



The Critical Criminologist

Newsletter of ASC's Division on Critical Criminology

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Message From the Chair

Since critical criminologists are constantly involved in numerous important scholarly, pedagogical and political projects around the world, it is not surprising that many exciting new developments have occurred since the publication of the last issue of *The Critical Criminologist*. For example, *Critical Criminology*, the official journal of the DCC, is very much alive and well. As you probably know, it is now published three times a year by Kluwer Academic Publishers. Please consider submitting your latest work to this journal and please send announcements, "think pieces," and other relevant information to *The Critical Criminologist*, which is also published three times a year.

I can't emphasize enough that Ken Mentor has devoted a substantial amount of time and energy to maintaining the official website of the DCC, which also serves as the official website for the Academy of Criminal Justice Sciences new Section on Critical Criminology. Please go to this site (<http://critcrim.org/>) and submit anything you think would be of interest to critical criminologists and other progressive people. Also, many of us keep in touch

regularly through the critical criminology list-serv, and we greatly appreciate Jim Thomas' many contributions to making this electronic forum a vital part of the DCC (crit-1@sun.soci.niu.edu). As my good Swedish friend Jerker Erikson constantly reminds me, "Communication is the key!" So, let's keep the dialogue going. There are many new social problems we need to discuss and learn about.

DCC members have always made many important contributions to the annual meeting of the ASC and this year is no exception. Special thanks go to all those who served on the 2002 ASC Program Committee, a task that was both rewarding and frustrating. Members of the Division on Women and Crime and the Division on People of Color and Crime had similar experiences, which is why these three Divisions are co-sponsoring a joint business meeting in Chicago to discuss the "unintended consequences" of the ASC program change. This meeting will be announced soon and I urge all DCC members to attend and to share your experiences with others.

Granted, I am biased. However, I strongly believe that

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Volume 12, Issue 2
May, 2002

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the DCC is getting stronger and more vibrant everyday. Consider that as of December 2001, 295 people belonged to the DCC. Thus, our membership has increased by approximately 100 since 1989, and I anticipate more growth in the near future. Still, it is always necessary to think critically about what we are doing and how we can improve. Where do we go from here? I'm sure that we will hear many good answers to this question in Chicago and during the months leading up to the conference.

Walter DeKeseredy,
Ohio University

The Attack on America and White Collar Crime

David O. Friedrichs
University of Scranton

It has been quite widely claimed now that the events of September 11, 2001 have changed our world. Certainly these events have had measurable short-term effects, from upgrading of airport security procedures to travel and consumption patterns to attitudes toward the military, and support for the president. Americans are widely reported to be more depressed and anxious, and also more manifestly patriotic and concerned with the well-being of others. It remains to be seen whether such changes will be truly enduring. Was the "attack on America" on September 11th a memorable event, or a defining moment, in our history? The answer to this question, as well, may not be entirely clear for some time. Obviously answers to such questions depend in important ways on what transpires in the days, weeks, months, and years ahead, and whether events move more in the direction of best case, or worse case, scenarios. But at a minimum, with the year 2001 now ended, we can say that the events of September 11th are potentially transformative, and may have an enduring impact on many aspects of our lives and circumstances. More specifically, I want to here offer a few provisional

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CONTRIBUTORS WANTED for new encyclopedia on prisons and correctional institutions to be published by Sage.

Articles vary in length from 1000 -- 5000 words. If you're interested in writing a piece please contact the editor Mary Bosworth at mfbosworth@yahoo.com or one of the editorial board members:

Jeanne Flavin (jflavin@fordham.edu),

Stephanie Bush-Baskette (sbushbask@aol.com),

Jim Thomas (jthomas@sun.soci.niu.edu)

Esther Heffernan (estherheffernan@hotmail.com) for

best wishes,
Mary Bosworth

CRITICAL CRIMINOLOGY: An International Journal

Abstracts for v 10 #3 now in press:

1 *Racial Bias And The American Criminal Justice System: Race And Presentencing Revisited*

2 Marvin D. Free, Jr.

3 A controversy within criminology involves the extent to which race affects criminal processing.
4 Investigators on different sides of the issue have relied predominantly on studies of sentencing, leaving
5 largely unexplored the less visible area of presentencing. After a discussion of nine of the most prevalent
6 shortcomings in this research, the article critically examines the contemporary presentencing literature to
7 ascertain the extent to which the discrimination thesis (DT) receives empirical support. It reviews the
8 findings from 52 studies done since 1970 that employ multivariate statistics. Special attention is devoted to
9 critiquing the methodological shortcomings of studies that support the nondiscrimination thesis (NDT) and
10 the implications of these weaknesses for the race/criminal processing nexus are discussed.

