politics, particularly the critical importance of ideological commitment, and the overall circumstances surrounding the passage of Proposition 8. Although a case study, the analysis suggests a generalizable model of policy formation, reform and the legislative process that may usefully be applied to other situations, or at least seems to hold that possibility. Chapter Three offers an excellent critical discussion of plea bargaining.

Chapters Four, Five and Six form the data, methods and analysis section. As suggested by the author, the impact of Proposition 8 can be evaluated from three perspectives: the outsiders who demanded reform; the court professionals who implemented the policy reform; and statistical reports about what, in fact, occurred under the new law.

Two of the goals proponents of Proposition 8 hoped to achieve were to limit plea bargaining and increase sentence severity. Chapter Five uses statewide data to evaluate the impact of Proposition 8 on the proportion of guilty pleas, and changes in sentence severity; also, using more detailed interview data, organizational responses and plea negotiation styles are examined for two selected counties.

Data on the trial rate for a ten year period, covering the period from eight years before to two years after the passage of Proposition 8, clearly indicate a steady decline in the proportion of felony cases ending in trial, with a minor decrease after Proposition 8; in other words, plea bargaining not only continued, it paradoxically appeared enhanced. Additional analysis, using OBTS (Offender-Based Transaction Statistics) data, reveals that "... the percentage of certified guilty pleas sent for sentencing from Municipal Court increased substantially after Proposition 8 Apparently, Proposition 8 did indeed shift felony

plea negotiations to lower courts" (p. 92). The significance of this finding is diminished, however, because the use of certified pleas was increasing prior to the passage of Proposition 8. ARIMA time series models are therefore used to estimate the independent effect of Proposition 8. The more sophisticated ARIMA analysis indicate that Proposition 8 did have a significant independent influence on the rate of certified pleas. Again, as noted by the author, this finding should not be overemphasized as it appeared to merely reinforce a preexisting trend toward early disposition.

Sentence severity, the proportion of offenders sentenced to state prison and certification rates are analyzed for two selected jurisdictions and compared to the statewide findings. Consistent with the results based on statewide data, sentence severity had not increased in the two sampled jurisdictions. However, differences emerge when comparing certification rates. In one jurisdiction, Proposition 8 produced a sudden increase in the use of certified pleas, representing a shift in plea bargaining to Municipal court, and in the other it appeared unchanged. This finding suggests that particular courts responded differently to externally imposed reform. The how and why of courts' responses are elaborated through specific contextual organizational data and interviews with key legal professionals. It is concluded that, among other factors, a court's response to Proposition 8 varied depending on the particular character of the county and the legal professionals.

Making full use of the interview data from the two sampled jurisdictions, Chapter Six explores the norms of the courtroom workgroup and the potential influences of Proposition 8 on their attitudes toward and understanding of plea bargaining. It is here that we learn how organizations change, how different courtroom actors adapt, and how plea bargaining is restructured to meet the demands of Proposition 8.

Exploring court professionals' norms, Chapter Seven continues to gather insight from the interview data. This analysis reveals the court professionals' understanding of plea bargaining and confirms that plea bargaining is less about concessions and conflict than it is about normal procedures and normal punishments.

Chapter Eight concludes the book with a warning about plea bargaining and "publicness." One consequence of Proposition 8 was to force plea bargaining to take place early, in Municipal court rather than Superior court. As this change was adopted, soon becoming normal procedure, the public review of evidence in serious, albeit considered "deadbang" by court professionals, cases was reduced. The diminished publicness of procedure represents the most substantial potential negative consequence for individual defendants and due process.

This book has numerous strengths, including versatility in court application. It would be appropriate in a course on criminal justice policy, courts and sentencing, or evaluation research. Substantively, the book adds to our knowledge of plea bargaining, court operation, policy formation and legislative process.

Ronald S. EVERETT
University of Idaho

BOOK REVIEW ESSAY

Elizabeth S. GROBSMITH. *Indians in Prison: Incarcerated Native Americans in Nebraska.* Lincoln, Nebraska: University of Nebraska Press, 1994. 260 pages. \$37.50.

Little Rock REED. *The American Indian in the White Man's Prisons: A Story of Genocide.* Taos, New Mexico: Uncompromising Books, 425 pages. \$25.00.

