

THE PUBLIC VIEW OF SENTENCING
AND CORRECTIONS

BY

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APPROVAL PAGE

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*The mood and temper of the public
with regard to the treatment of
crime and criminals is one of the
most unfailing tests of the civil-
ization of any country.*

—Winston Churchill 1910

CHAPTER ONE

INTRODUCTION

Background and Need for the Study

During the past decade, an increasing number of public opinion surveys have been conducted on criminal justice topics. These surveys have been concerned with some of the following subjects: What penal sanctions are favored for various offenses, how effectively our current system appears to be in discouraging people from committing crimes, what relationships exist between demographic characteristics and penal philosophy, the intensity of the publics' fear of walking on the streets at night, the publics' evaluation of the severity of judicial practices, and what the major emphasis of corrections is perceived to be and what this mission ought to be.

The results of available studies paint a picture of a public who is generally pessimistic in their view of the effectiveness of the criminal justice system. The police are seen as not "tough enough"¹, and the courts are seen as not "harsh enough."² On the other hand, corrections is seen as placing an

¹American Institute of Public Opinion, March, 1972.

²American Institute of Public Opinion, 1965, 1968, 1969.

inordinant emphasis on punishment instead of rehabilitation.³ A full discussion of those studies is presented in Chapter Two.

In 1974, the Colorado General Assembly enacted Senate Bill 55. This legislation authorizes implementation and increased utilization of community-based correctional programs and facilities. In order to establish a functional community-based correctional program, the public opinion must be given consideration. With corrections being a part of the political arena, a certain amount of attention must be given to the atmosphere within which it is to operate. An analysis of the prevailing penal philosophy of the public and a determination of the public evaluation of the present job being done by corrections should enhance the ability of correctional officials to assess where they stand with the public and how much support they can reasonably expect for their programs. If, for example, the public is found to be basically "rehabilitation-minded" and to feel that current correctional practices are ineffective, presentation of community-based programs as a proven effective method of rehabilitating offenders can be expected to receive the support of the public. Conversely, if the public is found to be predominantly retributive in their penal philosophy, correctional programs which emphasize a rehabilitative approach may be rejected as "mollycodeling" hardened criminals.

Knowledge of what penal sanction, if any, the public supports for a variety of criminal offenses will enable the legislature to be more attuned to the opinion of their constituents

³Louis Harris and Associates, "The Public Looks at Crime and Corrections." Report of a survey conducted by Louis Harris and Associates for the Joint Commission on Correctional Manpower and Training, November, 1967.

and to be better informed of what changes might be best received by the public.

Periodic surveys which measure public opinion of various programs or proposals will aid public officials in better representation of the public they serve. Letters which appear on editorial pages of newspapers cannot reasonably be considered as representative of the public at large. Studies which utilize accepted scientific principles of sampling and survey methodology are the best techniques for assessing public opinion. The findings and observations thus gained can be useful in determining which course of action is to be taken in a given circumstance.

It is the purpose of this study to determine the opinions of the Denver, Colorado, public on matters related to sentencing and corrections. The specific opinions for which the questionnaire was designed will be discussed below.

Purposes of the Study

The purpose of this study was to determine answers to the following questions:

1. What punishments does the public of Denver, Colorado, believe should be imposed for a variety of criminal offenses:
2. What is the respondents' evaluation of the effectiveness of current sanctions both as a deterrent and as a means of rehabilitation?
3. What do the respondents feel is the most important purpose of the penal system?

4. What relationships exist between the demographic characteristics and their indicated opinions?
- 5. What relationships exists between the penal philosophy supported and the type of penal sanctions favored for each offense?
6. What relationship exists between the respondent's evaluation of the deterrent and rehabilitative effectiveness of current sanctions and the severity of penal sanction supported for each offense?

Significance of the Study

This study is expected to contribute significantly to existing professional knowledge in the correctional field concerning the opinions of the public relative to sentencing and the purpose of correcitonal systems. Additionally, it will extend and revise legislative knowledge of the wants and desires of the public they serve and give an indication of the relative support they can expect for a given piece of legislation. This study will also contribute to existing sociological knowledge of the relationships between demographic variables and the public opinion relevant to criminal justice.

CHAPTER TWO

REVIEW OF THE LITERATURE

This Chapter reviews some of the recent studies which have dealt with the subjects under investigation in this report. Additionally, a discussion of the four penal philosophies which are dealt with in this study is provided to acquaint the reader with the basic philosophical differences between them.

Severity of Penal Sanctions

The opinions of the public concerning the penal sanctions to be applied to law violations have received increased attention in recent years. Public opinion polls administered in the past several years have indicated, by far, a majority of the public wants tougher penalties for offenders. A 1972 survey by the American Institute of Public Opinion indicated that 79 percent of the public would support a political candidate who advocated "tougher sentences for law breakers."⁴ Only 10 percent stated they would be "less likely" to vote for such a candidate. A 1969 survey by the same institute indicated that 58 percent of the national public agree with the idea that an offender who commits a crime with a gun should receive

⁴American Institute of Public Opinion, Study No. 856, N=3312 adults (18 years of age and older), 1972.

double the regular sentence.⁵

Perhaps the most often surveyed penal sanction is the death penalty for people convicted of murder. The results have shown dramatic changes over the years with only 50 percent of the public on a national basis agreeing with this form of punishment in 1972.⁶ It is interesting to note the divergence of responses between whites and non-whites. Where 53 percent of the whites supported it, only 24 percent of the non-whites did. Perhaps the difference could be accounted for by the fact that non-whites are more often the recipients of this form of punishment than whites. Of 3,859 persons who have been executed since 1930, 1,751 were white (46%) and 2,066 were black (54%). A total of 455 persons have been executed for the crime of rape, of which 48 were white and 405 were black (89%).⁷

Of studies in which the public is allowed to state what punishment they feel should be imposed for various criminal offenses, two most closely relate to the present one. In 1970 a survey was conducted which asked the respondents what penalties they favored for marijuana pushers; marijuana users; heroin pushers; and heroin users.⁸ Nearly half (47%) felt 10

⁵American Institute of Public Opinion, Study No. 774, N=1503 adults (21 years of age or older), 1969.

⁶American Institute of Public Opinion, Study No. 846, N=3347 adults (18 years of age or older), 1972.

⁷National Prisoner Statistics, No. 45, Capital Punishment (1930-1968), at p. 17 (August 1969).

⁸American Institute of Public Opinion, Study No. 802, N=3219 adults (21 years of age or older), 1970.

years or more in prison was justified for marijuana pushers while the same percentage felt that less than 1 year up to 5 years imprisonment was sufficient for marijuana users. Nearly half (48%) felt prison sentences of 10 years to life were needed for heroin pushers while slightly less (40%) favored less than 1 year up to five years was sufficient for heroin users and 12 percent felt medical help was needed.

This study was limited, however, to only four drug crimes and does not determine public attitudes on the high-fear crimes of murder, forcible rape, armed robbery, aggravated assault and burglary.

Another study of importance was that done by Arnold M. Rose and Arthur E. Prell in 1955.⁹ In that study, 267 college students in Introductory Sociology and Social Psychology classes were asked to pick from numerous groupings of punishments, consisting of fines and jail sentences, the penal sanctions they felt should be applied for violation based on three different hypothetical offenders of different socio-economic levels. Their findings were: 1) a different hierarchical listing of the severity of the offenses by the respondents than was prescribed by law; 2) a significant difference in the sentences imposed by the student-judges than the actual sentences being served by prisoners at a California institution for men; 3) significantly different sentences imposed on offenders of different socio-economic characteristics by the student-judges; and 4) significantly different sentences imposed by student-

⁹Arnold M. Rose and Arthur E. Prell, "Does the Punishment fit the Crime? A Study in Social Valuation." in The American Journal of Sociology, 61 (November 1955), pp. 247-259.

judges of different socio-economic characteristics.

However, this study was limited to college students in sociology classes; thirteen felonies with similar statutory penal sanctions; the respondents were limited in the severity of sentences they could assign to the offenders; and the study was conducted 20 years ago.

The present study will utilize individuals randomly selected from the general population of Denver, Colorado; an assortment of crimes, including felonies and the so-called "victimless" crimes; and will provide a greater selection of sanctions from which the respondents may choose.

Effectiveness of Penal Sanctions

Important to the deterrent effect of penal sanctions is the belief by the public that the sanctions are effectively severe. If the public feels that the sanctions are very ineffective, they may be more apt to commit criminal offenses because even if they are caught, nothing will be done. The extent of reported crime may also be affected. If the public believes the sanctions to be very ineffective, they may fail to report crimes believing that nothing will be done to the offenders even if they were caught.

The support criminal justice authorities receive from the public may be directly affected by the public's belief as to how effective the authorities are in attaining the purposes of the penal sanctions. While studies indicating the public's opinion regarding the effectiveness of penal sanctions are scarce, a 1970 survey asked respondents if they felt "our

system of law enforcement works to really discourage people from committing crime."¹⁰ Half of the blacks and nearly three-quarters of the white respondents felt that our system does not discourage people from committing crime. Better educated (college) respondents felt more strongly than the less educated (eighth grade education or less) that our system does not deter possible offenders, (75% compared to 50%, respectively).

A more recent survey indicated that a large majority of the respondents (83%) felt that police should be "tougher" in the methods they use in dealing with crime and lawlessness.¹¹ This was true for whites more so than non-whites; for older respondents more so than younger ones; for republicans more so than democrats; and for those with high incomes more so than those with low incomes.

However, neither of these studies allowed the respondents the opportunity to voice their opinions regarding the effectiveness of penal sanctions in rehabilitating current criminal offenders. Neither did they report the opinions by the type of offense.

Social Characteristics and Penal Philosophy

The dramatic effects penal philosophies can have on the treatment afforded offenders will be discussed later in

¹⁰ Louis Harris and Associates, Study No. 2043, N=1600 interviewees, (16 years of age and older), 1970.

¹¹ American Institute of Public Opinion, Study No. 861, N=2742 adults (18 years of age and older), 1972.

this Chapter under Purposes of Penal Sanctions. Emphasis on one purpose, to the detriment of the others may indicate the judge's view of man in general, and give some indication as to how that judge views crime causation. In addition, it may mean the difference between making the man a public spectacle of suffering (to deter others) or treating him in a hospital setting.

In a valuable study relating social characteristics to penal philosophies of Canadian Magistrates, the following characteristics were found: 1) the older the magistrate, the more offense-oriented he was; 2) family background of the magistrate played an important role, with magistrates of professional backgrounds being more treatment-oriented and working class appearing to be more punitive; 3) Roman Catholics appeared to be less punitive than other faiths; 4) previous employment played an important role, with former prosecuting attorneys scoring high on scales of justice (retribution) and deterrence and low on the reformation scale; and 5) young, well-educated, urban magistrates scored high on the justice and general deterrence scales and low on the reformation scale.¹²

Thus, it was found that social characteristics are systematically related to the penal philosophies of individuals. However, that study was performed in another country and only on member of the judiciary. The present study will examine the opinions of the general public to determine the prevailing penal philosophy; the relationship between social characteristics

¹² John Hogarth, Sentencing as a Human Process. (Canada: University of Toronto Press, 1971), pp. 211-228.

and the philosophy they support; and what relationship exists between penal philosophy and the severity of the sanctions the respondents assign to the different crimes.

Purposes of Penal Sanctions

Penal sanctions are applied by a society in its corporate capacity against a member of that society for violation of the social order. It serves many purposes and numerous effects are realized through its administration. In the following pages, four of the major penal philosophies are presented and discussed.

Retribution.

The retributive philosophy of punishment is perhaps the oldest and the most hotly debated of the penal philosophies. It views man as a free moral agent capable of either lawful or unlawful conduct. When an individual commits an unlawful act, he *deserves* to be punished.

Retribution is often equated with the *lex talionis* doctrine of "an eye for an eye and a tooth for a tooth." We find justification in Biblical scripture whereby the Lord is said to have given man the right to strike back at the wicked:

Whoever sheds the blood of man, by man shall his blood be shed: for God made man in his own image. [Gen. 9:6, RSV]

Whoever strikes a man so that he dies shall be put to death . . . If a man willfully attacks another to kill him treacherously,

you shall take him from my alter that he may die. [Exod. 21: 12, 14]

For Kant, the principle of retribution is justified through the concept of *retaliation*:

. . . the underserved evil which anyone commits on another, is to be regarded as perpetrated on himself. Hence it may be said: 'If you slander another, you slander yourself; if you steal from another, you steal from yourself; if you strike another, you strike yourself; if you kill another, you kill yourself.' This is the Right of RETALIATION: and properly understood, it is the only Principle which is regulating a Public Court, . . . [which Court] can definitely assign both the quality and the quantity of a just penalty. . . . Whoever has committed Murder, must *die*. There is, in this case, no juridicial substitute or surrogate, that can be given or taken for the satisfaction of Justice. There is no *Likeness* or proportion between Life, however painful, and Death; and therefore there is no Equality between the crime of Murder and the retaliation of it but what is judicially accomplished by the execution of the Criminal.¹³

This philosophical foundation of the retributive theory has, however, been attacked as an over-simplification of the only justifiable purpose of punishment. D. J. B. Hawkins views retribution

not [as] a crude tit for tat but a restraint put upon human activity which has been corrupted by being devoted to evil. . . . In so far as a man has turned his powers towards evil, it is at once evident that he *deserves* to be restrained in their exercise until he has learned to use them rightly, or even, if the evil be irremediable, to be deprived of them altogether. [Emphasis added].¹⁴

¹³ Immanuel Kant, "The Right of Punishing," in The Great Legal Philosophers: Selected Readings in Jurisprudence, by Clarence Morris, ed. (Philadelphia: University of Pennsylvania Press, 1974), pp. 257-258.

¹⁴ D.J.B. Hawkins, "Punishment and Moral Responsibility," in Theories of Punishment, by Stanley E. Grupp, ed. (Indiana: Indiana University Press, 1971), p. 17.

Perhaps one of the major difficulties inherent in the retributive ideal—at least in terms of our current conception of the purposes of penal sanctions—is that it is "backward looking." It depends solely on the severity of the offense in determining the severity of the punishment. It reacts only to the offense committed and not to the needs of the offender.

Additionally, retribution is often regarded as synonymous with vengeance. While van den Haag attempts to distinguish between the two¹⁵, Mr. Justice Marshall of the U.S. Supreme Court notes:

The fact that the State may seek retribution against those who have broken its laws does not mean that retribution may then become the State's sole end in punishing. Our jurisprudence has always accepted deterrence in general, deterrence of individual recidivism, isolation of dangerous persons, and rehabilitation as proper goals of punishment. . . .

Punishment as retribution has been condemned by scholars for centuries, and the Eighth Amendment itself was adopted to prevent punishment from becoming synonymous with vengeance.¹⁶

Hence, retribution will not receive support as the sole objective of penal sanctions or correctional institutions. It is, however, an integral function of the penal process. As Morris notes, "The criminal law has general behavioral standard-setting functions; it acts as a moral teacher; and, consequently, requires a retributive floor to punishment as well as a retributive ceiling."¹⁷

¹⁵ Ernest van den Haag, Punishing Criminals. (New York: Basic Books, Inc., 1975), pp. 10-12.

¹⁶ Furman v Georgia, 33 L Ed 2d 346, at 409 (1972).

¹⁷ Norval Morris, The Future of Imprisonment. (Chicago: The University of Chicago Press, 1974), p. 78.

Deterrence

The deterrent philosophy is divided into two sections: general deterrence and special deterrence. General deterrence pertains to the deterrent capacity of punishments in preventing the public at large from committing crimes. Special deterrence pertains to the effect of deterring the individual who has committed an offense from commission of further offenses.

The deterrent philosophy maintains that man, being a rational being and weighing the severity of the punishment against the pleasure which could be gained by committing the offense, will elect not to commit the offense. It is based on the principle of hedonism, i.e., man is a pleasure seeking animal and will avoid situations in which the opportunity of experiencing pain is greater than the opportunity of experiencing pleasure.

The deterrent influence of punishment has long been a subject of debate. Perhaps the most widely discussed crime for which the deterrent capacity of punishments has been under study is that of capital punishment for the crime of murder. Although the severity of the death penalty most closely resembles the severity of the offense of murder (as is desired for the retributive philosophy), the capacity of the penalty to deter the crime of murder has never been conclusively demonstrated. Comparisons of states, one having abolished capital punishment and the other retaining it, indicate a lower or equal rate of murder percapita in the

state without the more severe sanction.¹⁸

One cannot, of course, judge the effectiveness of deterrence as a purpose of punishment through studies of just one offense, particularly one which elicits such strong emotions as murder. William Chambliss completed a study on the deterrent impact of punishment in which the penalties for parking violations at a university campus were increased in severity and detection and citation were swift and sure.¹⁹ The study observed the parking behavior of the faculty both before and after the sharper methods of parking enforcement were instituted. Significant changes were effected by increasing both the chances of being caught and the severity of the penalty. Prior to stringent enforcement, flagrant violations by the faculty were observed. However, after the measures were in effect, violations dropped significantly.