11 ** Dr Free is soliciting submissions for an edited collection, *Racial Issues in Criminal Justice: The Case
12 of African Americans!*

10 *A Neo-Marxist Explanation Of Organized Crime*

11 Alfried Schulte-Bockholt

12 This essay examines the relationship between criminal organizations and socioeconomic elites. The author argues that criminal organizations acquire ideological preferences as they evolve and integrate into elite structures. This paper demonstrates the conditions under which elites turn to Fascist parties, reactionary militaries, or organized crime groups, for assistance against counter-hegemonic groups. This analysis is based on Marxist, Frankfurt School and Gramscian concepts and is augmented by examples of such alliances between elites and crime groups from Europe, Latin America and Asia.

Toxic Crimes: Examining Corporate Victimization of the General Public Employing Medical and Epidemiological Evidence

Michael J. Lynch and Paul Stretesky

This article examines the issue of corporate harm and violence using evidence from medical literature and related studies that focus on the health consequences associated with toxic waste, pesticide and dioxin exposure. These studies provide a useful alternative measure of the harms produced by corporate crimes of violence that are unmeasured in more traditional sources of data. Further, the kinds of health consequences associated with modern industrial production of toxic waste products can be thought of as

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“criminal” in the broadest sense since alternative, nontoxic methods of production are often available. Examples of these alternative methods of production are provided, along with a discussion of the impact current practices have on minority health.

Toward A Victimology Of State Crime

David Kauzlarich, Rick A. Matthews & William J. Miller

State crimes have been studied by criminologists for nearly three decades. While far from stagnant, research and theory in this area of criminology have not developed at the pace one may have expected a decade ago. In an attempt to rejuvenate the study of state crime, we first identify and review the various types of victims and victimizers of state crime identified in the criminological literature. By employing a previously created typology of state crime, we discuss how individuals and groups of individuals can be identified as state crime victims in both domestic and international contexts. We then highlight the common themes involved in the victimizations and offer six inductively generated propositions intended to facilitate future developments in the victimology of state crime.

Review of One of the Guys: Girls, Gangs, and Gender by Jody Miller

Randall G. Shelden

There has been a continuous debate in criminology about the role of gender in crime, ranging from the notion that women are helpless creatures and mere pawns of their biology to the notion that women are becoming just like the men, perhaps even more violent. "Girl's do it too" is a common refrain among the sensation-seeking media as they search for the bizarre and unusual (e.g., gang girls with razor blades in their mouths). Throughout the past 80 years or so, much has been written about gangs and the role of girls has generally been overlooked, until recently. The usual theoretical thinking about girls has been of the variety of "mix girls into the pot and see what happens." Fortunately, One of the Guys adds to a growing list of serious research on girls and gangs.



CRIT-L Listserv

The Critical Criminology discussion group is moderated by Jim Thomas. The list provides an opportunity to discuss various issues and receive announcements about events. To subscribe to the discussion group send the following one-line message to listproc@sun.soci.niu.edu

Subscribe CRIT-L your name

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observations on the potential impact of September 11th and its aftermath on white collar crime and its control.

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The terrorist attack on the World Trade Center towers and the Pentagon were about as far removed from white collar crime as any crime could be, insofar as what was involved was direct, intentional violence; the crimes were not committed within a legitimate occupational context, or on behalf of a legally sanctioned organization; and the crimes involved were clearly not motivated by desire for financial gain, or to minimize financial loss. Nevertheless, I would suggest some points of intersection with certain key dimensions of white collar crime: respectability; trust; and risk (Friedrichs, 1996). First, the terrorists had to maintain a respectable status (as students, with a conventional appearance, middle class lifestyle, and avoidance of a criminal record), as they prepared to commit their crime. The maintenance of an image of respectability, and a respectable status, is also a typical prerequisite for the commission of white collar crime. Second, the terrorists exploited relatively high levels of trust accorded to people in the United States – compared to many other countries – and then engaged in the most egregious imaginable violation of such trust. Relatively high levels of trust are essential for the operation of democratic, capitalist societies, but such trust is also a necessary element for the commission of white collar crime, which has been defined specifically in terms of violation of trust (Shapiro, 1990). And third, the success of the terrorist hijackers in boarding four different planes with box cutters was attributed in part to relatively lax or ineffective security procedures at American airports (compared to such procedures at many European airports, to say nothing of in Israel). The airlines were alleged to have transferred to their passengers a higher level of risk of high-jacking (with catastrophic consequences, in this case), in the interest of keeping their costs (for security) lower. In the

case of many forms of corporate white collar crime it is this type of cost-benefit calculation – rather than the specific intention to harm citizens, consumers, and workers – that leads to environmental pollution, the sale and distribution of unsafe products, and the tolerance of dangerous working conditions.

One should note that following the September 11th attack, some speculation emerged that the Osama bin Laden's terrorist organization had engaged in shorting of reinsurance stocks as one means of financing their activities. Although no clear evidence of such actions surfaced, activity of this sort by terrorist organizations is certainly hypothetically possible. Any such activity could certainly be characterized as an extreme form of market manipulation, or white collar crime, in support of terrorism.