My expertise is training educators who teach to and about Indians. The greatest challenge in such work is to convince teachers that Indian culture is still alive today and, as with other thriving ethnic groups, their culture has changed with the times. Most teachers teach about Native Americans as if they existed only in the past, in the plains, and wearing feathers and fur. Because of these misunderstandings about Indian culture, misconceptions and misinformation have been passed down, from teacher to student, for generations. These "misses" in understandings are not restricted to the education community alone; they are too often reinforced by the popular media as well. The unfortunate results of this has been that most Americans believe that knowledge about Indian life is knowing about tepees, bows and arrows, and painted ponies.

In most instances, it is a private and personal misfortune not to know of the rich, full culture Indians still have today. For those who come into contact with Native American's post, prior, and while incarcerated in prisons, not knowing about Indian lifeways can have disastrous results for both themselves and their Indian prisoners.

The two books, *Indians in Prison* and *The American Indian in the White Man's Prison: A Story of Genocide* address the challenges of working with Indians in prison and on parole. They are very much different in style, but are both successful and effective efforts at informing interested persons why the Indian experience in prison is different from their non-Indian inmates. To the credit of both books, they not only point out the problems, but outline realistic solutions that can readily be entrained into the system. The key to

implementing the solutions does not entail large amounts of money, expanded facilities, or additional staff. Rather it requires the education of all persons, at every level of the penal system, who are involved with Indian people. The type of education it requires is to enlighten prison and parole workers about Indian culture in the 1990s.

Although the theme of the two books is similar, the approach these two authors take is quite different as are the cultural and professional backgrounds of the authors. They have, in fact, perspectives from different sides of the bars. Grobsmith, an anthropologist with the University of Nebraska, writes her book as a non-Indian, academic researcher who has done extensive studies on imprisoned Native Americans. Her research consists of impressive qualitative and quantitative methods. Grobsmith writes with a traditional academic approach that reads very well, is clear and concise, and she produces logical arguments on why to provide culturally specific programs for Native Americans.

Little Rock Reed writes his book from inside, as prisoner and parolee, with little training in scholarly writing. Because he has had limited academic training in research, Little Rock Reed's style is more of a chaos than flow and floods the reader with long, exhaustive narratives and confusion between fact and fiction. Though it is poorly organized, and choppy, discounting this book in its entirety would be a mistake. Reed's book reads as the dialogue of a case study which provides an example of how complex cultural problems and solutions can be when dealing with Native people. Where Grobsmith projects clarity and simplification, Reed brings the readers the flavor of the realities of Indians in prison.

In many ways, the books complement each other. Reed's book demonstrates many of the issues and cultural behaviors that Grobsmith describes in her book about the nature of Indian prisoners. For example, Grobsmith describes how many Indian prisoners are unclear or cannot remember the crimes that put them in prison. As Little Rock Reed and his contributors describe their incarceration, the reader confronts this phenomenon. Grobsmith also writes that most Indian prisoners do not believe they should have received the punishment they did. Reed's charming explanation of how he ended up in prison gives an excellent example of this.

Both books highlight the paramount factor which has a high probability of causation in Indian incarceration. Most Native Americans are in prison because they committed a crime while intoxicated. Also, both books point out why drug dependency programs and AA programs in prison, which are successful for non-Indians, are not as successful an alternative for Indians. The probable solution to this, as both authors attest, is to allow Native people to practice their traditional cultural healing methods.

A particularly fascinating point, made by both authors, is that many Native American prisoners who are incarcerated learn about their own traditions while they are in prison. Reed's book devotes a chapter to explaining how this has happened. From the beginning of governmental policies dealing with Native people, there has been a policy of Amerification or acculturation into white society. Indians, through programs such as boarding schools and relocation policies, have been discouraged from practicing traditional ways.

Little Rock Reed describes some of the common school practices and policies which Indian children have been subject. From my own work in interviewing Indians about their schooling, I can confirm Reed's stories that the physical and psychological punishments towards the children, the poor facilities, and the lack of academic subjects were typical. Most non-Indians are aware of the atrocities of boarding schools in the 1800s and early 1900s, but they may not be aware that these atrocities, although much less intense, still occur today.

With the increased awareness of Indian issues and with legislation granting Indians the freedom to practice their religion, reservation Indians are again taking up traditional cultural lifestyles. But these ceremonies are not open to Indians who are drinking. Hence, from inadequate education and from being unable to attend ceremonies, many Indians, only when sober in prison, find solace in their traditional religions.