Another aspect of the deterrent philosophy which has been observed is the internalization of the societal values by the members of that society.²⁰ We automatically and unconsciously keep from committing crimes, not just because they are "illegal," but because we have been so indoctrinated through our cultural values. We are presented with many opportunities to commit a crime, but we unconsciously reject

¹⁸ Thorsten Sellin, "Death and Imprisonment as Deterrents to Murder," in The Death Penalty in America, by Hugo Adam Beau, ed. (New York: Doubleday and Co., 1967), pp. 227-284.

¹⁹ William J. Chambliss, "The Impact of Punishment on Compliance with Parking Regulations," in Crime and the Legal Process, by William Chambliss. (New York: McGraw Hill, 1969), pp. 388-393.

²⁰ Herbert L. Packer, The Limits of the Criminal Sanction. (Stanford: Stanford University Press, 1968), p. 43.

it because of the social implications. The severity of the official punishment is not even taken into consideration because the informal reactions would be so devastating.

In this context, the apprehension and punishment of offenders may serve to strengthen our values and beliefs. We look on those criminals who are punished and denounce them for their inappropriate conduct. It gives one a chance to say that his own behavior is, by comparison, righteous. Through this process, our own values are reinforced by the capture of the criminal.²¹ The criminal shows us what behaviors are so offensive to the society that they have official sanctions attached. The offender shows the members of society where the outside boundaries of that society are.

Shortcomings of the deterrent philosophy are many. Opponents argue that if the severity of the sanction is such a tremendous deterrent, why not institute the most cruel of measures for all crimes? That way its effects could be realized for all offenses. Attorney Clarence Darrow, in his famous debate with Judge Talley in New York in 1924 on capital punishment, offered these sarcastic comments:

If you want to get rid of killings by hanging people or electrocuting them because these are so terrible, why not make a punishment that is terrible? This isn't so much. It lasts but a short time. There is not physical torture in it. Why not boil them in oil, as they used to do? Why not burn them at the stake?

²¹ For an excellent discussion of the functional aspects of deviance, see Kai T. Erikson, Wayward Puritans. (New York: John Wiley & Sons, Inc., 1966). Also, see Karl Menninger, The Crime of Punishment. (New York: The Viking Press, 1968) for an excellent discussion of the psychological functions deviance provides for the members of general society.

Why not sew them into a bag with serpents and throw them out to sea? Why not take them out on the sand and let them be eaten by ants? Why not break every bone in their body on the rack, as has been done for such serious offenses as heresy and witchcraft?

* * * * *

Why, our capital punishment isn't worth talking about, so far as its being a preventive is concerned. It isn't worth discussing. Why not call back from the dead and barbarous past the hundred and sixty or seventy odd crimes that were punishable by death in England? Why not once more re-enact the Blue Laws of our own country and kill people right? Why not resort to all the tortures that the world has resorted to to keep men in the straight and narrow path? Why reduce it to a paltry question of murder?²²

Darrow recognized that the severity of the penal sanction is only one factor in a three-dimensional deterrent concept. The other two factors being the certainty and celerity of the imposition of the sanction. If offenders, and indeed the public at large, realize that the possibility of being apprehended for their criminal action is relatively slight, or that it will take authorities a very long time in apprehending them, the deterrent impact of a sanction—no matter the severity—will be lost.

If the criminal knows his chances of being caught and punished immediately are great, he will give more consideration in weighing the pros and cons of committing the offense. There must be rapid and immediate apprehension so that the offender gains the full knowledge that this is a

²² Clarence Darrow, "Is Capital Punishment a Wise Policy?" Debate with Judge Talley, New York, 1924, in Attorney for the Damned, by Arthur Weinburg, ed. (New York: Simon and Schuster, 1957), p. 97.

direct result of his inappropriate behavior. The punishment must be sure and equally applied so that everyone knows what effects their offensive behavior will have. It is only through this measure that the full effect of the deterrent philosophy can be realized, and not merely increasing the severity of the sanction.

An additional and related argument is presented by C.S. Lewis.²³ If the purpose of penal sanctions is to have the public believe that if they do an act such as the one the man that is being punished for has done, they will suffer the same fate, the purpose would be accomplished if an innocent man, popularly believed to be guilty were to be punished. He would thus serve as an example to others of what lie in store for them if they commit a similar act. Similarly, guilty men popularly believed to be innocent would not serve as a adequate model for the public and should not, therefore, be subjected to the punishment.

Incapacitation

The philosophy of incapacitation as a purpose of penal sanctions is a fairly obvious one. Its purpose is to isolate the offender from the community to prevent further damage. It has as its basis the empirical evidence that offenders of certain types of crimes are highly recidivistic. The assumption drawn, therefore, is that offenders of certain crimes must be incapacitated to prevent further crimes.

²³ C.S. Lewis, "The Humanitarian Theory of Punishment," in Theories of Punishment, by Stanley E. Grupp, p. 305.

Dr. Wolf Middendorff observes that the revocation of the driver's license of frequent traffic offenders serves as an excellent example.²⁴ The license is revoked because the authorities consider it quite probable that a person, having been found to have committed so many serious offenses, will continue to do so until his driving privilege is revoked.

Another example may be the regulations prohibiting released felony offenders from engaging in certain types of employment. This regulation may possibly be based on the assumption that the offender, once having entered these privileged occupations, will use the powers inherent to once again perpetrate his offenses.

Packer observed that the assumptions underlying the incapacitative ideal are the basis for the habitual offender statutes enacted in many states.²⁵ These laws provide that offenders, having been convicted of so many felony offenses, shall be eligible to receive extended sentences beyond that normally given.

Rehabilitation

The rehabilitative ideal views the criminal acts of an offender in different ways depending upon the particular discipline. For instance, the behaviorist may view criminal acts as the learned responses from previous experiences. The traditional psychoanalyst may view them as the manifestations

²⁴ Dr. Wolf Middendorff, in Punishment: For and Against, by Hart Publishing Co., ed. (New York: Hart Publishing Co., 1971)p.1

²⁵ Packer, The Limits of the Criminal Sanction, p. 51.

of deep-rooted psychological pathologies. The treatment subsequently afforded the offender may vary significantly.

The basic philosophical difference between the rehabilitative ideal and the other three philosophies is that this philosophy is treatment-oriented. Although the treatments differ widely, their purpose is to initiate a systematic program which will reduce the offender's propensity to commit anti-social acts. This may be accomplished by in-depth psychotherapy or by administering punishments and rewards.

The difference between the use of punishment by the behaviorist and by one whose objective is retribution is that the behaviorist applies punishment in the clinical sense. The behaviors of the offender are analyzed and to eliminate the inappropriate behaviors, either negative stimuli are applied or positive stimuli removed from the situation. Appropriate behaviors are reinforced by either rewarding them with positive stimuli or by removing negative stimuli from a situation. One who favors the retributive philosophy, however, punishes because the offender *deserves* to be punished for committing an anti-social act.

The major objection to adopting the rehabilitative ideal as the major purpose of penal sanctions is simply that we do not now have the necessary knowledge either to determine what the causes of crime are, or what procedures are needed to reform the offender. The knowledge of crime causation is essential, as this will enable us to remove these factors from society in an attempt to reduce the opportunity for others to fall into the criminal syndrome. In addition,

we do not currently have the needed knowledge as to what characteristics are necessary to an individual in his total personality makeup that will reduce his propensity to commit crimes. "[The] trouble with the rehabilitative ideal is that it makes the criminal law the vehicle for tasks that are far beyond its competence." ²⁶

The other major argument against the rehabilitative ideal is also advanced by C.S. Lewis. For him, the ideal is utterly more inhumane than that of retribution. Rehabilitation proposes to make the judgement that the offender has adopted the "incorrect" values and it is our duty to take the offender and instill in him the "correct" ones. Rather than determining the punishment by deciding what the offender "deserves," we decide on the judgement of what the offender "needs." For Lewis, taking the concept of *desert* (i.e., what the offender deserves) out of punishment, removes the only basis by which we can determine if the sentence was just or unjust:

. . .when we cease to consider what the criminal deserves and consider only what will cure him or deter other, we have tacitly removed him from the sphere of justice altogether; instead of a person, a subject of rights, we now have a mere object, a patient, a "case." ²⁷

Additionally, there is the ethical problem of who is to decide how the offender is to be molded? During the process of reformation should we also instill in him the "middle-

²⁶ Packer, The Limits of the Criminal Sanction, p. 55.

²⁷ C.S. Lewis, "The Humanitarian Theory of Punishment," in Theories of Punishment, by Stanley E. Grupp, ed., p. 302.

class" ideal? Why not the "upper-class" ideal? While he is there shall we also treat his homosexuality? How about his nail-biting and his lack of cleanliness?

Totalitarian ideologies we profess to hate have styled as "rehabilitation" the process of molding the unorthodox mind to the shape of the prevailing dogma.²⁸

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DESIGN AND METHODOLOGY

Design

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The sampling procedures consisted of numbering each block in the City and County and Denver, Colorado from one to 6562. A confidence level of .05 is provided by selecting at least 377 blocks from which the respondents are selected. This study rounded that number to 390.

A random number computer program selected the first 450 numbers between 6562, each of which corresponded to a specific block. The first 390 numbers were selected as the blocks from which the survey participants were selected.

The respondents were selected from the randomly selected blocks by numbering each housing unit on the block in a clockwise direction starting at the Northeast corner. The interviewer then went to a table of random numbers and selected the first number which appeared and corresponded to a housing unit. The interviewer then determined to which housing unit the number corresponded, went there and requested their participation. If no one was home, or if they refused to participate, the interviewer then consulted the next random number which corresponded to a housing unit and requested they respond.

Limitations

Validity limitations exist in the questionable ordinalization of the response categories of both penal sanctions and penal philosophies. In the case of penal sanctions, the following values were assigned: no penalty = 1, fine = 2, probation = 3, medical or psychiatric help = 4, one year or less in jail = 5, 2-5 years in prison = 6, 6-9 years in prison = 7, 10-19 years in prison = 8, 20 years or more = 9, life imprisonment = 10 and death = 11.

The limitation may exist in the fact that some people may consider medical or psychiatric help, and the in-depth psychotherapy which often accompanies it, as a more severe sanction than one year or less in jail. Likewise, some people may consider a heavy fine as a more severe punishment than a short term of imprisonment. In both of these cases the hypothetical respondent's ordinalization differed from that utilized in the questionnaire.

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An additional validity limitation is the fact that a Chi-square test was computed to determine if the demographic characteristics of the sample respondents were representative of those observed during the 1970 census of Denver. The findings indicate significant differences between the sample and the Denver population on four of the five comparable demographic characteristics collected. The sample contained greater proportions of younger people, smaller proportions of Chicanos, and larger proportions of people with higher levels of educational achievement and larger incomes than were indicated as present in the Denver population from 1970 census data. As a result, consideration must be given in any attempt to generalize the findings yielded from this study to the overall population of Denver. However, the findings do provide much useful information dealing with the bivariate relationships observed.

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This section describes the methods utilized in the collection and analyzing of the data.

Data Collection

The data collection instrument used in this study was a questionnaire, a copy of which is located in Appendix A. This questionnaire was developed and pretested by the author on twenty randomly selected respondents in the Southeast Denver metropolitan area. The schedule was subsequently modified in consultation with the Office of Research and Planning, Colorado Division of Correctional Services.

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²⁹ Norman H. Nie, et. al., Statistical Package for the Social Sciences. (New York: McGraw-Hill, 1975).

CHAPTER FOUR

FINDINGS

This Chapter, which reports the findings of the survey, is divided into three sections. The first section deals with a description of the sample respondents. It presents a demographic profile of those people who responded to the questionnaire.

The next section deals with an examination of the frequencies of responses to each of the survey questions: What penal sanctions were favored most for each of the offenses and how the responses were distributed, what the overall perception of the effectiveness of current sanctions was, and what penal philosophy was favored most by the respondents for each offense.

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The Sample Respondents

This section presents a demographic profile of the

390 sample respondents. Six demographic characteristics were collected on the respondents: age, sex, ethnicity, religion, education, and income.

Age

The age of the respondents ranged from a low of eighteen to eighty-one years of age. Table 1 presents a distribution of the respondents.

TABLE 1
AGE DISTRIBUTION OF SAMPLE RESPONDENTS

Age	Frequency	Percent
18 - 20	25	6.4
21 - 30	134	34.4
31 - 50	131	33.6
51 & over	89	22.8
Unknown	11	2.8
Total	390	100.0

The mean age was 38.2 years with a median age of 33.7 years.

Sex

The respondents were quite evenly distributed between males and females with forty-five percent male and fifty-five percent female. Table 2 presents a breakdown of the respondents by their sex.

TABLE 2

SEX DISTRIBUTION OF SAMPLE RESPONDENTS

Sex	Frequency	Percent
Male	176	45.1
Female	214	54.9
Total	390	100.0

Ethnicity

The ethnic composition of the respondents is presented in Table 3. As can be seen, the majority of the respondents are white. Approximately equal percentages of both black and chicano groups were found among the respondents.

TABLE 3

ETHNIC COMPOSITION OF SAMPLE RESPONDENTS

Ethnicity	Frequency	Percent
white	278	71.3
black	50	12.8
chicano	49	12.6
other	10	2.6
unknown	3	.8
Total	390	100.0

Religion

The religious affiliation was another of the demographic variables collected on the respondents. The largest percentage indicated a protestant affiliation (45.6%). Table 4 presents a complete breakdown of the religious distribution of the respondents.

TABLE 4

RELIGIOUS DISTRIBUTION OF SAMPLE RESPONDENTS

Religion	Frequency	Percent
catholic	136	34.9
protestant	178	45.6
jewish	14	3.6
unknown	62	15.9
Total	390	100.0

Education

The level of educational attainment of the sample respondents is presented in Table 5. These data indicate that the greatest single percentage of the respondents have completed no more than high school. However, an almost equal percentage have attended at least some college, and slightly more than twenty percent have completed college.

TABLE 5

EDUCATION DISTRIBUTION OF SAMPLE RESPONDENTS

Education	Frequency	Percent
Grade School	27	6.9
Some High School	45	11.5
High School Completed	121	31.0
Some College	113	29.9
College Completed	45	11.6
Graduate College	35	9.0
unknown	4	1.0
Total	390	100.0

INCOME

A distribution of the respondent's total family income is presented in the following table.

TABLE 6

INCOME DISTRIBUTION OF SAMPLE RESPONDENTS

Income	Frequency	Percent
25,000 and over	26	6.7
15,000 - 24,999	87	22.3
10,000 - 14,999	107	27.4
6,000 - 9,999	65	16.7
3,000 - 5,999	52	13.3
under 3,000	32	8.2
Total	390	100.0

These data indicate a large proportion of the respondents earning incomes in excess of \$10,000 (56.4%).

Frequencies

This section deals with the frequencies of responses by the respondents to each of the questions in the data collection instrument. It is further divided into four sub-sections, each detailing the frequency of responses to the four different subjects under investigation:

1. The minimum and maximum penal sanctions favored by the respondents for each of the ten listed offenses;
2. The respondent's evaluation of the effectiveness of current penal sanctions to deter possible future offenders from committing each of the listed offenses;
3. The respondent's evaluation of the effectiveness of current penal sanctions to rehabilitate current offenders convicted of each of the offenses listed; and
4. The respondent's opinion of what penal philosophy should be the most important in reacting to offenders of each of the listed offenses.