A second way in which the books complement each other is that these two very different authors agree that Indian people need special, culturally specific rehabilitation programs while in prison. This need can be quite confusing to the prison officials who do not understand that Indian people today have managed to continue their cultural traditions and customs. This is in spite of many years of the government, religious, and educational attempts to acculturate Indian people into white society. It is difficult for non-Indian persons to understand life and survival on a reservation in the 1990s or life which is a curious combination of old and new traditions.

Indian religion is not a Sunday thing, or Friday at sundown, or at 3 p.m. in the afternoon. It is an "apply as needed" practice that encompasses everyday lifestyles. Nor is it practiced on the highest mountain or the solitude of a holy shrine; it is a communal, public practice, intertwined with feasts, dancing, and much social interaction. Reed describes some of these ceremonies in his book which is of help to prison officials, but the descriptions are generic. Of the 2,000 cultural groups at the time of contact with the Europeans, about 500 cultural groups survive today and have distinct religious practices. Both authors describe the conflicts that arise in prisons when inmates from different tribes try to agree on how to conduct ceremonies.

To confuse matters, the popular new age movement has embraced Indian religions and customs with a passion, often destroying the true meaning and significance of the religious practices. This, unfortunately, produces many pretenders of Indian medicine persons and healers who are not honored by any tribe. Just who is Indian and who isn't is not always a clear issue. For reservation Indians, it is a simple matter of being on the roles of their tribe and being recognized by the federal government, "card carrying Indians." For Urban Indians, Native people who live off the reservations, their "Indianess" is not always a clear issue. After living off the reservation many Indians choose not to register their children with their tribe. For a person living in the East who is of "Indian descent" it is much less clear. Their ancestors may be so far back in the blood line, there is often no way of proving they are Indian. As Reed describes in his book, Ohio prison officials hired a medicine man who turned out to be an Indian pretender. This act of willingness to provide Indian inmates with a spiritual leader only resulted in confusing and frustrating both prison officials and Indians.

A third way in which the books complement each other is their different descriptions of the complexities of the penal, parole, and legal system in providing services even when the systems want to. Reed describes the routine transferring of prisoners between prisons, lack of retention of prison officials, and changing public political issues. Grobsmith relays the naivete of Indian people about the system of prisons and the legal maneuvers that brought them there. The system does not understand Indians, and the Indians do not understand the system. It is surprising that the people who spend so much time in prison have so little comprehension of how it works.

Also, the legal system that protects Indians and protects the public is in itself complex. As Grobsmith discusses in her book, the lawyers who represent Indians are often uninformed about Indian ways, customs, and traditions. An example she describes is the length of time and effort it took for the Nebraska legal system to cultivate a positive and informed working relationship between Indian inmates and one law firm. Unfortunately for the Indian inmates, the firm has suddenly decided to discontinue representing these cases. This leaves Native prisoners searching for another firm to handle their cases and, more likely than not, they will have to settle on a firm that will not understand the 90's Indian culture.

Both authors talk about the difficulty of Indian inmates in identifying with the usual prisoner support groups such as AA, clergy, or psychologists. Although the percentage of Indians who do time is high, their percentage of all prisoners is low. The fact is, native people are a minority of minorities and, just because they are a minority, it does not mean that they identify with their

fellow minority members. It neither means that they will respond to programs designed for minorities.

One factor that both authors neglect in their books is the issue of Indian health. Type II Diabetes, a dietetically induced illness, is a disease that is now of epidemic proportions within Indian communities. There have been preliminary research findings from the Winnebago Indian Hospital Diabetes Clinic and Texas A&M Medical School that suggests that Native Americans metabolize sugar differently than non-Indians. The problem of Indian diabetes worsens with the normal medical complications, heart disease and liver damage, that alcoholics have. The sedentary prison lifestyle and the types of food served in prison only serve to worsen the mental and physical health of inmates.

Grobsmith's book, *Indians in Prison*, should be required reading for anyone in the penal, legal, law enforcement, or support pathways that Indian prisoners travel through. Although her research is limited to Nebraska, her findings will most likely be applicable to other state and federal penal systems. Her research style and reporting are well done and thorough. She is even-handed in her reporting of the frustrations that prisoners and prison officials have in dealing with each other.

Reed's book, *The American Indian in the White Man's Prison: A Story of Genocide*, also would be suggested reading but for much different reasons than Grobsmith's. Reed's chapters on ceremonies and reservation life are excellent reading to understand how Indian people live and celebrate their religions. It also provides excellent illustrations on how Indian people react to incarceration and parole. But Reed tries to tell the complete Indian story in one book. This results in confusion of themes and the reader wonders what the true message is. Fact and fiction are so intertwined that for a person who is a novice to Indian politics, it is difficult to decipher what to believe and what not to believe. The book is to be read but with caution.

Both books reveal how the penal, parole, and legal systems are failing at serving the Indian community. They expose a gaping hole in the ability of the penal system to rehabilitate Indian prisoners and a serious need to patch that hole with the education of prison officials and support persons towards Indian cultural awareness. The books show that another solution to change the cycle of Indians in prison must also come from the Indian community. More Indians need to provide cultural education programs to prisons and to develop support programs for fellow Indians.

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BOOK REVIEW ESSAY

G. Russell GIRARDIN with William J. HELMER. *Dillinger, the Untold Story*. Bloomington: Indiana University Press. 1994. 345 pages. \$27.50.
Mikal GILMORE. *Shot in the Heart*. New York: Doubleday. 1994. 403 pages. \$24.95.

In 1994, academics and the public alike are very much aware of the media construction of reality, its cultural heroes and anti-heroes. The O. J. Simpson saga, with the now famous televised chase scene, the bloodied ski mask (which apparently never existed except as a media creation), plus the doctoring of Simpson's face in the cover picture of *Time Magazine* all clearly illustrate the power of the media and its ability to blur the lines between fiction and reality.

Dillinger, the Untold Story and *Shot in the Heart* are attempts to correct the media distortions of two anti-heroes: John Dillinger and Gary Gilmore. Both authors supposedly go beyond the media stereotyping and sensationalizing of these two famous criminals to tell a more complete and complex story.

I cannot judge whether the authors correct any inaccuracies, but I can tell you the little I knew before I read these books, what I learned, and my reactions. Although I have never read any specific works about John Dillinger, I know that he was one of many famous bank robbers of the thirties who often were portrayed as anti-heroes because they robbed the banks which had failed the public in the crash of 1929. I can imagine that many ordinary citizens of the times cheered such people on for these actions, (with encouraging, if disconnected, comments similar to those which were heard from the crowd during the O. J. Simpson televised chase scenes).

As for Gary Gilmore, I know that he was the first person executed in the United States after the resumption of the death penalty. He requested the firing squad and was the first in a long line of what we now call volunteers on death row, waiving all rights of appeal and review so that he could be put to death quickly. I did read *The Executioner's Song*, probably at least ten years ago, and saw the made-for-TV movie, goodness knows how long ago.

Since the authors suggest they are going to give us inside information, we may legitimately wonder about their ability to provide it. G. Russell Girardin, who wrote the original manuscript for this book in 1935, obtained interviews primarily from Dillinger's lawyer, Louis Piquett, and Arthur O'Leary, Piquett's investigator (both of whom were in continuous contact with Dillinger at the height of his criminal career). Girardin also interviewed Dillinger's father and sister, a series

of official law enforcement personnel, and even the president of one of the banks which he robbed.

But *Dillinger, the Untold Story* is more than this original manuscript. William J. Helmer discovered Girardin's work in 1990 and has updated it with 50 pages of substantive footnotes (based primarily on 36,000 pages of FBI files) and short commentaries introducing each section of the book. The commentaries are designed, in his words, to relate "Dillinger to an earlier American dream which ended during the Depression and to the emergence of the Federal Bureau of Investigation as a national law-enforcement agency" (Girardin, 1994:xvi).

Written in 1993, Gary Gilmore's story is told by his younger brother Mikal. Yet because Mikal was born ten years after his next oldest brother George, he also had to rely on interviews with George, the only surviving son of the older three boys who included Gary and Frank. Taped interviews conducted with Gary in prison before the execution and with his mother Bessie around the same time were also used. These taped interviews were collected originally by Lawrence Schiller, the writer and publisher who bought the exclusive rights to publications and movies from Gary before he was executed.