Penal Sanctions Favored by the Respondents

This sub-section presents the penal sanctions the respondents felt should be applied to offenders of each of the listed offenses. Table 7 presents a complete percentage breakdown of the sanctions favored by the respondents

Table 7

Penal Sanctions Favored with Missing Data

	In Penalty	Fine	Probation	Community Service	1 yr or less in Jail	2 - 5 years in Jail	6 - 9 years in Prison	10 - 19 years in Prison	20 years or more in Prison	Life Imprisonment	Death	Missing Data	Total
Murder: Minimum Maximum	1.0 .6	0 .3	1.3 .5	12.2 5.0	1.8 .3	6.2 .3	8.2 1.8	11.0 4.0	14.0 9.0	20.5 34.8	6.4 40.5	10.2 3.5	100.0 100.0
Forcible Rape: Minimum Maximum	.3 .3	.3 0	1.5 .3	14.2 5.0	5.6 2.6	13.1 9.0	10.3 9.7	10.8 12.3	9.7 17.4	9.2 23.5	1.3 9.7	2.7 4.1	100.0 100.0
Armed Robbery: Minimum Maximum	.3 0	.5 0	3.8 .5	6.2 1.5	15.4 1.8	31.5 13.1	14.9 16.9	11.5 22.6	3.6 22.8	2.1 12.6	0. 2.6	10.2 5.6	100.0 100.0
Aggravated Assault: Minimum Maximum	1.0 .3	3.1 0	9.0 1.5	11.5 2.6	19.0 10.5	24.1 16.4	11.0 23.1	7.2 17.4	2.4 10.8	1.0 9.7	0 1.3	10.5 6.4	100.0 100.0
Burglary: Minimum Maximum	0 .3	4.4 .8	14.1 1.3	5.9 2.6	24.6 7.1	38.5 25.9	9.2 25.9	2.3 17.4	1.0 13.8	0 1.8	0 .3	13.0 5.6	100.0 100.0
Auto Theft: Minimum Maximum	0 0	8.2 .5	23.8 4.4	5.9 5.1	31.0 13.5	16.9 34.4	1.1 17.9	.8 7.4	.1 3.6	0 1.3	0 .3	10.0 6.4	100.0 100.0
Using Marijuana: Minimum Maximum	42.3 22.1	20.0 17.4	14.5 11.0	7.7 12.3	5.6 14.9	2.8 9.0	.8 2.8	.3 2.3	.3 .2	0 .8	0 0	9.7 8.5	100.0 100.0
Homosexuality: Minimum Maximum	49.2 37.7	4.4 2.8	4.1 3.8	23.1 23.7	2.1 4.3	1.8 4.9	1.0 2.6	1.5 2.3	.5 1.0	.5 3.6	.5 .3	11.3 7.4	100.0 100.0
Prostitution: Minimum Maximum	39.6 30.3	12.2 8.2	9.7 10.2	11.3 10.2	4.1 13.4	3.6 5.1	.5 3.6	1.3 2.6	.3 1.8	0 1.5	0 0	11.0 6.1	100.0 100.0
Gambling: Minimum Maximum	47.4 32.3	21.1 11.3	6.4 4.5	3.3 6.1	4.7 13.4	2.5 2.0	1.0 1.5	.3 2.8	0 1.5	0 1.5	0 0	12.5 11.4	100.0 100.0

including the percentage of missing data. Table 8 presents the same breakdown exclusive of the missing data, i.e. what percentage of those responding favor each of the penal sanctions listed,

Murder:

Central to the issue of what sanctions the public favors for the crime of murder is the issue of capital punishment. The findings are quite significant. Of the 350 people responding, only seven percent favor capital punishment as a minimum sanction. In other words, only seven percent feel capital punishment should be uniformly applied as a penal sanction for murder. At the same time, twenty percent favor medical or psychiatric help and the only minimum sanction receiving greater support is life imprisonment with twenty-three percent.

There was more support for capital punishment when considered as a maximum sanction, but it still failed to receive majority support from the 367 respondents with no more than 42 percent favoring its use.

These data are perhaps more meaningful when viewed in light of the Supreme Court case of Furman vs. Georgia.³⁰ In that case the death penalty, as it was then administered, was ruled unconstitutional. The administration of capital punishment at that time allowed for much jury discretion, and thus discrimination. The ruling in effect ordered that if capital punishment was to be used, it must be the mandatory sanction

³⁰ 33 L Ed 2d 346 (1972).

TABLE 8
PENAL SANCTIONS FAVORED

OFFENSE	No Penalty	Fine	Probation	Red./J Help	1 yr or less in jail	2 - 5 years in prison	6 - 9 years in prison	10 - 19 years in prison	20 years or more in prison	Life Imprisonment	Death	N
Murder:												
Minimum	1.1	0	1.3	20.3	2.0	6.9	9.1	12.3	16.6	23.1	7.1	350
Maximum	.5	.3	.5	3.2	.3	.6	1.9	4.8	4.3	36.2	42.0	376
Forcible Rape:												
Minimum	.3	.3	1.7	32.4	6.3	14.5	11.4	11.9	9.7	10.2	1.3	352
Maximum	.3	0	.3	6.1	2.7	9.6	10.2	12.8	18.2	25.7	10.2	375
Armed Robbery:												
Minimum	.3	.6	4.3	6.9	17.1	35.1	16.6	12.9	4.0	2.3	0	350
Maximum	0	0	.5	1.6	1.9	13.9	17.9	23.9	24.2	13.3	2.7	363
Aggravated Assault:												
Minimum	1.1	3.4	10.0	12.9	21.3	26.9	12.3	8.0	2.9	1.1	0	349
Maximum	.3	0	1.6	2.7	11.2	17.5	24.7	18.6	11.5	10.4	1.4	365
Burglary:												
Minimum	0	4.8	15.7	6.6	27.4	31.6	10.3	2.6	1.1	0	0	351
Maximum	.3	.8	1.4	2.7	7.9	27.4	27.4	18.5	11.4	1.9	.3	368
Auto Theft:												
Minimum	0	9.1	26.5	6.6	34.5	13.8	3.4	.9	.3	0	0	351
Maximum	0	.5	4.7	5.5	19.7	36.7	19.2	7.9	4.1	1.4	.3	365
Using Marijuana:												
Minimum	46.9	22.2	11.6	8.5	6.3	3.1	.9	.3	.7	0	0	352
Maximum	23.6	18.7	11.5	13.2	15.9	9.6	3.0	2.5	.8	.8	0	364
Homosexuality:												
Minimum	55.5	4.9	4.6	26.0	2.3	2.0	1.2	1.7	.6	.6	.6	346
Maximum	40.7	3.0	4.2	31.0	5.3	5.3	2.8	2.5	1.1	3.9	.3	361
Prostitution:												
Minimum	11.6	21.6	11.0	12.7	4.4	4.0	.6	1.4	.3	0	0	347
Maximum	12.5	8.7	11.5	17.2	14.5	5.5	3.6	2.7	1.9	1.6	0	346
Gambling:												
Minimum	11.9	27.6	7.3	3.5	7.0	3.2	1.2	.3	0	0	0	341
Maximum	10.0	12.6	10.6	7.1	15.4	10.0	1.7	3.1	1.7	1.7	0	350

provided by law, i.e. anyone convicted of a capital offense must suffer its imposition.

As was mentioned earlier, only a very small proportion of the public (7%) favors capital punishment as a mandatory minimum sentence for the crime of murder. The fact that an additional 35 percent favor the death penalty as a maximum sanction indicates that only a minority of the public favors even having legal authorization for its use, but demands discretionary application.

The data are evidence that the public, when given the opportunity to impose sanctions for murder which are less severe than death, will do so.

Forcible Rape:

The significance of the findings relating the the minimum sanctions favored by the respondents for this offense is the large number supporting medical or psychiatric help. This sanction received the largest support (32%), with 2-5 years in prison a poor second with only 15 percent. Yet at the same time, this is the only other index offense for which the respondents favored the use of capital punishment as a minimum (although quite small at one percent - five people).

Maximum sanctions differ widely with only six percent favoring medical or psychiatrist help and support for capital punishment climbing to ten percent. Long terms of imprisonment received the largest support, with nearly one-third favoring life imprisonment (30%) and nearly one-fifth (18%) favoring 20 years

Armed Robbery:

An interesting phenomenon in viewing the sanctions favored for this offense is that it received the largest percentage of the respondents supporting imprisonment as a minimum sanction of any of the index offenses with 88 percent, compared to murder with 70 percent and forcible rape with 64 percent. This finding indicates that the respondents view the offender, not so much in need of psychiatric help, as a threat who must be isolated from the community. This is further substantiated by the finding that this offense received the lowest percentage support for "prison alternatives" with no more than 12 percent, with the next lowest of 23 percent for murder (See Figures 1-4).

The maximum sanction for armed robbery which received the greatest support was 20 years or more in prison (24%) with 10-19 years in prison running a close second at 24 percent. Support for prison alternatives dropped to two percent and support for capital punishment rose to three percent.

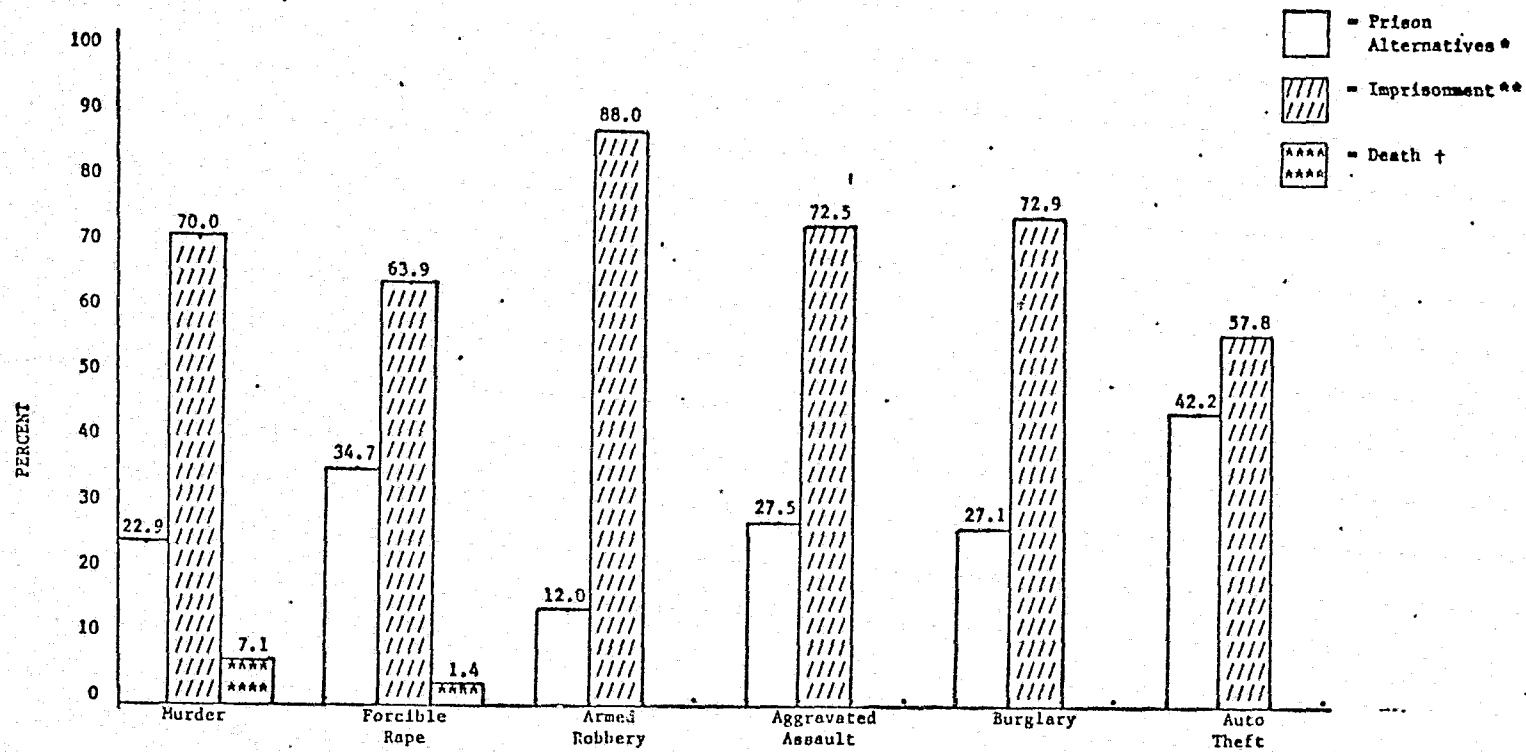
Aggravated Assault:

The bulk of the respondents' support for minimum penal sanctions for this offense went to short terms of imprisonment with one year or less in jail receiving 21 percent of the respondent's support and 2-5 years in prison receiving 27 percent. Only 13 percent supported medical or psychiatric help and an almost equal percentage favor imprisonment of 6-9 years (12%).

When indicating what maximum sanctions should be imposed on offenders of this offense, support for medical or psychiatric

FIGURE 1

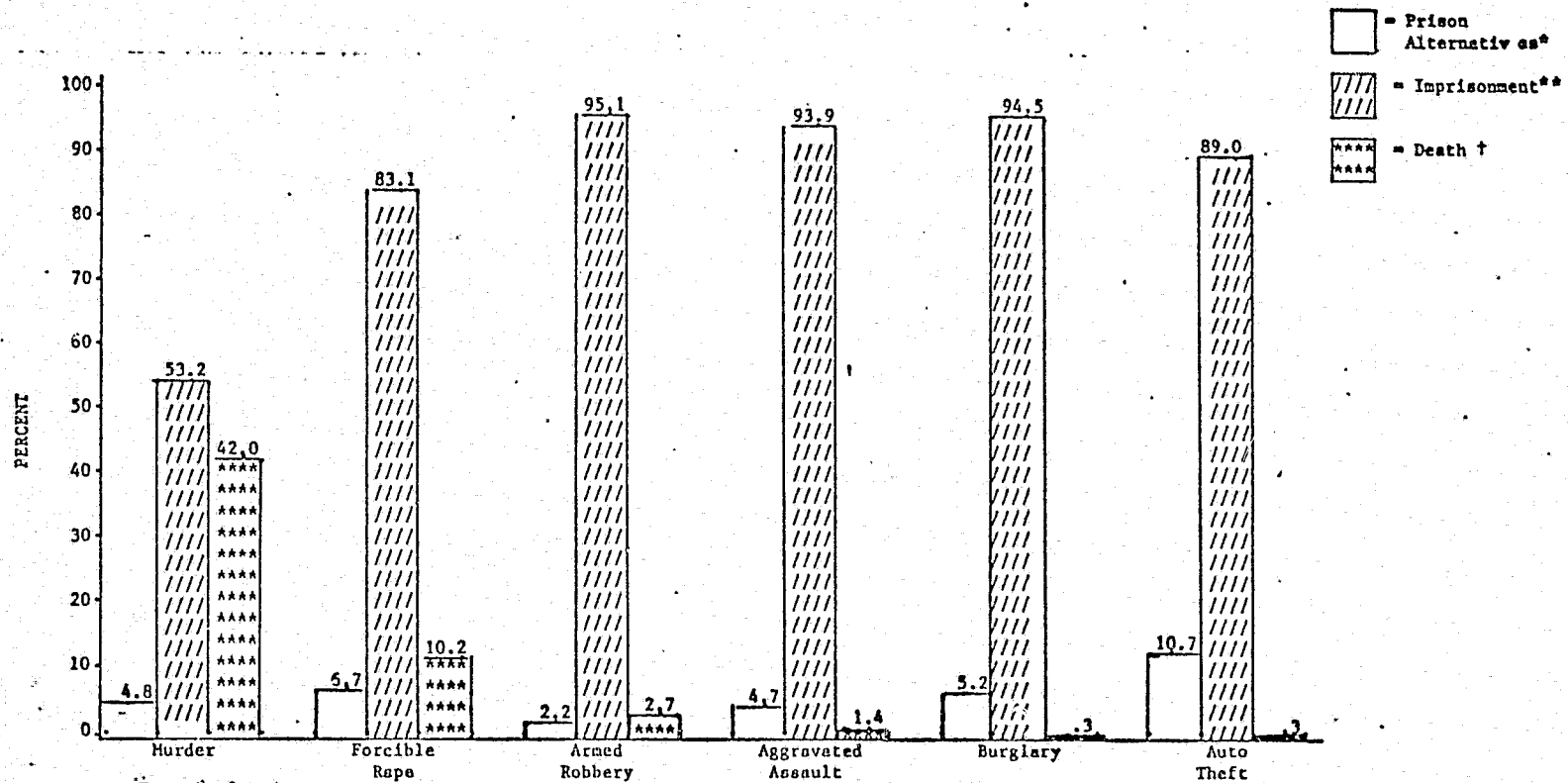
SUPPORT FOR PRISON ALTERNATIVES, IMPRISONMENT OR DEATH
AS MINIMUM SANCTIONS FOR SIX INDEX OFFENSES



- * = No penalty, fine, probation and medical or psychiatric help.
- ** = 1 year or less in jail, 2-5 yrs in prison, 6-9 yrs in prison, 10-19 yrs in prison, 20 years or more in prison, and life imprisonment.
- † = death