In an attempt to document the origins of Gary Gilmore's violence and establish whether these causes came from inside or out, Mikal Gilmore describes the specific physical and psychological abuses in the Gilmore family and the historical tradition of "Blood Atonement" in his mother Bessie's Mormon heritage. Although this book is really about Mikal Gilmore's search for his place in the family and why he felt left out, Mikal presents strong socio-psychological and cultural explanations for the emergence of a killer in the family. He establishes a clear picture of the classic abusive family: a father who savagely beat the three older boys with a razor strap, for relatively minor offenses and a mother who stood by and did not intervene. George, the only other surviving son, relates how the three older boys reacted differently to the beatings. George learned that if he cried his father would get angrier and beat him harder, so he learned to "cover up and just hold it in" (p. 125). Yet Gary would yell and scream and beg his father to stop,

which would only make Dad hit him harder and longer . . . The outrage and unfairness of being beat [sic] that way became a sticking point in [Gary's] heart. It was as if, for the rest of his life, he would be reenacting the drama of his father's punishments with every authority figure he encountered (pp. 125-126).

But where was the mother? George relates how he counted the lashes and wondered how long it would take until his mother intervened. Apparently she never did until they had received

at least 20 lashes and blood was drawn. Then she and the father would continue the battle with each other. In Gary's case, however, she apparently stopped intervening when he was about 12 and she decided that he was possessed.

Influenced by a Mormon family which believed in ghosts who did physical harm to people in this life and a mother-in-law who conducted seances, Bessie believed at this point that a ghost had

somehow gotten inside [Gary] Something about Gary's face, as well as his recent wrongful behavior, Bessie decided, was inexplicably different. No question about it. There was now a terrible spirit living inside her son (p. 115).

But Mikal Gilmore observes:

if anything haunted us . . . it was ourselves . . . we did not require evil spirits to bring sins and cruelties and stupidities into our lives. We had our own history, our own dark hearts, to do that work for us . . . [Ghosts are good excuses to avoid facing the] real demons—the faces of all those people, those loved ones and others who shaped your character or your history (p. 116).

I agree. But what Mikal does not clearly point out, and maybe doesn't recognize, is that his mother needed the other-worldly explanation to absolve herself and her husband from any responsibility for Gary's behavior.

Although the search for social psychological causes of criminal behavior has not been successful in predicting such behavior in general, in this particular family, both the two oldest boys, Frank and Gary, turned to criminal and violent behavior and died as a result. The third son, George, who claimed he just shut himself down as a boy, has not been a particularly successful member of society either. Mikal Gilmore was the only child in this family who became productive. Mikal believes that he managed to escape the awful cycle of physical abuse because after his first beating, his mother told his father: "You've gone too far. You're not going to do to *this* one what you did to the others" (p. 126).

Yet Mikal lived in the middle of the violence and it is clear that he was psychologically scarred enough, that he has been haunted by his family's history and the possibility of a "bad seed" in the Gilmore family. In this case, the threshold of abuse was clearly crossed. There are no "bad seeds" in the Gilmore family but there are clear social and cultural reasons for the emergence of a killer. Mikal Gilmore satisfies me. I hope he has convinced himself.

John Dillinger's criminal behavior is not explained by an abusive family like the Gilmore's,

Although Dillinger had a step-mother, from all accounts they had an excellent relationship. His father, known as "honest John" had a good reputation in the community. In fact I never get over the impression that Dillinger was just a nice young man, raised on an Indiana farm by a good family, who occasionally got into typical troubles that all young boys do.

People in John Dillinger's community did not think there was anything really "bad" about Johnnie Dillinger. But John didn't want to farm. He quit school before finishing the eighth grade and went to work at the veneer mill, had a disappointing relationship with a girl, joined the Navy, and deserted after only five months. He then got married, but began to go out on drinking bouts with Ed Singleton, an older ex-con who had served time at the Indiana State Prison. After a night of drinking, Singleton and Dillinger attempted to rob the local town grocer, Mr. Morgan, of his weekend receipts of \$150. In the process, they beat him up badly, but Morgan got away. They did not get the money, and Morgan could not identify them. Trying to get a case, the court convinced the naive young Dillinger that they had incontrovertible proof, and if he plead guilty they would give him a light sentence. With no lawyer to advise him, Dillinger pled guilty to charges of assault with intent to rob and conspiracy to commit a felony. He received maximum sentences and served nine years. A much wiser Singleton managed a sentence of two to fourteen on the conspiracy charge. He served only two years. Girardin implies that it was the injustice of such disparate sentencing which turned Dillinger to crime. More likely, Dillinger simply learned the trade of bank robbing from his fellow inmates during nine years of imprisonment. Whichever, within weeks of release he robbed his first bank on June 10, 1933, and continued to rob banks until July 22, 1934, when he was killed in Chicago. Crisscrossing the country through Ohio, Indiana, Illinois, Wisconsin, Iowa, Minnesota, Kentucky and Florida, he and his various gang members robbed banks, helped his friends escape from prison (Dillinger himself, escaped from jail once using a wooden gun), and had raging gun battles with whatever law enforcement agents caught up with them. On July 22, 1934, Dillinger was set up by the "lady in red" and gunned down by law enforcement authorities in front of the Biograph Theater in Chicago.