FIGURE 2

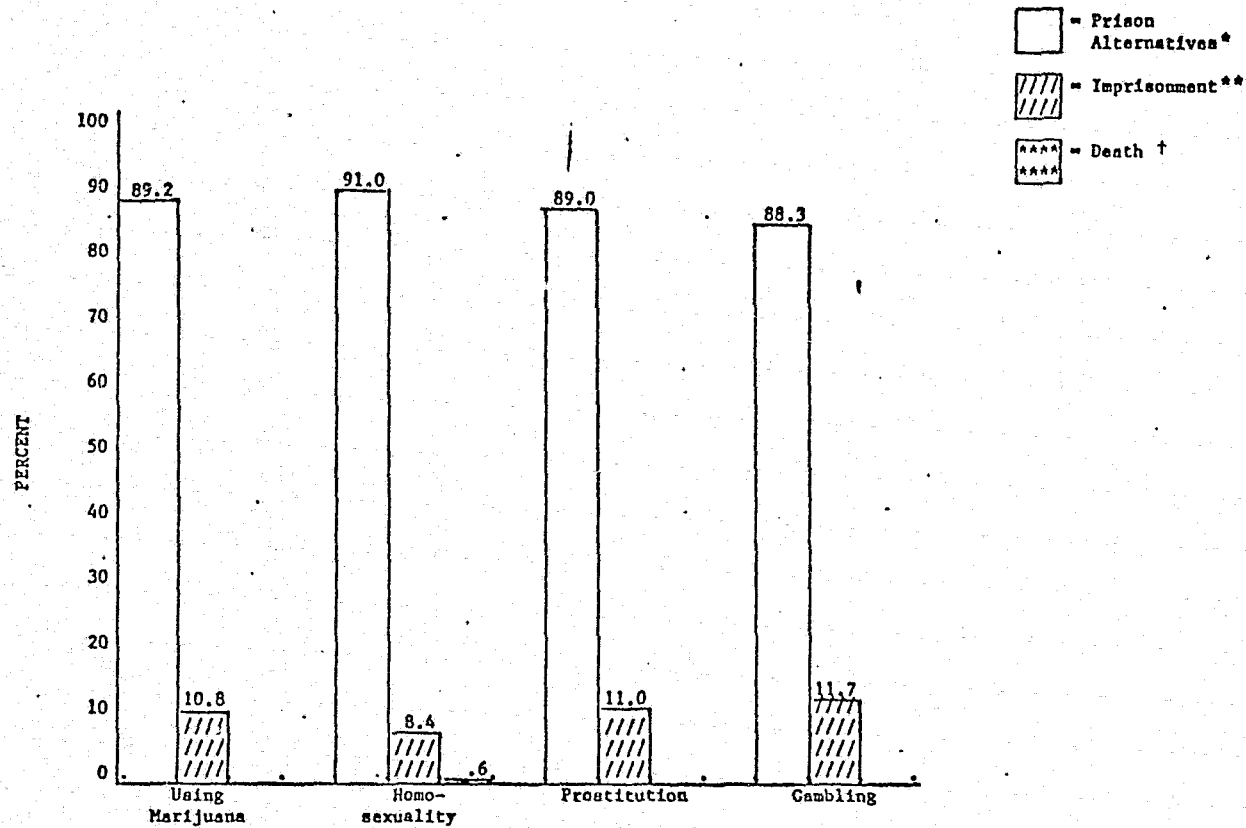
SUPPORT FOR PRISON ALTERNATIVES, IMPRISONMENT OR DEATH
AS MAXIMUM SANCTION FOR SIX INDEX OFFENSES



- * = No penalty, fine, probation and medical or psychiatric help
- ** = 1 year or less in jail, 2-5 yrs in prison, 6-9 yrs in prison, 10-19 yrs in prison, 20 years or more in prison, and life imprisonment.
- † = death

FIGURE 3

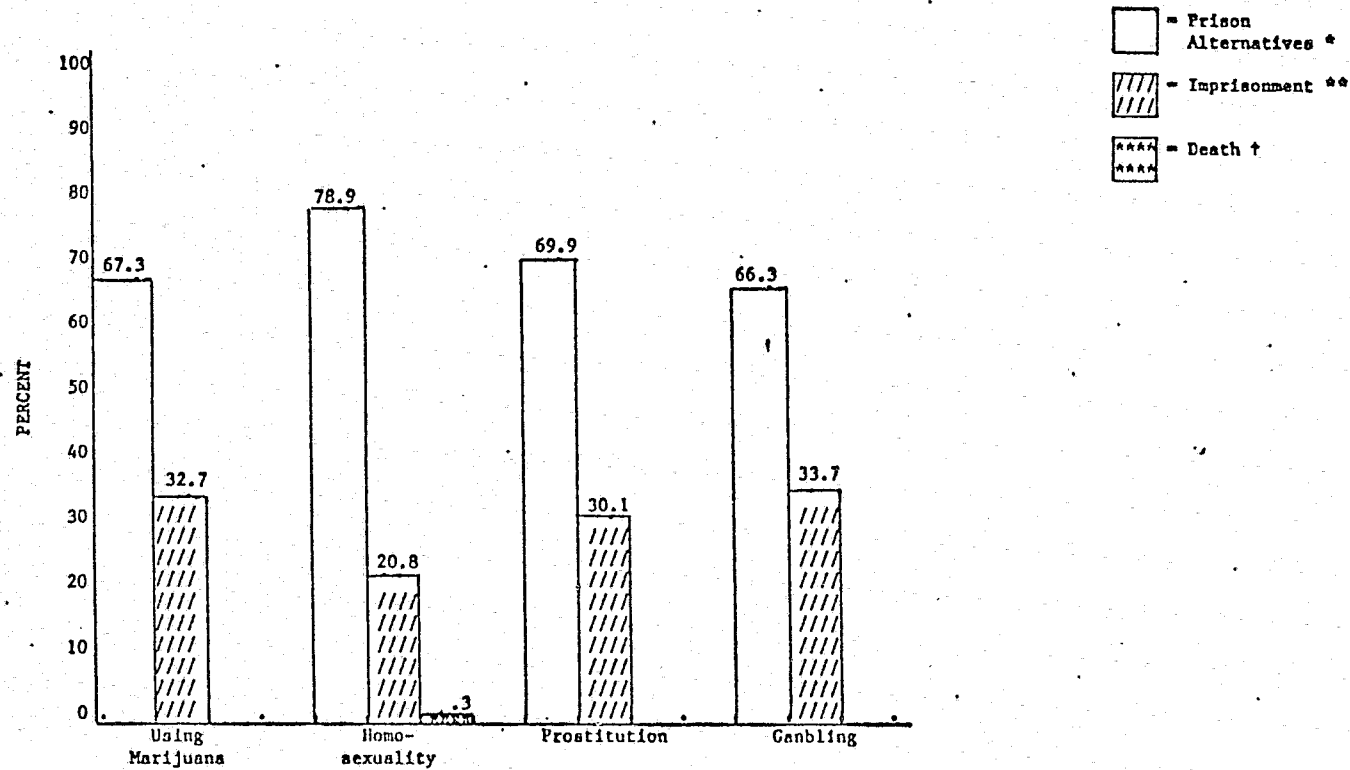
SUPPORT FOR PRISON ALTERNATIVES, IMPRISONMENT OR DEATH
AS MINIMUM SANCTIONS FOR FOUR VICTIMLESS OFFENSES



- * = No penalty, fine, probation and medical or psychiatric help
- ** = 1 year or less in jail, 2-5 yrs in prison, 6-9 yrs in prison, 10-19 yrs in prison, 20 years or more in prison, and life imprisonment.
- † = death

FIGURE 4

SUPPORT FOR PRISON ALTERNATIVES, IMPRISONMENT OR DEATH
AS MAXIMUM SANCTIONS FOR FOUR VICTIMLESS OFFENSES



- * = No penalty, fine, probation and medical or psychiatric help
- ** = 1 year or less in jail, 2-5 yrs in prison, 6-9 yrs in prison, 10-19 yrs in prison, 20 years or more in prison, and life imprisonment.
- † = death

help dropped to three percent and 6 to 9 years in prison doubled from 12 to 24 percent. Increased support for longer terms of imprisonment characterized the responses with 12 percent favoring 20 years or more in prison and ten percent supporting life imprisonment. No more than five people favored use of capital punishment.

Burglary:

The minimum sanction receiving the greatest support for this offense was 2-5 years imprisonment with 32 percent. One year or less in jail ranked second with 27 percent of those responding. Ten to 19 years imprisonment followed with 19 percent.

Auto Theft:

This offense received the greatest single support for probation of any of the six index offenses with 27 percent. The only minimum sanction receiving greater support is one year or less in jail with 35 percent.

Maximum sanctions favored by the respondents were 2-5 years in prison with 37 percent and support for one year or less in jail dropped to 20 percent (still the second most favored response). Support for probation dropped from 27 percent to five percent.

Using Marijuana:

This is the first of four "victimless" offenses and indicates a marked change in the attitudes of the respondents.

Nearly half of the 352 responding favored "no penalty" for the use of marijuana (47%) and an additional 22 percent indicated no more than a fine should be imposed as a minimum.

When asked what the maximum sanction should be, however, only 24 percent favored no penalty and support for short terms of imprisonment climbed to 16 percent for one year or less in jail and ten percent for 2-5 years. Support for fines dropped to 19 percent and medical or psychiatric help increased to 13 percent.

Homosexuality:

One of the most interesting aspects of the question of what sanctions should be applied to homosexuality is the fact that 45 percent of those responding feel that some sort of sanction should indeed be attached, ranging from a fine to death. Of that, however, 26 percent felt medical or psychiatric help should be administered.

When asked what the maximum sanction should be, however, the percentage favoring "no penalty" for homosexuality dropped to 41 percent and support for medical or psychiatric help increased to 31 percent. Also increasing was the percentage of respondents favoring imprisonment with almost all terms of imprisonment experiencing a doubling of support.

Prostitution:

This offense received the least support for no minimum penal sanction of any of the "victimless" offenses with only

44 percent. The use of fines and medical or psychiatric help ranked second and third with 22 percent and 13 percent, respectively. No more than 11 percent of those responding favored incarceration of any length, five percent of which favored no more than one year in jail.

Support for "no penalty" for prostitution dropped even further when indicating what maximum sanctions should be imposed, with no more than 33 percent feeling this way. Medical or psychiatric help gained support, climbing to 17 percent, as did probation with 12 percent. Support for short terms of imprisonment also climbed, with the sanction one year or less in jail gaining ten percent (for a total of 15 percent supporting it).

Gambling:

An even one-half (50%) of those responding favored "no penalty" for gambling with support for imposition of fines running second with 28 percent. Imprisonment drew no more support than 11 percent of those responding.

When looking at the maximum sanctions, "no penalty" experienced a large decline (to 36%) as did support for fines (13%). Support for imprisonment tripled to 34 percent with one year or less in jail climbing to 15 percent and 2-5 years imprisonment gaining to ten percent.

Deterrent Effectiveness of Current Penal Sanctions

This section of the Chapter will be concerned with the respondent's evaluation of the effectiveness of current penal

sanctions to deter offenders from committing each of the listed offenses, Table 9 presents a percentage breakdown of the respondents' evaluation of deterrent effectiveness for each offense. As is readily apparent, the public views current sanctions as generally ineffective. No more than six percent of those responding felt that current sanctions are "very effective" in deterring the commission of any of the listed offenses. The current sanctions for murder received the largest percentage of the "very effective" response with six percent. In most instances, however, no more than two percent of the sample believed current sanctions to be "very effective" for any offense.

Rehabilitative Effectiveness of Current Sanctions

As was the case when rating the deterrent effectiveness of current sanctions, less than one-third of the respondents felt current rehabilitative efforts to be effective at all (See Table 10). No more than six percent perceived current rehabilitative efforts as "very effective" and in most instances this figure centered around two or three percent.

Respondent rating as "very ineffective" reached its highest levels for the four "victimless" offenses. In those cases the percentages ranged from 52 to 57 percent of the respondents feeling this way.

The general attitude indicates that the current penal sanctions are believed to be ineffective in their rehabilitative efforts.

TABLE 9
RATING OF DETERRENT EFFECTIVENESS

VARIABLE OFFENSE	LEVEL OF EFFECTIVENESS				N
	Effective		Ineffective		
	very %	somewhat %	very %	somewhat %	
Murder	5.8	26.2	34.6	33.5	382
Forcible Rape	1.1	19.6	46.2	33.2	377
Armed Robbery	4.0	29.0	28.7	38.3	376
Aggravated Assault	2.9	26.7	29.1	41.3	375
Burglary	2.2	25.3	33.4	39.1	371
Auto Theft	2.1	24.9	35.0	37.9	377
Using Marijuana	.8	14.8	58.1	26.3	372
Homo- sexuality	1.7	13.1	58.9	26.4	360
Prosti- tution	.8	13.2	53.6	32.4	364
Gambling	1.7	17.3	49.4	31.6	358

TABLE 10

RATING OF REHABILITATIVE EFFECTIVENESS

VARIABLE OFFENSE	LEVEL OF EFFECTIVENESS				N
	Effective		Ineffective		
	very %	somewhat %	very %	somewhat %	
Murder	5.9	26.0	41.3	26.8	373
Forcible Rape	3.2	21.3	41.1	34.4	375
Armed Robbery	2.2	26.6	34.1	37.1	369
Aggravated Assault	3.0	24.5	33.8	38.7	367
Burglary	1.6	25.0	36.0	37.1	367
Auto Theft	2.7	23.8	36.3	37.1	369
Using Marijuana	2.5	14.0	55.8	26.8	362
Homo- sexuality	2.3	14.5	57.0	26.2	351
Prosti- tution	2.0	14.3	52.1	31.7	357
Gambling	2.3	16.1	53.0	28.7	355

Penal Philosophy

The other field under investigation in this study deals with what penal philosophy the respondents felt should be the most important purpose of our penal system for each of the offenses.

As is immediately apparent from the data in Table 11, the public is very "rehabilitation-minded." Rehabilitation consistently received the greatest single support for every one of the offenses, ranging from a low of 33 percent for murder to a high of 57 percent for auto theft.

The greatest support gained for retribution was for the serious person-to-person crimes of murder and forcible rape (30% and 10% respectively). Other than these two offenses, support was limited to about three or four percent.

Deterrence received its greatest support for the offense of auto theft (38%) with burglary, armed robbery and aggravated assault trailing closely behind. This penal philosophy received the second largest support behind rehabilitation for each of the four above listed offenses.

Incapacitation placed second to rehabilitation for forcible rape (23%) and third behind retribution for murder (22%) as the favored penal philosophy. This indicates that a large proportion of the public feels very much threatened by these offenses and wants the offender removed from the community for their protection. Approximately 20 percent of the respondents favored the incapacitation philosophy in dealing with offenders committing both armed robbery and aggravated assault.

TABLE 11

PENAL PHILOSOPHIES FAVORED

VARIABLE OFFENSE	PENAL PHILOSOPHY					N
	Retri- bution %	Deter- rence %	Incapac- itation %	Rehabil- itation %	No Societal Response %	
Murder	29.8	15.2	22.0	32.7	.3	336
Forcible Rape	10.2	21.1	22.9	44.0	1.8	332
Armed Robbery	6.3	29.0	20.1	43.1	1.5	334
Aggravated Assault	5.7	27.4	20.5	44.9	1.5	332
Burglary	4.5	32.1	12.6	49.5	1.2	333
Auto Theft	3.6	27.7	8.9	57.1	2.7	336
Using Marijuana	1.2	14.2	5.6	45.9	33.1	338
Homo- sexuality	1.2	8.5	11.2	44.1	35.0	329
Prosti- tution	.6	9.4	10.6	50.0	29.4	330
Gambling	1.2	12.6	8.6	41.8	35.7	325

No Societal Response was the category favored by respondents who previously indicated that they felt "no penalty" should be imposed for an offense and, thus, no penal philosophy would relevantly apply. As such, the "victimless" offenses received large percentages favoring no response at all, ranging from 29 percent for prostitution to 36 percent for gambling.

Bivariate Relationships

This section discusses what relationships exist between various demographic variables and the responses to each of the four questions. Additionally, statistical tests were run on what relationships exist between the opinions of the respondents, i.e., between the penal philosophy and the severity of penal sanction supported. The statistical tests utilized were Chi-square (χ^2) and Pearson Product-Moment correlation (r).

Chi-square is a general measure of the existence of a systematic relationship between variables. Pearson's Product-Moment correlation indicates whether or not a relationship exists, but also measures the strength and direction of this relationship.

Because of the enormous amount of data generated through these analyses, only some of the tables depicting significant relationships are presented in the text. This was done in order to make the paper more readable, yet it also provides representative presentations of significant data. Appendix B presents the χ^2 and r values for each of the relationships investigated.

Age

This section will explore the relationship between the respondent's age and three different response variables:

1) the severity of the penal sanction supported, 2) the type of penal philosophy favored, and 3) the respondent's evaluation of the level of effectiveness of current penal sanctions. Each of these variables will be discussed separately.

Penal Sanctions

A systematic relationship appears to exist between the age of the respondents and the severity of penal sanction supported for each of the four "victimless" offenses of *using marijuana, homosexuality, prostitution and gambling*. (See Tables 12 - 16). Among these offenses, the highest correlations for both minimum and maximum were found for *using marijuana* ($r=.3688$, $N=346$, $\text{sig}=.001$ and $r=.3189$, $N=357$, $\text{sig}=.001$, respectively). The correlations for all four offenses are positive linear and all but one are significant at the .001 level—the maximum sanction for gambling is significant at the .045 level. These findings indicate the older the respondent, the more severe the sanction supported.

In looking at these data in greater detail, we find that for *using marijuana*, two-thirds of the respondents ages thirty and under support no minimum penal sanction, whereas only two-fifths of those ages thirty-one to fifty feel this way and less than one-quarter of those over fifty-one do. (See Table 12). In terms of maximum sanctions for this

TABLE 12

CROSSTABULATION OF MINIMUM SANCTIONS FAVORED
USING MARIJUANA BY AGE

[figures in percent]

VARIABLE AGE	PENAL SANCTIONS											N
	no penalty	fine	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment	death	
18 - 20	70.8	20.8	4.2		4.2							24
21 - 30	65.9	16.7	5.3	3.8	5.3	1.5	1.5					132
31 - 50	38.5	28.2	14.5	9.4	6.8	1.7	.9					117
50 & over	22.2	19.4	19.4	19.4	8.4	8.4		1.4		1.4		72

$\chi^2 = 73.113$, $df = 24$, $sig = p < .001$

$r = .3688$, $p < .001$

TABLE 13
CROSSTABULATION OF MAXIMUM SANCTIONS FAVORED
USING MARIJUANA BY AGE

[figures in percent]

VARIABLE AGE	PENAL SANCTIONS											N
	no penalty	fine	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment	death	
18 - 20	36.4	9.1	31.8	13.6		9.1						22
21 - 30	34.4	27.5	8.4	6.9	10.7	8.4	2.3	1.5				131
31 - 50	19.7	18.0	13.1	12.3	22.1	6.6	2.5	3.3	1.6	.8		122
51 & over	10.0	8.8	7.5	23.8	18.8	17.5	6.3	3.7	1.2	2.5		80

$\chi^2 = 74.306$, $df = 27$, $sig = p < .001$
 $r = .3292$, $p < .001$

TABLE 14

CROSSTABULATION OF MINIMUM SANCTIONS FAVORED

HOMOSEXUALITY BY AGE

[figures in percent]

VARIABLE AGE	PENAL SANCTIONS											N
	no penalty	fine	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment	death	
18 - 20	65.2	8.7	4.3	17.4						4.3		23
21 - 30	72.9	1.6	3.9	17.1	1.6	.8		.8		.8	.8	129
31 - 50	49.6	6.7	5.0	32.8	1.7	1.7		1.7	.8			119
51 & over	32.9	7.1	4.3	34.3	5.7	2.9	5.7	4.3	1.4		1.4	70

$\chi^2 = 63.988$, $df = 30$, $sig = .0003$
 $r = .3233$, $p < .001$

TABLE 15

CROSSTABULATION OF MINIMUM SANCTIONS FAVORED

PROSTITUTION BY AGE

[figures in percent]

VARIABLE AGE	PENAL SANCTIONS											N
	no penalty	fine	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment	death	
18 - 20	47.8	39.1	4.3	4.3	4.3							23
21 - 30	58.9	17.8	8.5	8.5	2.3	3.1		.8				129
31 - 50	37.3	22.9	14.4	16.9	5.9	1.7		.8				118
51 & over	29.6	19.7	11.3	15.5	7.0	9.9	1.4	4.2	1.4			71

 $\chi^2 = 47.830$, df = 24, sig = .0026

 $r = .2905$, $p < .001$

TABLE 16

CROSSTABULATION OF MINIMUM SANCTIONS FAVORED

GAMBLING BY AGE

[figures in percent]

VARIABLE AGE	PENAL SANCTIONS											N
	no penalty	fine	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment	death	
18 - 20	69.6	21.7			8.7							23
21 - 30	53.2	33.3	2.4	2.4	7.1	.8	.8					126
31 - 50	48.3	26.3	10.2	2.5	8.5	3.4	.8					118
51 & over	41.4	21.4	12.9	7.1	4.3	8.6	2.9	1.4				70

 $\chi^2 = 37.121$, df = 21, sig = .0163

r = .1873, p < .001

offense, the same pattern is observed. (See Table 13).

Penal Philosophy

As age was found to be related to responses concerning penal sanctions, so too it was found to be correlated with the type of penal philosophy indicated. This relationship was found to exist to a significant degree in both χ^2 and r values for all four of the above-mentioned offenses, plus *auto theft*. (See Tables 17 - 21). The highest values were once again observed for *using marijuana* were $r=.2592$, $\text{sig}=.001$. Once again the relationships are all positive linear, indicating that the older the respondent, the more punitive the penal philosophy supported for the offenses.

Evaluation of Current Penal Effectiveness

There appears to be no systematic relationship existing between the respondent's age and his evaluation of the effectiveness of current penal sanctions either for deterrent or rehabilitative purposes. The highest χ^2 value observed is 19.807 (9 df, $\text{sig}=.0191$) with an r value of $-.1163$ ($N=368$, $\text{sig}=.013$) for the effectiveness of current sanctions to deter people from committing the offense of *armed robbery*, and while this does meet the significance level, there appears to be no systematic relationship between the two variables.

Sex

Penal Sanctions

As sex is not a continuous variable, as is required

TABLE 17

CROSSTABULATION OF PENAL PHILOSOPHY
FOR USING MARIJUANA BY AGE

VARIABLE AGE	PENAL PHILOSOPHY					N
	Retri- bution %	Deter- rence %	Incapac- itation %	Rehabil- itation %	No Societal Response %	
18 - 20		15.0	10.0	30.0	45.0	20
21 - 30		12.4	4.4	31.9	51.3	113
31 - 50		11.4	5.3	50.9	32.5	114
51 & over	4.9	18.3	7.3	59.8	9.8	82

$\chi^2 = 50.307$, $df = 12$, $sig = p < .0001$

$r = .2592$, $p < .001$

TABLE 18
CROSSTABULATION OF PENAL PHILOSOPHY
FOR HOMOSEXUALITY BY AGE

VARIABLE AGE	PENAL PHILOSOPHY					N
	Retri- bution %	Deter- rence %	Incapac- itation %	Rehabil- itation %	No Societal Response %	
18 - 20	.	10.5	10.5	47.7	31.6	19
21 - 30	.9	8.8	8.8	35.1	46.5	114
31 - 50		6.3	9.0	45.9	38.7	111
51 & over	3.9	11.7	15.6	51.9	16.9	77

$\chi^2 = 25.122$, $df = 12$, $sig = .0143$
 $r = .1748$, $p < .001$

TABLE 19
CROSSTABULATION OF PENAL PHILOSOPHY
FOR PROSTITUTION BY AGE

VARIABLE AGE	PENAL PHILOSOPHY					N
	Retri- bution %	Deter- rence %	Incapac- itation %	Rehabil- itation %	No Societal Response %	
18 - 20		12.5	6.3	50.0	31.3	16
21 - 30		7.9	10.5	43.9	37.7	114
31 - 50		8.0	6.2	53.1	32.7	113
51 & over	2.6	12.8	14.1	55.1	15.4	78

$\chi^2 = 20.704$, $df = 12$, $sig = .0549$
 $r = .1830$, $p < .001$

TABLE 20
CROSSTABULATION OF PENAL PHILOSOPHY
FOR GAMBLING BY AGE

VARIABLE AGE	PENAL PHILOSOPHY					N
	Retri- bution %	Deter- rence %	Incapac- itation %	Rehabil- itation %	No Societal Response %	
18 - 20		16.7	5.6	50.0	27.8	18
21 - 30		12.4	7.1	39.8	40.7	113
31 - 50		9.0	7.2	40.5	43.2	111
51 & over	5.3	17.1	11.8	46.1	19.7	76

$\chi^2 = 26.055$, $df = 12$, $sig = .0105$
 $r = .1677$, $p < .001$

TABLE 21
CROSSTABULATION OF PENAL PHILOSOPHY
FOR AUTO THEFT BY AGE

VARIABLE AGE	PENAL PHILOSOPHY					N
	Retri- bution %	Deter- rence %	Incapac- itation %	Rehabil- itation %	No Societal Response %	
18 - 20		31.6	10.5	57.9		19
21 - 30	2.6	23.3	9.5	60.3	4.3	116
31 - 50		27.7	7.1	62.5	2.7	112
51 & over	11.2	32.5	11.2	45.0		80

$\chi^2 = 27.157$, $df = 12$, $sig = .0073$
 $r = .1742$, $p < .001$

for Pearson's Product-Moment correlation, the only statistic computed for the variable of sex was Chi-square.

The only systematic relationship found to exist between the sex of the respondents and the severity of penal sanction supported were for the crimes of *prostitution* and *gambling*. The strongest relationship here is observed between sex and *prostitution* (See Table 22). The responses of females are visibly more punitive than males for both minimum and maximum sanctions. While nearly half of the males feel no penalty should be imposed even as a maximum, less than one-fourth of the females feel this way.

Similarly, while nearly two-thirds of the males favor no minimum penalty for *gambling*, less than half of the females support this notion. One hypothesis that could be explored is that males more actively participate in gambling activities than do females, and are thus, more supportive of its legality. (See Table 23).

Another interesting finding is that females were not found to be more punitive than males in the severity of penal sanction they favored for the offense of *forcible rape*. (See Table 24). This is despite the fact that they are the only sex generally considered to be victims of this crime.

Penal Philosophy

It is interesting to note in the case of *forcible rape* that the females indicated a greater percentage support for rehabilitation (47%) than males (40%) (See Table 25). The females were also more likely to support incapacitation. One-fourth of the females supported this as compared to one-fifth

TABLE 22

CROSSTABULATION OF MAXIMUM SANCTIONS FAVORED
PROSTITUTION BY SEX

[figures in percent]

VARIABLE SEX	PENAL SANCTIONS											N
	no penalty	fine	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment	death	
male	44.0	9.6	10.2	11.4	17.5	2.4	.6	1.8	1.8	.6		166
female	23.0	8.0	12.5	22.0	12.0	8.0	6.5	3.5	2.0	2.5		200

 $\chi^2 = 37.099$, df = 9, sig = $p < .001$

TABLE 233

CROSSTABULATION OF MINIMUM SANCTIONS FAVORED

GAMBLING BY SEX

[figures in percent]

VARIABLE SEX	PENAL SANCTIONS											N
	no penalty	fine	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment	death	
male	60.8	25.3	4.4	1.3	5.7	1.3	.6	.6				158
female	40.4	29.5	9.8	5.5	8.2	4.9	1.6					183

 $\chi^2 = 21.342$, df = 7, sig = .0033

TABLE 24
CROSSTABULATION OF MAXIMUM SANCTIONS FAVORED
FORCIBLE RAPE BY SEX

[figures in percent]

VARIABLE SEX	PENAL SANCTIONS											N
	no penalty	fine	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment	death	
male			.6	5.9	4.1	11.2	9.5	10.7	16.0	35.5	6.5	169
female	.5			6.3	1.5	8.3	10.7	14.6	20.0	24.9	13.2	205

$\chi^2 = 15.073$, $df = 9$, $sig = p > .05$ (not significant).

TABLE 25

CROSSTABULATION OF PENAL PHILOSOPHY
FOR FORCIBLE RAPE BY SEX

VARIABLE SEX	PENAL PHILOSOPHY					N
	Retri- bution %	Deter- rence %	Incapac- itation %	Rehabil- itation %	No Societal Response %	
male	13.2	22.9	20.1	39.6	4.2	144
female	8.0	19.7	25.0	47.3		188

$\chi^2 = 4.473$, $df = 4$, $sig = p > .05$ (not significant)

of the males. The sex of the respondents was also found to be systematically related to the indicated penal philosophy for the other two previously-mentioned crimes: *prostitution and gambling* (See Tables 26 and 27).

As with penal sanctions, males once again favor "no societal response" in larger percentages than females for *prostitution and gambling*. Females favor rehabilitation as a penal philosophy much more than do males for virtually all crime categories.

Evaluation of Current Penal Effectiveness

Systematic relationships were also found to exist between the respondents' sex and the evaluation of the effectiveness of current sanctions for numerous offenses. Females, to a larger extent than males, felt current sanctions to be "very ineffective" in deterring both *forcible rape and prostitution*.³¹ The concept of rehabilitation was also more likely to be considered by females as "very ineffective" in the case of *forcible rape*.³² Males, however, felt current rehabilitative efforts for people convicted of *prostitution* to be "very ineffective" in larger quantities than females.³³

Ethnicity

Penal Sanctions

Chi-square was the only statistics computed for this

³¹ $\chi^2 = 7.56$, sig=.05 and $\chi^2 = 7.65$, sig=.05, respectively.

³² $\chi^2 = 13.05$, sig = .0045

³³ $\chi^2 = 7.89$, sig = .0483

TABLE 26

CROSSTABULATION OF PENAL PHILOSOPHY
FOR PROSTITUTION BY SEX

VARIABLE SEX	PENAL PHILOSOPHY					N
	Retri- bution %	Deter- rence %	Incapac- itation %	Rehabil- itation %	No Societal Response %	
male	.7	9.0	8.3	43.4	38.6	145
female	.5	9.7	12.4	55.1	22.2	185

$$\chi^2 = 11.116, df = 4, sig = .0253$$

TABLE 27

CROSSTABULATION OF PENAL PHILOSOPHY
FOR GAMBLING BY SEX

VARIABLE SEX	PENAL PHILOSOPHY					N
	Retri- bution %	Deter- rence %	Incapac- itation %	Rehabil- itation %	No Societal Response %	
male	2.1	10.5	7.0	35.7	44.8	143
female	.5	14.3	9.9	46.7	28.6	182

$$\chi^2 = 11.463, df = 4, sig = .0218$$

variable too, as ethnicity is not a continuous variable.

The race of the respondent and the severity of the penal sanction favored was found to be systematically related in the case of numerous crimes. Most notable are the maximum sanctions favored for the crime of *murder* (See Table 28). The penalties of "life imprisonment" and, particularly, "death" show the largest disparities between ethnic groups. Where half of the white respondents were shown to favor capital punishment, less than one-quarter of the blacks and only ten percent of the chicanos were in favor of this penalty. Comparative percentages of both black and chicanos on the other hand, favored "life imprisonment" (45% of the blacks and 40% of the chicanos, compared to only 34% of the whites).

This finding may be related to the fact that non-whites (particularly blacks) have been found to suffer imposition of the death penalty to a disproportionately larger degree than whites.³⁴ Thus, they may have greater apprehensions about even having legal authorization for its use.

Significant relationships were also found between the race of the respondent and the severity of penal sanction favored in three other crimes: *armed robbery*, *burglary*³⁵ and *prostitution*.³⁶ Here, however, non-whites were found to be more punitive than whites. (See Tables 29 - 32).

Specifically, in the case of *armed robbery*, one-third

³⁴ Furman v Georgia, 33 L Ed 2d 346 (1972).

³⁵ For maximum sanction only.

³⁶ For minimum sanction only.

TABLE 28

CROSSTABULATION OF MAXIMUM SANCTIONS FAVORED

MURDER BY ETHNICITY

[figures in percent]

VARIABLE ETHNICITY	PENAL SANCTIONS											N
	no penalty	fine	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment	death	
black				2.1			2.1	12.8	12.9	44.7	23.4	47
white	.4	.4	.7	3.0		1.1	1.1	3.3	6.3	34.1	49.6	270
chicano	4.3			2.1	2.1		6.4	6.4	21.3	40.4	17.0	47
other					11.1					33.3	55.6	9

 $\chi^2 = 62.581$, df = 30, sig = .0004

CONTINUED

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TABLE 29
CROSSTABULATION OF MINIMUM SANCTIONS FAVORED
ARMED ROBBERY BY ETHNICITY

[figures in percent]

VARIABLE ETHNICITY	PENAL SANCTIONS										N	
	no penalty	fine	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment		death
black			4.2	4.2	12.5	27.1	22.9	14.6	12.5	2.1		48
white	.4		4.0	7.7	17.3	36.7	16.9	11.7	2.4	2.8		248
chicano		2.3	4.7	4.7	23.3	34.9	9.3	18.6	2.3			43
other		11.1	11.1		11.1	33.3	11.1	11.1	11.1			9

$\chi^2 = 44.576$, df = 27, sig = .0180

TABLE 30
CROSSTABULATION OF MAXIMUM SANCTIONS FAVORED
ARMED ROBBERY BY ETHNICITY

[figures in percent]

VARIABLE ETHNICITY	PENAL SANCTIONS											N
	no penalty	fine	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment	death	
black						14.3	6.1	28.6	32.7	16.3	2.0	49
white			.4	1.1	1.9	12.6	20.7	23.4	22.2	14.2	3.4	261
chicano				4.3	2.2	21.7	17.4	21.7	30.4	2.2		46
other			11.1	11.1		11.1		33.3	11.1	22.2		9

$\chi^2 = 48.765$, $df = 24$, $sig = .0020$

TABLE 31
CROSSTABULATION OF MAXIMUM SANCTIONS FAVORED
BURGLARY BY ETHNICITY

[figures in percent]

VARIABLE ETHNICITY	PENAL SANCTIONS											N
	no penalty	fine	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment	death	
black		2.1	2.1	2.1	4.3	25.5	23.4	21.3	19.1			47
white	.4		1.1	2.3	9.1	24.2	29.8	19.2	10.9	2.6	.4	265
chicano		4.4		4.4	6.7	46.7	20.0	11.1	6.7			45
other			12.5	12.5		37.5	12.5	25.0				8

$\chi^2 = 43.451$, $df = 30$, $sig = p > .05$ (not significant).