After reading about all these escapades and the many dead people left in the wake, Dillinger still comes across to me as that nice young man who wasn't cut out to be a farmer and just happened to become a bank robber. Perhaps this is because Girardin does not portray Dillinger as an antisocial killer. In fact, Girardin claims "There was not a killer instinct in the make-up of John Dillinger" (p. 188)! On one occasion when asked by a friend to kill someone for him, Dillinger laughed. According to Girardin:

probably no sum of money alone would have induced him to commit murder . . . [but] If he had to shoot a police officer in the course of a robbery, he saw this as the risk that went with their [sic] hazardous occupation, just as it went with his own (p. 188).

Unfortunately, Helmer's update does little to make Dillinger the person come alive. Even after reading *Dillinger, the Untold Story*, I retain my original perceptions of Dillinger, the anti-hero. Dillinger and his gang, in my mind, are the robbers who are getting back at the banks who failed Americans during the crash. "The most fearsome horde since that led by Genghis Khan" is not my impression of the Dillinger gang.

Yet, I may be unfair to both Girardin and Helmer since the purpose of their book was to give the real inside story on Dillinger. As I only had a very hazy idea of Dillinger to begin with, I cannot say whether they accomplished their goal or not. They make arguably inflated claims of revelation. For example, Piquett, his lawyer, apparently smuggled the wooden gun into the Crown Point Jail and enabled Dillinger to escape. But I had to read that section three times to follow the sequence of the events to figure out who had really smuggled the gun into Dillinger. And I'm still not sure. The connection to the emergence of the FBI and Hoover's ability to secure his position as director through the apprehension of such criminals as Dillinger is interesting. But the exact connections to Hoover and the FBI were lost to me in the excruciating details of names, dates, and places recounted in this book. Perhaps the piece of information I found most interesting was a substantive footnote, part of the original manuscript by Girardin. Apparently many bank robberies were actually staged in the post-depression years. Insurance covered the banks in case of a failure, although not its depositors. So banks scheduled robberies with underworld connections of the gang in East Chicago, Indiana. The day and time would be arranged, money would be readied, no resistance would be given, and pursuit would be delayed so the gang could get away (p. 37). Amazingly, Dillinger's gang (and I gather other bank robbing gangs) were actually helping the banks, while the public unknowingly cheered them on.

As "true crime" narratives, both these works highlight the public drama of deviant behavior at different points in the twentieth century. Although neither one of these books rises above the narrative to provide historical context or to portray particularly interesting lead characters, *Shot in the Heart* has much greater relevance for criminologists. I cannot imagine anyone but a Dillinger buff reading *Dillinger, the Untold Story*.

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ACJS AFFIRMATIVE ACTION MINI-GRANT PROGRAM

The Academy of Criminal Justice Sciences' Affirmative Action Committee is offering three mini-grants to minority students to attend and present a research paper at the 1995 ACJS annual meeting. Each award will be a maximum of \$750.00. Recipients would be required to submit receipts to receive reimbursement for their expenses.

To be eligible for the award, an applicant must meet the following criteria:

1. Be a member of a group that has experienced historical discrimination: African-American, Native American, persons of Hispanic descent.
2. Be a Ph.D. student enrolled in a criminal justice, criminology, or related program.

To be considered for the mini-grant, the applicants must:

1. Submit a proposal that describes a research paper that the applicant will present at the ACJS annual meeting for which the mini-grant will be given. This proposal should be a maximum of 10 pages, double-spaced typed. It should discuss (a) the nature of the research topic, (b) why the research is important, and where relevant, (c) the methods used, (d) the findings of the research, and (e) the theoretical, methodological, and/or policy implications of the results.

—or—

If available, applicants may submit a completed manuscript in place of a paper proposal.