TABLE 32

CROSSTABULATION OF MINIMUM SANCTIONS FAVORED
PROSTITUTION BY ETHNICITY

[figures in percent]

VARIABLE ETHNICITY	PENAL SANCTIONS											N
	no penalty	fine	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment	death	
black	34.0	29.8	12.8	10.6	4.3		2.1	4.3	2.1			47
white	47.1	22.3	10.3	11.2	4.5	4.1		.4				242
chicano	37.8	11.1	13.3	22.2	2.2	6.7	2.2	4.4				45
other	50.0	10.0	10.0	10.0	20.0							10

 $\chi^2 = 38.838$, df = 24, sig = .0284

of the chicano respondents favored a maximum sanction of 20 years or more in prison while less than one-fourth of the white respondents favored such a severe penalty. Similarly, in the case of *prostitution*, whites to a greater degree than the minorities favored no minimum penal sanction. Nearly one-half of the whites felt this way as compared to about one-third of the black and chicano respondents.

Penal Philosophy

The only relationship found to exist between race and the penal philosophy variable was for *using marijuana and homosexuality*. In the case of these offenses, whites favored "no societal response" to a greater degree than non-whites. (See Tables 33 and 34).

Evaluation of Current Penal Effectiveness

The respondent's ethnicity was found to systematically related to his evaluation of the deterrent effectiveness of current sanctions in some of the above-mentioned crimes as well. Specifically, this was true for the crimes of *murder, using marijuana and prostitution*. (See Tables 35 - 37). In all offenses, whites were consistently those most likely to consider rehabilitation as "very ineffective." The percentages of whites so responding was higher than 35 percent for all crimes. In the case of *using marijuana*, this percentage increased to 61 percent.

TABLE 33
CROSSTABULATION OF PENAL PHILOSOPHY
FOR USING MARIJUANA BY ETHNICITY

VARIABLE ETHNICITY	PENAL PHILOSOPHY					N
	Retri- bution %	Deter- rence %	Incapac- itation %	Rehabil- itation %	No Societal Response %	
black	4.5	25.0	11.4	56.8	2.3	44
white	2.9	28.8	7.4	57.6	3.3	243
chicano	5.1	25.6	12.8	56.4		39
other		14.3	28.6	57.1		7

$$\chi^2 = 22.888, df = 12, sig = .0287$$

TABLE 3^u
 CROSSTABULATION OF PENAL PHILOSOPHY
 FOR HOMOSEXUALITY BY ETHNICITY

VARIABLE ETHNICITY	PENAL PHILOSOPHY					N
	Retri- bution %	Deter- rence %	Incapac- itation %	Rehabil- itation %	No Societal Response %	
black	2.4	7.3	4.9	56.1	29.3	41
white	.4	8.4	10.1	41.2	39.9	238
chicano	4.9	9.8	22.0	48.8	14.6	41
other		14.3	14.3	57.1	14.3	7

$\chi^2 = 22.873$, $df = 12$, $sig = .0288$

TABLE 35
CROSSTABULATION OF CURRENT DETERRENT PENAL
EFFECTIVENESS FOR MURDER
BY ETHNICITY

VARIABLE ETHNICITY	LEVEL OF EFFECTIVENESS				N
	Effective		Ineffective		
	very %	somewhat %	very %	somewhat %	
black	6.0	28.0	34.0	32.0	50
white	5.2	25.8	32.5	36.5	271
chicano	8.3	31.3	33.3	27.1	48
other	10.0	10.0	50.0	30.0	10

$\chi^2 = 4.692$, $df = 9$, $sig = p > .05$ (not significant).

TABLE 36
CROSSTABULATION OF CURRENT DETERRENT PENAL
EFFECTIVENESS FOR USING MARIJUANA
BY ETHNICITY

VARIABLE ETHNICITY	LEVEL OF EFFECTIVENESS				N
	Effective		Ineffective		
	very %	somewhat %	very %	somewhat %	
black	6.1	10.2	29.6	55.1	49
white		14.1	24.7	61.2	263
chicano		25.5	36.2	38.3	47
other		10.0	20.0	70.0	10

$\chi^2 = 30.320$, $df = 9$, $sig = .0004$

TABLE 37
 CROSSTABULATION OF CURRENT DETERRENT PENAL
 EFFECTIVENESS FOR PROSTITUTION
 BY ETHNICITY

VARIABLE ETHNICITY	LEVEL OF EFFECTIVENESS				N
	Effective		Ineffective		
	very %	somewhat %	very %	somewhat %	
black	4.1	14.3	40.8	40.8	49
white	.4	11.7	28.5	59.4	256
chicano		19.6	39.1	41.3	46
other		20.0	60.0	20.0	10

$\chi^2 = 21.268$, $df = 9$, $sig = .0115$

Religion

No systematic relationships were observed between the variable of religion and any of the response categories. Although the percentage of respondents of different religions varied somewhat in numerous response categories, no *systematic* variation or attitude or relationship could be determined. As such, the differences can only be attributed to random variation.

Educational Attainment

Both Chi-square and Pearson Product-Moment correlation coefficients were computed for this variable.

Penal Sanctions

Statistically significant relationships were found for all but two offenses: *murder and armed robbery*. In addition, significant correlations were observed for maximum sanctions favored for each of the four "victimless" offenses. The correlations for sanctions favored for the four "victimless" offenses were negative linear, indicating that the higher the educational attainment of the respondent, the less severe the penal sanction supported. Specifically, in the case of *homosexuality*, nearly three-quarters of the respondents who had completed graduate college work supported "no penalty" whereas just over one-fourth of the respondents with only grade school education or less did (See Table 38).

Likewise, in the case of *using marijuana*, where 43 percent of those respondents who had completed graduate

TABLE 38

CROSSTABULATION OF MINIMUM SANCTIONS FAVORED
HOMOSEXUALITY BY EDUCATION

[figures in percent]

VARIABLE EDUCATION	PENAL SANCTIONS											N
	no penalty	fine	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment	death	
grade school	28.6	14.3		28.6	4.8	4.8	4.8	4.8	9.5			21
some high school	51.4	8.6	2.9	17.1	11.4	2.9	2.9			2.9		35
high school	47.1	4.8	7.7	30.8	1.9	2.9	1.0	3.8				104
some college	60.7	1.9	3.7	29.0	.9	.9		.9		.9	.9	107
college	65.1	4.7		25.6		2.3		2.2			2.3	43
graduate college work	73.5	2.9	8.8	11.8			2.9	2.9				34

 $\chi^2 = 95.746$ df = 50, sig = .0001 $r = -.2243$, $p < .001$

college work supported no maximum penalty, no more than 15 percent of those respondents who had completed no more than high school indicated such. The strongest correlation observed was for *using marijuana* where $r = -.2342$, $N = 362$, $\text{sig} = .001$ (See Table 39).

Penal Philosophy

As in the case of penal sanctions, educational attainment also was found to be significantly related to the type of penal philosophy supported by the respondent. Statistically significant correlations were observed for all offenses. Once again, all correlations were negative linear, indicating that the higher the educational attainment of the respondent, the less punitive the penal philosophy supported. The strongest correlations observed are for the four "victimless" offenses, where all are significant at the .001 level. (See Tables 40- 43). The correlations for all of the other six offenses are significant at the .04 level or better.

Evaluation of Current Penal Effectiveness

The respondents' educational attainment was found to be significantly related to the evaluation of the rehabilitative effectiveness for all offenses. All correlations are negative linear again, indicating the higher the educational attainment of the respondent, the less effective current sanctions are perceived to be in rehabilitating current offenders. In terms of the effectiveness of current sanctions

TABLE 39

CROSSTABULATION OF MAXIMUM SANCTIONS FAVORED
MARIJUANA BY EDUCATION
[figures in percent]

VARIABLE EDUCATION	PENAL SANCTIONS											N
	no penalty	fine	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment	death	
grade school	25.0	4.2	4.2	25.0	8.3	4.2	4.2	8.3	8.3	8.3		24
some high school	15.0	22.5	17.5	22.5	10.0	7.5	2.5	2.5				40
high school	14.5	16.4	14.5	12.7	23.6	12.7	2.7	1.8		.9		110
some college	25.7	22.9	10.1	8.3	13.8	11.0	4.6	2.8	.9			109
college	31.8	13.6	13.6	13.6	15.9	6.8	2.3	2.3				44
graduate college work	42.9	25.7	4.7	8.3	5.3	5.7						35

$\chi^2 = 83.300$, $df = 45$, $sig = .0005$
 $r = -.2342$, $p < .001$

TABLE 40
CROSSTABULATION OF PENAL PHILOSOPHY
FOR USING MARIJUANA BY EDUCATION

VARIABLE EDUCATION	PENAL PHILOSOPHY					N
	Retri- bution %	Deter- rence %	Incapac- itation %	Rehabil- itation %	No Societal Response %	
grade school	8.0	20.0	12.0	44.0	16.0	25
some high school		17.9	10.3	56.4	15.4	39
high school	1.0	17.3	6.7	46.2	28.8	104
some college		16.0	4.3	43.3	36.2	94
college	2.3	2.3		48.8	46.5	43
graduate college work		3.2	3.2	35.5	58.1	31

$\chi^2 = 44.335$, $df = 20$, $sig = .0014$
 $r = -.2672$, $p < .001$

TABLE 41
CROSSTABULATION OF PENAL PHILOSOPHY
FOR HOMOSEXUALITY BY EDUCATION

VARIABLE EDUCATION	PENAL PHILOSOPHY					N
	Retri- bution %	Deter- rence %	Incapac- itation %	Rehabil- itation %	No Societal Response %	
grade school	4.3	13.0	30.4	34.8	17.4	23
some high school	2.6	17.9	15.4	48.7	15.4	39
high school		8.9	11.9	47.5	31.7	101
some college		7.7	9.9	44.0	38.5	91
college	4.8	2.4		47.6	45.2	42
graduate college work		3.2	6.5	29.0	61.3	31

$\chi^2 = 47.822$, $df = 20$, $sig = .0005$
 $r = -.2708$, $p < .001$

TABLE 42
CROSSTABULATION OF PENAL PHILOSOPHY
FOR PROSTITUTION BY EDUCATION

VARIABLE EDUCATION	PENAL PHILOSOPHY					N
	Retri- bution %	Deter- rence %	Incapac- itation %	Rehabil- itation %	No Societal Response %	
grade school		16.7	20.8	41.7	20.8	24
some high school		18.9	16.2	48.6	16.2	37
high school		8.1	11.1	57.6	23.2	99
some college		11.5	8.3	46.9	33.3	96
college	4.8		7.1	50.0	38.1	42
graduate college work		3.3	3.3	43.3	50.0	30

$\chi^2 = 42.119$, $df = 20$, $sig = .0027$
 $r = -.2031$, $p < .001$

TABLE 43
CROSSTABULATION OF PENAL PHILOSOPHY
FOR GAMBLING BY EDUCATION

VARIABLE EDUCATION	PENAL PHILOSOPHY					N
	Retri- bution %	Deter- rence %	Incapac- itation %	Rehabil- itation %	No Societal Response %	
grade school	4.3	17.4	26.1	30.4	21.7	23
some high school		18.9	13.5	37.8	29.7	37
high school	1.0	11.2	9.2	51.0	27.6	98
some college		15.2	5.4	39.1	40.2	92
college	4.7	7.0	2.3	41.9	44.2	43
graduate college work		6.5	6.5	32.3	54.8	31

$\chi^2 = 36.197$, $df = 20$, $sig = .0146$
 $r = -.1942$, $p < .001$

in deterrence, however, significant relationships were found for only four offenses: *forcible rape, armed robbery, using marijuana and homosexuality*, all of which are also negative linear. (See Tables 44 - 47).

It thus appears, that the educational attainment of the respondents is systematically related to the perceived effectiveness of current rehabilitative efforts, and only sporadically related to the perceived effectiveness of the deterrent qualities of current sanctions.

Income

Here too, both Chi-square and Pearson Product-Moment correlation coefficients were computed for this variable.

Penal Sanctions

Statistically significant relationships were observed between the respondent's income and the severity of penal sanction supported for five of the six index offenses: *murder, armed robbery, aggravated assault, burglary and auto theft*. (See Appendix B). All correlations are positive linear, indicating that the higher the income of the respondent, the more severe the penal sanction supported. The strongest correlation observed is for the maximum sanctions favored for *murder*, where $r = .2291$, $N = 357$, $\text{sig} = .001$. The largest disparity exists between incomes and support for capital punishment. In that case, 58 percent of those respondents who earned \$25,000 or more during 1974 favored

TABLE III
CROSSTABULATION OF CURRENT DETERRENT PENAL
EFFECTIVENESS FOR FORCIBLE RAPE
BY EDUCATION

VARIABLE EDUCATION	LEVEL OF EFFECTIVENESS				N
	Effective		Ineffective		
	very %	somewhat %	very %	somewhat %	
grade school		40.0	20.0	40.0	25
some high school	4.5	15.9	36.4	43.2	44
high school	1.7	21.4	35.9	41.0	117
some college		15.6	37.6	46.8	109
college		18.2	29.5	52.3	44
graduate college work		17.1	22.9	60.0	35

$\chi^2 = 20.969$, $df = 15$, $sig = .1378$ (not significant).
 $r = -.1397$, $p < .01$

TABLE 45
CROSSTABULATION OF CURRENT DETERRENT PENAL
EFFECTIVENESS FOR ARMED ROBBERY
BY EDUCATION

VARIABLE EDUCATION	LEVEL OF EFFECTIVENESS				N
	Effective		Ineffective		
	very %	somewhat %	very %	somewhat %	
grade school		29.2	33.3	37.5	24
some high school	7.1	33.3	40.5	19.0	42
high school	8.5	28.0	38.1	25.4	118
some college	1.8	30.3	37.6	30.3	109
college		27.3	34.1	38.6	44
graduate college work		22.9	48.6	28.6	35

$\chi^2 = 18.551$, $df = 15$, $sig = .2348$ (not significant).
 $r = -.1137$, $p < .05$

TABLE 16
CROSSTABULATION OF CURRENT DETERRENT PENAL
EFFECTIVENESS FOR USING MARIJUANA
BY EDUCATION

VARIABLE EDUCATION	LEVEL OF EFFECTIVENESS				N
	Effective		Ineffective		
	very %	somewhat %	very %	somewhat %	
grade school		20.8	33.3	45.8	24
some high school	2.3	16.3	32.6	48.8	43
high school	1.7	20.7	24.1	53.4	116
some college		8.4	25.2	66.4	107
college		14.0	25.6	60.5	43
graduate college work		5.7	25.7	68.6	35

$\chi^2 = 17.540$, $df = 15$, $sig = .2876$ (not significant).
 $r = -.1619$, $p < .001$

TABLE 47
CROSSTABULATION OF CURRENT DETERRENT PENAL
EFFECTIVENESS FOR HOMOSEXUALITY
BY EDUCATION

VARIABLE EDUCATION	LEVEL OF EFFECTIVENESS				N
	Effective		Ineffective		
	very %	somewhat %	very %	somewhat %	
grade school		13.0	30.4	56.5	23
some high school	7.1	7.1	38.1	37.6	42
high school	1.8	21.4	22.3	54.5	112
some college		6.7	27.6	65.7	105
college	2.4	9.5	19.0	69.0	42
graduate college work		15.2	27.3	57.6	33

$\chi^2 = 28.187$, $df = 15$, $sig = .0204$
 $r = -.0888$, $p < .05$

capital punishment for murder, whereas no more than 35 percent of those earning between \$3,000 - \$5,999 did and less than one-quarter of those with incomes of under \$3,000 did. (See Table 48).