2. Four copies of the paper proposal (or completed manuscript) must be submitted.
3. Application materials must be submitted by **December 1, 1994**. Notification of mini-grant awards will be given in January 1995.

Application material should be submitted to Sandra Lee Browning, 1995 ACJS Affirmative Action Chair, University of Cincinnati, Criminal Justice Department, Mail Location 389, Cincinnati, OH 45221-0389.



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TEACHING NEWS

IS BIGGER NECESSARILY BETTER? THE RELATIVE ADVANTAGES OF PUBLISHING TEXTBOOKS WITH LARGE AND SMALL PRESSES

Richard A. Wright
University of Scranton

At professional meetings, conversations in the hallways among professors who teach introductory-level undergraduate courses often center around the poor quality of textbooks. Among textbook authors, the hushed gossip near the book exhibits just as often concerns the problems that authors have with their publishers. If textbook bashing is a favorite pastime of college instructors, publisher bashing is every bit as common in the rarefied world of textbook authors. While I confess that I've bashed my share of introductory criminology textbooks over the years, here I commiserate with both prospective and current textbook authors by offering some advice for choosing a textbook publisher.

Selecting a publisher and signing a contract to write a textbook are among the most important decisions that academics will make in their lives: certainly as important as deciding where to go to graduate school, and almost as important as choosing a spouse. The average length of time that it takes to write a textbook—three to four years—is similar to the amount of time that it takes to complete a Ph.D. Like the doctoral student, the prospective textbook author must be willing to lead an ascetic lifestyle devoted to eating, sleeping, and breathing their chosen discipline. Meeting the Byzantine demands of graduate schools and doctoral committees is similar to satisfying the caprice of publishers. And as for the analogy between writing a textbook and choosing a spouse, keep in mind that successful textbooks that go through multiple editions require more commitment and span more years than most unsuccessful marriages.

I specifically was invited to comment on the relative advantages of writing textbooks for large or small publishers. Criminology textbook publishing historically has been divided between larger and smaller presses (see Wright, forthcoming): for every Appleton-Century-Crofts that published Reckless' *The Crime Problem* (1950), there was a De Capo Press that published White's *Crimes and Criminals* (1933). The differences in size and resources between large and small publishers, however, recently have grown more pronounced. Initially mergers transformed medium-size presses into large presses (as Century begat Appleton-Century, which begat Appleton-Century-Crofts). More recently, large college publishers themselves have become nothing more than small cogs in very large multinational corporate machines, purchased by conglomerates searching for profitable subdivisions. At the other extreme are a number of tiny, "boutique" textbook publishers that list a handful of titles, most intended as supplementary course readings. Here, the editor—who also usually is the owner of the press—sometimes copy-edits forthcoming manuscripts and occasionally can be caught answering the telephone.

Superior size gives big publishers immense resource advantages in marketing their wares. Large presses now routinely invest over \$500,000 in the production of introductory-level textbooks before they ever sell one copy (Eitzen, 1988). Big money goes toward attractive layouts that feature boxed inserts, four-color photographs, and eye-catching graphics. Big money also buys extravagant packaging extras (ranging from sophisticated student guides to detailed instructor's manuals, and from videos/movies to computerized test banks and related software) that publishers like to call "ancillaries," professors call "give-aways," "goodies," or "freebies," and sales representatives call "the thud factor" (the goal when marketing a new textbook seems to be to create a larger and heavier ancillary mailing, that produces a bigger thud than the ancillaries delivered by your competitors). Large publishers market the completed textbook "package" with as many as 100 sales representatives working the field (Macionis, 1988).

Not surprisingly, authors who sign contracts with larger publishers usually sell more textbooks than their colleagues who write for smaller presses. Counting books appearing in multiple editions only once, I divided the 73 introductory criminology textbooks published in the United States from 1918 to 1988 (see Wright, forthcoming) into (1) those published by large or small presses (including university presses and specialty houses), and (2) those appearing (as of 1933) in only one or in multiple (one or more revised) editions. Criminology textbooks published by larger presses were more likely to appear in multiple editions than those published by smaller presses: 25 (44%) of the 57 textbooks published by larger presses appeared in multiple editions, compared to only four (25%) of the 16 textbooks published by small presses. Because an invitation to prepare a revised edition is the traditional indicator of the success (here defined as sales) of a textbook (Ritzer, 1988), one can conclude that publishing a text with a larger press increases the chances of one's book succeeding.