Likewise, in the case of *armed robbery*, no more than 17 percent of those respondents reporting incomes under \$3,000 favored a maximum of life imprisonment, whereas 32 percent of those earning \$25,000 or more indicated such. (See Table 49)

Penal Philosophy

The penal philosophy supported for each of the four "victimless" offenses was found to be significantly correlated to the respondent's income. All correlations are positive linear, indicating those respondents with higher incomes also favor a rehabilitative penal philosophy. The strongest correlation observed was for the penal philosophies favored for *homosexuality*, where $r = .1421$, $N = 315$, $\text{sig} = .006$. (See Table 50). In that instance, 46 percent of the respondents reporting 1974 incomes of \$10,000 - \$14,999 favored "no societal response," whereas only 25 percent of the respondents with incomes of under \$3,000 did. Likewise, where 43 percent of those earning between \$3,000 - \$5,999 supported "rehabilitation," 58 percent of those earning \$25,000 or more supported this philosophy. Not a single respondent earning \$6,000 or more favored "retribution," whereas eight percent of those with incomes between \$3,000 - \$5,999 did.

TABLE 48

CROSSTABULATION OF MAXIMUM SANCTIONS FAVORED

MURDER BY INCOME

[figures in percent]

VARIABLE	PENAL SANCTIONS											N
	no penalty	fine..	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment	death	
\$25,000 or more						3.8			11.5	26.9	57.7	26
\$15,000 - \$24,999				2.3				2.3	8.0	37.9	49.4	87
\$10,000 - \$14,999	1.0			2.9		1.0		3.8	8.7	41.3	41.3	104
\$6,000 - \$9,999	1.6			6.5			1.6	6.5	11.3	35.5	37.1	62
\$3,000 - \$5,999	2.0	2.0	2.0	2.0		2.0	4.1	6.1	16.3	28.6	34.7	49
Under \$3,000			3.4	3.4	3.4		10.3	13.8	3.4	37.9	24.1	29

 $\chi^2 = 74.953$, df = 50, sig = .0127

r = .2291, p < .001

TABLE 49

CROSSTABULATION OF MAXIMUM SANCTIONS FAVORED

ARMED ROBBERY BY INCOME

[figures in percent]

VARIABLE	PENAL SANCTIONS											N
	no penalty	fine	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment	death	
\$25,000 or more					4.0	8.0	28.0	12.0	12.0	32.0	4.0	25
\$15,000 - \$24,999				2.3		12.8	16.3	15.1	36.0	15.1	2.3	86
\$10,000 - \$14,999				2.0	2.0	6.0	18.0	33.0	24.0	11.0	4.0	100
\$6,000 - \$9,999					5.1	20.3	11.9	30.5	25.4	5.1	1.7	59
\$3,000 - \$5,999			4.2			14.6	22.9	29.2	14.6	14.6		48
Under \$3,000				6.9	3.4	24.1	13.8	13.8	13.8	17.2	6.9	29

 $\chi^2 = 73.283$, df = 40, sig = .0010

r = .1450, p < .01

TABLE 50

CROSSTABULATION OF PENAL PHILOSOPHY FOR
HOMOSEXUALITY BY INCOME

VARIABLE INCOME	PENAL PHILOSOPHY					N
	Retri- bution %	Deter- rence %	Incapac- itation %	Rehabil- itation %	No Societal Response %	
\$25,000 or more		8.3	4.2	58.3	29.2	24
\$15,000 - \$24,999		8.0	5.3	52.0	34.7	75
\$10,000 - \$14,999		7.5	9.7	36.6	46.2	93
\$6,000 - \$9,999		6.8	16.9	40.7	35.6	59
\$3,000 - \$5,999	7.5	10.0	17.5	42.5	22.5	40
Under \$3,000	4.2	8.3	12.5	50.0	25.0	24

$\chi^2 = 33.943$, $df = 20$, $sig = .0265$
 $r = -.1421$, $p < .01$

Evaluation of Current Penal Effectiveness

..The deterrent effectiveness of current sanctions for the offenses of *armed robbery, using marijuana and homosexuality* were found to be significantly related to the respondent's income. (See Appendix B). All correlations are negative linear, indicating the higher the respondent's income, the less effective current sanctions are perceived to be. This was also the case when rating the rehabilitative effectiveness of current sanctions.

In the case of rehabilitative effectiveness, significant relationships were observed between income and the perceived effectiveness for the crimes of *forcible rape, using marijuana, homosexuality and gambling*. For both deterrent and rehabilitative effectiveness, *homosexuality* and income were found to be most strongly related. Tables 51 and 52 present the data and indicate that while 68 percent of the respondents with incomes of \$25,000 or more feel current deterrent effectiveness is "very ineffective," only 52 percent earning under \$3,000 feel this way. Likewise, whereas 84 percent of the respondents earning \$25,000 or more feel that current rehabilitative effectiveness is "very ineffective," no more than 44 percent of those earning under \$3,000 do.

Penal Philosophy Favored and Severity of Penal Sanctions Supported

This section discusses the relationship existing between the type of penal philosophy favored and the severity

TABLE 51

CROSSTABULATION OF CURRENT DETERRENT PENAL
EFFECTIVENESS FOR HOMOSEXUALITY
BY INCOME

VARIABLE	LEVEL OF EFFECTIVENESS				N
	Effective		Ineffective		
	very %	somewhat %	very %	somewhat %	
\$25,000 or more		8.0	44.0	48.0	25
\$15,000 - \$24,999		14.5	48.2	37.3	83
\$10,000 - \$14,999	1.0	14.4	55.8	28.8	104
\$6,000 - \$9,999		6.6	57.4	36.1	61
\$3,000 - \$5,999		24.4	51.1	24.4	45
Under \$3,000	6.7	6.7	53.3	33.3	30

$\chi^2 = 26.610$, $df = 15$, $sig = .0321$

$r = -.1116$, $p < .01$

TABLE 52

CROSSTABULATION OF CURRENT REHABILITATIVE PENAL
EFFECTIVENESS FOR HOMOSEXUALITY
BY INCOME

VARIABLE INCOME	LEVEL OF EFFECTIVENESS				N
	Effective		Ineffective		
	very %	somewhat %	very %	somewhat %	
\$25,000 or more		8.0	76.0	16.0	25
\$15,000 - \$24,999	1.2	9.8	46.3	42.7	82
\$10,000 - \$14,999	1.0	16.7	52.9	29.4	102
\$6,000 - \$9,999		11.9	54.2	33.9	59
\$3,000 - \$5,999	6.7	15.6	48.9	28.9	45
Under \$3,000	3.4	27.6	51.7	17.2	29

$\chi^2 = 25.550$; $df = 15$, $sig = .0430$
 $r = -.1527$, $p < .01$

of penal sanction supported for each offense. Both Chi-square and Pearson Product-Moment correlation coefficients were calculated, and it was found that the type of penal philosophy favored for each offense was significantly related to the type of penal sanction supported. This was found to be true for every offense. All correlations were positive linear, indicating that the more punitive the penal philosophy, the more severe the penal sanction supported.

The strongest relationships were found for the four "victimless" offenses (both minimum and maximum sanctions) and for the maximum sanctions of *murder*. The r values ranged from a low of .3016 in the case of penal philosophy and minimum sanctions for *using marijuana*, to a high of .5403 in the case of *homosexuality*. All relationships but one (maximum sanctions and penal philosophy for *burglary*) were significant at the .001 level—in that one case of *burglary*, it was significant at the .002 level.

Table 53 presents a crosstabulation of the penal philosophies and maximum penal sanctions for *murder*. It is interesting to note that 68 percent of the respondents who favor "retribution" as the most important penal philosophy also favor capital punishment. The group which showed the second highest support for capital punishment as a penal sanction were those who favored "deterrence."

Evaluation of Current Penal Effectiveness and Severity of Penal Sanctions Favored

This section discusses the relationships that exist

TABLE 53

CROSSTABULATION OF PENAL PHILOSOPHY FAVORED BY SEVERITY OF
MAXIMUM PENAL SANCTIONS SUPPORTED FOR MURDER

[figures in percent]

VARIABLE PENAL PHILOSOPHY	PENAL SANCTIONS											N
	no penalty	fine	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment	death	
Retribution		1.0		2.1		1.0		1.0	7.3	19.8	67.7	96
Deterrence			2.0		2.0			8.2	8.2	30.6	49.0	49
Incapa- citation						1.4	1.4	1.4	9.6	49.3	37.0	73
Rehabil- itation	1.8			7.3		.9	4.6	8.3	12.8	40.4	23.9	109
No Societal Response										100.0		1

 $\chi^2 = 84.354$, df = 40, sig = .0001

 $r = .2489$, $p < .001$

between the respondent's perception of the deterrent and rehabilitative effectiveness of current sanctions and the severity of penal sanctions supported for each offense. Once again, both Chi-square and correlation coefficients were computed on these variables.

Regarding deterrence, significant relationships were found for both minimum and maximum sanctions for three offenses: *forcible rape, armed robbery and aggravated assault*. Each correlation was negative linear, indicating that the less effective current sanctions were perceived to be, the more severe were the sanctions favored by the respondents. For example, in the case of maximum sanctions favored for *forcible rape*, 51 percent of those favoring "life imprisonment" perceived the deterrent qualities of current sanctions to be "very ineffective" and 68 percent of those favoring capital punishment perceived them as "very ineffective." (See Table 54).

The level of perceived rehabilitative effectiveness of current sanctions and the type of maximum penal sanction favored was also found to be significantly related in the cases of *murder, aggravated assault and auto theft*. These correlations were negative linear, once again indicating that the less effective current rehabilitative efforts were perceived to be, the more severe the penal sanctions favored. Regarding rehabilitation, 47 percent of the respondents who perceived the rehabilitative qualities of current sanctions to be "very ineffective" favored capital punishment as a

TABLE 54

CROSSTABULATION OF DETERRENT EFFECTIVENESS OF CURRENT PENAL SANCTIONS
BY SEVERITY OF MAXIMUM SANCTIONS SUPPORTED FOR FORCIBLE RAPE

[figures in percent]

VARIABLE EFFECTIVENESS	PENAL SANCTIONS											N
	no penalty	fine	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment	death	
Very Effective			25.0			50.0				25.0		4
Somewhat Effective	1.4			8.5	4.2	9.9	14.1	16.9	25.4	19.7		71
Somewhat Ineffective				7.3	3.3	9.8	11.4	14.6	14.6	29.3	9.8	123
Very Ineffective				4.9	1.8	9.1	7.3	10.4	17.7	32.9	15.9	164

$\chi^2 = 127.501$, $df = 27$, $sig = p .001$
 $r = -.2215$, $p < .001$

maximum for *murder*, whereas only 34 percent of those respondents who perceived current sanctions to be "somewhat effective" favored capital punishment. (See Table 55).

TABLE 55

CROSSTABULATION OF REHABILITATIVE EFFECTIVENESS OF CURRENT PENAL SANCTIONS
BY SEVERITY OF MAXIMUM SANCTIONS SUPPORTED FOR MURDER

[figures in percent]

VARIABLE EFFECTIVENESS	PENAL SANCTIONS											N
	no penalty	fine	probation	med./psy. help	1 year or less in jail	2 - 5 yrs in prison	6 - 9 yrs in prison	10 - 19 yrs in prison	20 yrs or more in prison	life imprisonment	death	
Very Effective			4.8	9.5	4.8		14.3	4.8		33.3	28.6	21
Somewhat Effective	2.1			3.2		2.1		5.3	11.7	41.5	34.0	94
Somewhat Ineffective				1.0				4.0	10.1	37.4	47.5	99
Very Ineffective			.7	4.1		.7	2.7	4.1	8.8	32.4	46.6	148

$\chi^2 = 65.733$, $df = 27$, $sig = p < .001$

$r = -.1317$, $p < .01$

CHAPTER FIVE

DISCUSSION OF THE FINDINGS

Numerous findings of significance were yielded by this study. One of the most significant, and perhaps controversial, is the general lack of support indicated for capital punishment in the case of murder. Only a very small portion of the public supported it as a mandatory minimum sanction. When indicating maximum sanctions, it still failed to receive any more than 42 percent of the respondents supporting its use. This is despite the fact that Colorado voters passed a bill authorizing the death penalty for first degree murder in the Fall of 1974. One reason the findings of this study vary so sharply from the voting patterns evident in 1974 may be that the sample did not encompass the entire State of Colorado—only Denver. Denver is the largest urban area in the state. Residents of urban areas have been found to be more liberal in their views while members from rural communities and those from small towns are more conservative in their views.³⁷

³⁷ See American Institute of Public Opinion Surveys No.s 757, 774, 856, and 861 for examples in Michael J. Hindelang, et. al. Sourcebook of Criminal Justice Statistics-1973. (Washington, D.C.: Government Printing Office, 1974).

Another reason may be that when Chi-square of best fit tests were conducted comparing the demographic characteristics of the sample to those found in the Denver population in the 1970 Census, significant differences were found. As such, the sample may not be representative of the population from which they were selected, and the findings may not be accurately generalized as typical of the opinions of the Denver public as a whole. These data are, however, still useful in assessing the relationships that exist between the demographic variables and opinions regarding correctional topics.

Regarding the other offenses, the minimum penal sanction most favored for forcible rape was medical or psychiatric help. This is a major finding in that it indicates that the respondents view the rape offender as one who needs psychological help. Armed robbery received the greatest percentage of respondents favoring imprisonment which indicates that the respondents view this offender not so much in need of psychological help as a threat who must be isolated from society. For the property crimes of burglary and auto theft, the respondents supported short terms of imprisonment. Auto theft received the largest percentage of respondents favoring probation of any of the six index offenses.

All four of the "victimless" offenses received large percentages of the respondents favoring "no penalty." In addition, of those respondents who supported penal sanctions, the majority supported the less severe sanctions

of fines, probation or imprisonment of one year or less.

The respondents generally consider current sanctions to be ineffective in their attempts at both deterrence and rehabilitation. The sanctions imposed for "victimless" offenses were viewed as the most ineffective.

Rehabilitation was viewed as the most important purpose of correctional systems for all offenses—including murder—by more people than any other philosophy. Retribution was favored most by the respondents who also favored capital punishment.

Relationships were observed between all demographic characteristics with the exception of one; no relationships were observed between the religious affiliation of the respondents and their indicated attitudes. Age was found to be related to all of the response variables, with the older respondents being more severe in the penal sanctions they favor and were more likely to view current sanctions as ineffective. Younger respondents favored "no penalty" or only minor penal sanctions for the "victimless" offenses and supported rehabilitation in greater percentages than older respondents.

Females were visibly more punitive than males for the crimes of prostitution and gambling, but were not found to be more punitive in the case of forcible rape. Women were also found to favor rehabilitation for offenders convicted of forcible rape more so than males. Women considered current sanctions to be "very ineffective" in both deterring offenders from committing forcible rape and in rehabilitating

current offenders in greater percentages than males.

The ethnic identification of the respondent was found to be related to the responses, most notably in the case of murder. In that case, whites supported capital punishment in much larger proportions than non-whites. However, in the cases of armed robbery, burglary and prostitution, non-whites were found to be more punitive than whites. Whites considered current sanctions as ineffective in larger proportions than non-whites, particularly in the cases of murder, prostitution and using marijuana.

The educational attainment of the respondents was also found to be related to the severity of sanction supported—except in the cases of murder and armed robbery. This was most noticable in the cases of homosexuality and using marijuana. The higher the educational attainment of the respondent, the less severe the penal sanctions favored. Likewise, education was found to be related to the type of penal philosophy supported with the higher educated respondents favoring rehabilitation more than those less well educated. The higher educated respondents were also found to perceive current sanctions as ineffective for the crimes of forcible rape, armed robbery, using marijuana and homosexuality than less educated respondents.

Income was the only other demographic characteristic collected on the respondents and it was also found to be related to the severity of penal sanction supported for numerous crimes. Perhaps the most notable case was murder, where respondents with higher incomes were visibly more

punitive than those with lower incomes. The respondents' income was also found to be related to the penal philosophy for the "victimless" offenses with respondents with higher incomes supporting "no societal response" and rehabilitation in greater percentages than those respondents with lower incomes. The respondents' perception of the effectiveness of current sanctions was also related to their income with respondents with higher incomes viewing them as ineffective in larger proportions than respondents with lower incomes.

The penal philosophy supported by the respondents was found to be significantly related to the severity of penal sanctions favored for each of the ten listed offenses. The strongest correlations were observed for the "victimless" offenses and for murder. The correlations were positive linear indicating that the more punitive the penal philosophy supported, the more severe the penal sanction favored.

The perceived effectiveness of current sanctions was also found to be related to the severity of penal sanctions, with respondents who perceived current sanctions to be ineffective supporting more severe sanctions than those who perceive them to be somewhat effective.

In conclusion, current sanctions are perceived to be generally ineffective and the respondents believe the major emphasis in corrections should be on rehabilitation. The sanctions favored for many of the index crimes support this: capital punishment was not favored by a majority of the respondents for murder and in fact as many as one-

fifth favored medical or psychiatric help—second only to life imprisonment; medical or psychiatric help was the most favored response as a minimum sanctions for forcible rape; probation received its greatest support for auto theft; minor penalties or not penalty at all was supported for the "victimless" crimes.

CHAPTER SIX

CONCLUSION

What can now be said of all of the data collected, analyzed and summarized in the previous pages? Of what practical utility is it? What significance does it have?

First, correctional authorities might find this study one of many tools in the development of future correctional programs. Since the respondents were found to support rehabilitation as the purpose of correctional systems, correctional authorities could make use of this support. An analysis of programs they may be contemplating implementation of to determine their rehabilitative effectiveness—besides being good management policy—should be useful because the public supports rehabilitation and if corrections can show the public that the program is effective, they may be likely to gain their support.

Also, the respondents were shown to perceive current sanctions and programs as generally ineffective. As such, it is the duty of officials to conduct evaluative research on their programs to determine the actual effectiveness of them to disseminate the findings. This will allow the public a greater ability to accurately judge the system's performance.

Legislative authorities might find this information

useful in assessing the type of legislation the community supports. Legislation which mandates decreasing of—but not legalization—the four "victimless" offenses would appear to be supported by the public. Additionally, proposals for sentencing modifications, e.g., mandatory or fixed term sentences which emphasize a *deterrent* philosophical foundation, may be expected to receive little support from the general public.

Sociologists may find as interesting and informative, the relationships between the demographic characteristics of the respondents and their indicated opinions and the interactions of the opinions themselves.

The judiciary should find this information most informative as it speaks to the opinions of the public on numerous penal topics and indicates what sentences the public feels *should* be imposed on offenders of each of the offenses listed.

Finally, this study poses some serious questions which deserve further research. What would be the effect if the public was allowed to choose from several viable alternatives, which penal sanction they felt should be imposed for the current capital offenses? Would this result in a lessening of the amount of support received for the death penalty, since the public would not be faced with the philosophical question of support or non-support for capital punishment? How much support can be expected from the public for the mandatory sentencing provisions and

fixed term sentences currently being advocated? What other demographic characteristics and attitudes correlate with the opinions of the public on correctional topics?

Because of the limitations inherent in this study, these questions cannot be adequately addressed. However, these data do indicate that when alternative sanctions are presented as viable options to the death penalty, the people will select sanctions less severe than death.

APPENDIX A

SURVEY QUESTIONNAIRE

(Values in Italics)

Dear Respondent:

You have been chosen to participate in this survey by a purely random statistical process. Your responses are important as you are a member of this community. Please answer the questions fully and honestly. Each of the questions are designed to determine the community's feelings on matters related to criminal justice. The interviewer who has given you this questionnaire may help you in so far as explaining the questions, but he may not provide you with the answers. There are no right or wrong answers. What we are seeking is YOUR opinion—what do you feel about the topics under question.

The first page of the questionnaire is a data sheet. It will provide us with information on what different groups of people think about different things. Please fill it out completely. ALL information will remain in the STRICTEST CONFIDENCE.

Thank you for your valuable time and assistance.

DATA SHEET

AGE:

What is your present age? _____ (continuous)

SEX:

MALE _____ (1)

FEMALE _____ (2)

RACE:

BLACK _____ (1)

WHITE _____ (2)

CHICANO _____ (3)

OTHER _____ (4)

RELIGION:

CATHOLIC _____ (1)

PROTESTANT _____ (2)

JEWISH _____ (3)

EDUCATION: (please circle the highest grade you completed)

1 2 3 4 5 6 7 8 9 (grade school)

10 11 12 (high school) (continuous)

13 14 15 16 17 18 (college)

INCOME: (what was the approximate income for your family for 1974?)

\$25,000 & over _____ (6)

\$15,000 - \$24,999 _____ (5)

\$10,000 - \$14,999 _____ (4)

\$ 6,000 - \$ 9,999 _____ (3)

\$ 3,000 - \$ 5,999 _____ (2)

Under \$3,000 _____ (1)

DO NOT WRITE IN BOX

ques. # _____

pol. dis. # _____

high cr. rate _____

low cr. rate _____

interviewer # _____

INSTRUCTIONS

As you can see, the following page is the first page of the questionnaire. In the top left-hand corner are the first three questions and below them are listed the offenses to which you are to assign sanctions.

The first offense is a sample response. If you felt that the MINIMUM sanction that should be imposed on a person convicted of drunk driving should be probation, you would place a check in the appropriate box (as in the sample). If you felt the MAXIMUM sanction that should be imposed on a person convicted of drunk driving should be 2 - 5 years in prison, you would place a check in the appropriate box (as in the sample). If you felt the CURRENT AVERAGE sentence imposed on people convicted of drunk driving by the courts was 1 year or less in jail, you would place a check in the appropriate box (as in the sample).

As stated previously, there are no right or wrong answers. What we are seeking is YOUR opinion on the subjects under investigation. If you have any questions about how to fill the questionnaire out, do not hesitate to ask the interviewer.

1. What do <u>you feel</u> should be the <u>MINIMUM</u> sanction imposed on offenders of each of the listed offenses?		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
2. What do <u>you feel</u> should be the <u>MAXIMUM</u> sanction imposed on offenders of each of the listed offenses?		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
3. What do <u>you feel</u> is the <u>CURRENT AVERAGE</u> sentence given to offenders <u>by the courts</u> as it stands <u>right now?</u>		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
USING MARIJUANA	1. MINIMUM											
	2. MAXIMUM											
	3. CURRENT AVERAGE											
HOMOSEXUALTY	1. MINIMUM											
	2. MAXIMUM											
	3. CURRENT AVERAGE											
PROSTITUTION	1. MINIMUM											
	2. MAXIMUM											
	3. CURRENT AVERAGE											
GAMBLING	1. MINIMUM											
	2. MAXIMUM											
	3. CURRENT AVERAGE											

During the past 12 months have you personally, or any member of your immediate family, been the victim of any of the previously listed offenses?

(1)
YES

(2)
NO

During the past 12 months have you personally, or any member of your immediate family, been arrested for participation in any of the previously listed offenses?

(1)
YES

(2)
NO

APPENDIX B

This Appendix contains Tables giving the Chi-square and correlation coefficients for each of the relationships investigated in this paper.

TABLE B 1
CHI-SQUARE AND CORRELATION COEFFICIENT VALUES
DEMOGRAPHIC CHARACTERISTICS BY PENAL SANCTIONS

	AGE		SEX	RACE	RELI- GION	EDUCATION		INCOME	
	χ^2	r	χ^2	χ^2	χ^2	χ^2	r	χ^2	r
MURDER									
Minimum	40.13*	.1202*	8.77	26.18	20.58	55.73	-.1923†	43.47	.0661
Maximum	31.45	.0840	6.52	62.58†	18.81	54.02	.0027	74.95*	.2291†
FORCIBLE RAPE									
Minimum	41.60	.1354**	9.94	35.97	22.15	67.67*	-.1327**	52.35	.0612
Maximum	36.27	.0632	15.07	33.77	14.80	38.95	.0143	49.27	.0566
ARMED ROBBERY									
Minimum	45.54*	.1013*	9.16	44.58*	42.79†	49.14	-.0880	53.32	.0908*
Maximum	25.85	.1342**	9.01	48.77**	13.99	46.98	.0384	73.28†	.1450**
AGGRAVATED ASSAULT									
Minimum	36.63	.1107*	7.71	27.74	26.34	78.63**	.0577	39.10	.1373**
Maximum	26.08	.1535**	4.24	23.83	14.49	47.60	-.0143	50.91	.1299**
BURGLARY									
Minimum	35.17*		16.46*	25.76	16.62	29.26		46.03	
Maximum	34.40	.1452**	12.70	43.45	18.97	73.41*	.0609	72.49*	.1697†

* = p < .05

** = p < .01

† = p < .001

TABLE B 1

Continued

	AGE		SEX	RACE	RELI- GION	EDUCATION		INCOME	
	χ^2	<i>r</i>	χ^2	χ^2	χ^2	χ^2	<i>r</i>	χ^2	<i>r</i>
AUTO THEFT									
Minimum	42.20**	.1232*	2.99	28.90	18.51	66.71†	-.0327	42.53	.0742
Maximum	29.75	.1371**	20.31*	32.52	32.48*	54.57	.0719	70.33**	.1237**
USING MARIJUANA									
Minimum	73.11†	.3688†	10.64	33.97	12.73	78.97†	-.1867†	39.75	-.0748
Maximum	74.31†	.3292†	11.93	27.18	18.10	83.30†	-.2342†	37.14	.0268
HOMOSEXUALITY									
Minimum	63.99†	.3233†	7.12	40.55	17.61	95.75†	-.2243†	39.62	.0034
Maximum	60.02†	.2734†	11.27	40.31	21.16	51.02	-.2142†	50.96	-.0685
PROSTITUTION									
Minimum	47.83**	.2905†	32.47†	38.84*	7.46	56.12*	-.2154†	51.72	-.0422
Maximum	35.43	.1803†	37.10†	25.37	16.22	55.72	-.1668†	45.53	-.0610
GAMBLING									
Minimum	37.12*	.1873†	21.34**	21.47	29.04*	65.21**	-.1585**	41.19	.0113
Maximum	26.49	.0915*	24.49**	29.27	39.14**	48.38	-.0960*	60.73	.0132

* = $p < .05$ ** = $p < .01$ † = $p < .001$

TABLE 'B 2
CHI-SQUARE AND CORRELATION COEFFICIENT VALUES
DEMOGRAPHIC CHARACTERISTICS BY EFFECTIVENESS AND PENAL PHILOSOPHY

	AGE		SEX	RACE	RELI- GION	EDUCATION		INCOME	
	χ^2	r	χ^2	χ^2	χ^2	χ^2	r	χ^2	r
MURDER									
Det. Eff.	6.98	-.0192	3.78	4.69	4.60	13.51	-.0534	13.52	-.0149
Reh. Eff.	13.02	.0934*	2.17	31.67†	7.30	34.03**	-.1893†	17.58	-.0626
Penal Phil.	10.35	.0517	4.47	5.60	6.07	20.35	-.1344**	33.05*	.0338
FORCIBLE RAPE									
Det. Eff.	17.09*	.0906*	7.65	20.61*	5.79	20.97	-.1397**	14.22	-.0903*
Reh. Eff.	15.51	.1190*	7.56	42.15†	18.30**	26.98*	-.2053†	24.31	-.1071*
Penal Phil	15.75	.1043*	12.36*	19.07	7.20	35.70*	-.1234*	19.51	.0142
ARMED ROBBERY									
Det. Eff.	19.81*	-.1163*	3.81	8.16	7.39	18.55	-.1006*	22.50	-.1099*
Reh. Eff.	11.03	-.0057	8.95*	29.00†	3.81	25.61*	-.1842†	16.86	.0032
Penal Phil	17.12	.0754	8.41	6.39	12.70	26.39	-.1137*	29.99	-.0008
AGGRAVATED ASSAULT									
Det. Eff.	18.70*	-.0748	4.58	6.22	11.38	26.47*	-.0534	21.82	-.0579
Reh. Eff.	8.91	.0016	6.09	24.35**	5.23	25.83*	-.1989†	15.47	-.0124
Penal Phil	27.48**	.1402**	5.20	7.05	4.16	19.95	-.0956*	20.96	-.0450

* = p < .05

** = p < .01

† = p < .001

TABLE B 2

Continued

	AGE		SEX	RACE	RELI- GION	EDUCATION		INCOME	
	χ^2	r	χ^2	χ^2	χ^2	χ^2	r	χ^2	r
BURGLARY									
Det. Eff.	18.66*	-.0527	.64	2.31	9.20	15.17	-.0824	9.90	-.0893
Reh. Eff.	8.94	.0241	5.31	18.25*	4.20	19.21	-.1481†	20.35	-.0002
Penal Phil	20.06	.1038*	8.12	10.18	8.09	31.54*	-.1057*	20.13	-.0224
AUTO THEFT									
Det. Eff.	13.53	-.0259	3.96	2.53	3.58	11.06	-.0183	8.88	-.0873
Reh. Eff.	7.44	.0522	17.49†	29.32†	4.06	29.87*	-.1761†	17.65	-.0318
Penal Phil	27.16**	.1742†	7.11	7.86	7.69	19.74	-.1045*	24.04	.0040
USING MARIJUANA									
Det. Eff.	7.60	.0814	1.43	30.32†	2.98	17.54	-.1619†	30.13*	-.1036*
Reh. Eff.	10.43	.0783	13.52**	27.30**	3.62	20.16	-.1192*	27.75*	-.1417**
Penal Phil	50.31†	.2592†	7.67	22.89*	12.77	44.34**	-.2672†	41.49**	-.0955*
HOMOSEXUALITY									
Det. Eff.	6.87	.0384	4.97	15.57	6.17	28.19*	-.0888*	20.98	-.1116**
Reh. Eff.	9.65	.0653	13.99**	21.53**	1.84	25.35*	-.1426**	22.08	-.1527**
Penal Phil	25.12*	.1748†	4.76	22.87*	15.92*	47.82†	-.2708†	33.94*	-.1421**

* = $p < .05$ ** = $p < .01$ † = $p < .001$

TABLE B 2

Continued

	AGE		SEX	RACE	RELI- GION	EDUCATION		INCOME	
	χ^2	r	χ^2	χ^2	χ^2	χ^2	r	χ^2	r
PROSTITUTION									
Det. Eff.	2.20	.0108	13.05**	21.27**	4.48	13.37	-.0767	26.61*	-.0047
Reh. Eff.	11.89	.0641	7.89*	28.30†	3.63	28.47*	-.1942†	25.55*	-.1083*
Penal Phil	20.70*	.1830†	11.12*	18.32	11.86	42.12**	-.2031†	24.76	-.1197*
GAMBLING									
Det. Eff.	8.72	-.0159	10.67*	12.17	9.99	15.07	-.0647	28.51*	-.0467
Reh. Eff.	7.84	.0423	9.36*	23.62**	3.19	17.45	-.1061*	15.96	-.0683
Penal Phil	26.05**	.1677†	11.46*	14.86	7.14	36.20*	-.1942†	24.63	-.1210*

* = p < .05

** = p < .01

† = p < .001

TABLE B 3
CHI-SQUARE AND CORRELATION COEFFICIENT VALUES
PERCEIVED EFFECTIVENESS AND PENAL PHILOSOPHIES BY
PENAL SANCTIONS

	DETERRENT EFFECTIVENESS		REHABILITATIVE EFFECTIVENESS		PENAL PHILOSOPHY	
	χ^2	r	χ^2	r	χ^2	r
MURDER						
Minimum	42.44*	-.0422	29.65	.0606	106.46†	.4437†
Maximum	53.51**	-.0322	65.73†	-.1317**	84.53†	.2489†
FORCIBLE RAPE						
Minimum	133.17†	-.1004*	83.89†	.0710	126.50†	.2777†
Maximum	127.50†	-.2215†	45.44	-.0412	72.60†	.2094†
ARMED ROBBERY						
Minimum	22.98	-.0192*	22.56	-.0033	41.05	.1380**
Maximum	47.13**	-.1255**	49.86**	-.0874	34.23	.1670†
AGGRAVATED ASSAULT						
Minimum	33.19	-.1015*	48.24**	.0405	75.58†	.2028†
Maximum	41.86*	-.1542**	48.16**	-.0914*	72.68†	.2575†
BURGLARY						
Minimum	20.81	-.0002	24.97	.0170	44.82*	.1814†
Maximum	30.66	-.0777	60.48†	-.0806	61.17*	.1622**
AUTO THEFT						
Minimum	17.46	-.0018	22.25	.0007	71.74†	.1679†
Maximum	20.92	-.0366	30.74	-.1108*	65.23**	.2107†
USING MARIJUANA						
Minimum	22.03	.0036	21.09	.1152*	156.23†	.3016†
Maximum	36.93	-.0176	35.79	.0838	136.49†	.3220†

* = $p < .05$ ** = $p < .01$ † = $p < .001$

TABLE B 3

Continued

	DETERRENT EFFECTIVENESS		REHABILITATIVE EFFECTIVENESS		PENAL PHILOSOPHY	
	χ^2	r	χ^2	r	χ^2	r
HOMOSEXUALITY						
Minimum	46.89*	.0282	25.68	.0189	245.45†	.5147†
Maximum	26.94	.0254	29.88	.0338	255.76†	.5403†
PROSTITUTION						
Minimum	23.93	-.0331	29.70	.0563	318.56†	.4626†
Maximum	30.20	-.0152	32.81	.0298	213.29†	.5105†
GAMBLING						
Minimum	35.88*	.0323	22.96	.0279	144.45†	.4468†
Maximum	51.90**	.1064*	33.93	.0280	177.96†	.4758†

* = $p < .05$ ** = $p < .01$ † = $p < .001$

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