Still, the editor-owners of small presses—e.g., Claude Teweles of Roxbury Publishing in Los Angeles and Steve Rutter of Pine Forge Press in Thousand Oaks, California—can be persuasive in their efforts to convince prospective authors to write textbooks for them. (Roxbury Publishing and Pine Forge Press have recently entered the criminology/criminal justice market for supplementary course readings, publishing Akers' *Criminological Theories: Introduction and Evaluation* (1994), Eskridge's *Criminal Justice: Concepts and Issues* (1993), Felson's *Crime and Everyday Life: Insight and Implications for Society* (1994), and J. Hagan's *Crime and Disrepute* (1994). First, it is recognized widely in publishing that the power relations between authors and publishers are more symmetrical in

small than in large presses (Coser, 1979; Coser, Kadushin, and Powell, 1982; Eitzen, 1988). It is common for those who write textbooks for large, bureaucratized publishers to complain that they lose control of their manuscripts: decisions about copy editing, art work, photographs, and design often are made without adequately consulting authors (Eitzen, 1988). Large presses typically insist that authors meet submission deadlines, but often are slow meeting their own production schedules (Monette, 1988). Small textbook publishers, however, depend on good word-of-mouth from past authors to help them secure contracts for future books. This encourages small publishers to work hard to maintain good relations with authors by being more responsive to their concerns about deadlines, copy editing, design, and production.

Small publishers often point to the frequent changes in editorships at large presses as a reason for publishing textbooks with smaller companies. I know of cases where textbook authors have gone through as many as four or five editors before their books finally appear. New editors can mean new external reviews, and additional time-consuming manuscript revisions, postponing publication dates. Authors who write textbooks for small publishers, however, can assume that the same editor-owner will oversee the project from beginning to end.

Small publishers also argue that the extensive textbook ancillaries offered by large presses delay production and inflate the cost of books to students. Small presses clearly can produce books faster (sometimes in as little as three months) and sell books cheaper, encouraging more course adoptions. (What small publishers sometimes fail to mention, however, is that lower prices for their books also mean smaller royalty checks for their authors, since royalties are based on a fixed percentage of the price of each book sold.)

Finally, it is often claimed that smaller presses publish more original books, because huge production costs discourage larger companies from taking risks and publishing textbooks that stray from best-selling formulas. Critics routinely note the obvious similarities among textbooks published for introductory sociology and psychology courses (Eitzen, 1988; Graham, 1988). For example, Graham (1988:358) bluntly remarks that the content and writing styles of highly successful introductory sociology textbooks are copied so closely by competitors that, "In another age [the practice] might have been labeled as plagiaristic." Eitzen (1988:391) argues that introductory sociology textbooks are "clones" because large publishers insist that authors write "objective," inoffensive, depersonalized, and atheoretical books that are "aimed at the lowest common denominator" audience. While these complaints probably are justified for introductory sociology and psychology textbooks, several review essays (see Meier, 1980; Wright, 1990, 1994) have noted the great diversity among introductory criminology textbooks, most of which are published by large companies.

I strongly urge those who are considering writing a textbook to consult Brock (1985), Coser, Kadushin, and Powell (1982), Fox (1985), and Wagenaar (1988). Also, before signing a contract to write a textbook, talk to other authors and editors about the reputation of your prospective publisher (large or small). With luck, the publisher stories that you eventually swap with other authors around the textbook exhibits will have happy endings.

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IN MEMORIAM

MEAGAN LOUISE WILMOT FIGLIO

Meagan Louise Wilmot Figlio, beloved daughter of Robert Matthew (Professor of Crime and Socio-Legal Studies at the University of California, Riverside, and long time member of the ASC) and Jean Wilmot Figlio, was brutally assaulted and murdered near her home in Elmer, NJ, on June 16, 1994. Born February 19, 1970 in Philadelphia, Meagan grew up in Elmer. She graduated from Woodstown High School in 1988 and in 1992 received a Bachelor of Arts Degree in Philosophy from Rutgers College, New Brunswick. Meagan was a gifted artist and she wrote poetry and journals and created handwoven beadware and photo-based jewelry. A foundation has been set up in Meagan's name. Donations may be made to the Meagan Louise Wilmot Figlio Foundation for scholarships and the furtherance of the arts in care of Crimes Against Persons, Inc., 2000 Valley Forge Circle, Suite 830, King of Prussia, PA 19406-1130.

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