White collar crime has traditionally focused principally on illegal and unethical activities that occur in the private sector, but many students of white collar crime (or elite deviance) recognize that public sector (or state) activities are another form, or have a cognate relationship with, white collar crime, and the concept of state-corporate crime specifically recognizes that public and private sector entities sometimes cooperate with each other in the commission of crimes (Friedrichs 1996; 2002; Simon 2002). We have much reason to believe that states either directly supported, or at a minimum knowingly harbored, terrorists organizations and cells complicit in the September 11th attack. The American military action against a Taliban-run Afghanistan was based upon assumptions of such complicity. And some private sector entities such as banks may also be regarded as having some responsibility for terrorist activities when they knowingly provide confidential means of engaging in the necessary forms of financial support for such activities. At a minimum, the terrorists take advantage of the principal dedication of banks and other financial institutions to maintain secrecy and to move money efficiently, on behalf of clients. Altogether, terrorist activities are best understood as involving complex webs of cooperation between states and state organizations, private sector financial institutions, and terrorist cells.

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On the other side of the equation, the terrorist attack of September 11th specifically targeted the Pentagon, a major symbol of the American state, and the World Trade Center towers, conspicuous symbols of American capitalism. The terrorists clearly regard the American state as a criminal state, and American capitalism as complicit in a global criminal enterprise victimizing Arab nations and Islamic people. It is important to understand the specific grounds of such perceptions, and the rather broadly diffused hatred of America and all it represents among many people in Islamic nations, without in any sense endorsing rationalizations or justifications of attacks killing thousands of innocent men, women, and children. And in another vein, the American response to terrorism and the threat of terrorism generates some concern that the American state may engage in one or more forms of state crime in the context of this response.

Some white collar crime, in the conventional sense of the term, occurred in the wake of the September 11th attack. This designation can be applied to fraudulent charitable appeals, or misrepresentations by legitimate charities, businesses using illegal or unethical strategies to exploit the tragic losses, and fraudulent claims relating to losses or insurance (Egan, 2001; Petersen, 2001; Worth, 2001). Major corporations also took advantage of the post-September 11th environment to lobby for bailouts and corporate tax breaks (Krugman, 2001; Morgenson, 2001). In brief, an event of this nature creates or enhances certain opportunities for forms of white collar crime.

The post-September 11th environment also has some significant implications for the response to and control of white collar crime. First, in an environment of hyper-patriotism exposing harmful practices of American corporations and financial institutions – especially when victims were disproportionately affiliated with these institutions – becomes somewhat more sensitive. A backlash of sorts against journalists and scholars who expose these forms of white collar crime was certainly possible.

Second, the intensification of an economic downturn leads to more concern with recession and unemployment than with corporate or business wrong-doing.

Third, as long as international terrorism remains the primary focus of American anger and fear, any anger or fear relating to white collar crime is likely to be deflected, or relatively diminished.

Fourth, investigative and prosecutorial resources that might be directed toward white collar crime are now disproportionately focused on the war on terrorism. Very specifically, many important records relating to crimes in the securities industry were lost with the destruction of the SEC offices in one of the World Trade Center towers (Abelson, 2001).

Altogether, students of white collar crime have to now take into account the post-September 11th environment, both in terms of how it creates new structures of opportunity for white collar crime offending and how it impacts on perceptions of and efforts to control white collar crime. For those who regard state crime, state/corporate crime, or crimes of globalization as forms of white collar crime, there is a need to address the question of how such activities might contribute to the environment within which terrorism emerges and flourishes. Both white collar crime and international terrorism, and the interconnections between these phenomena, have to be understood in the context of the evolving globalization of the twenty-first century.

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Debt to Society: The Real Price of Prisons

The following informational piece on the web-based article by Mother Jones magazine came about after I was contacted by Stephanie Green, a writer for the magazine. Stephanie encouraged me to take a look at the article, and to give her some feedback about how it might be viewed by those of us in academe. I found out that this critical look at America's prison system took place over a six-month period, and that it included an "Interactive Incarceration Atlas." This Atlas includes 20 years worth of data and tracks such things as racial disparity in sentencing, and differences in state budgets related to spending for education vs. prisons. In her e-mail messages to me, Stephanie has stressed that the folks at Mother Jones want the type of information identified in the article shared with students, professors, policy makers, and other journalists to be used to "increase awareness of the issue." I encourage you to take a look at the article; you will find the URL below in Stephanie's summary, and to respond with comments directly to: sgreen@motherjones.com. Stephanie and others at the magazine would welcome your reaction. Also, watch for information about a roundtable discussion, "Mother Jones Meets Critical Criminologists" at the upcoming ASC meeting in Chicago. Vince Beiser, Senior editor of MotherJones.com and the point person for the "prison project" research and subsequent article, will be part of that roundtable.

Barb Sims

Debt to Society: The Real Price of Prisons

MotherJones.com

<http://www.motherjones.com/prisons/>

The statistics are staggering:

- Between 1980 and 2000, America's inmate population has more than quadrupled to a record two million.

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- Sixteen states incarcerate their black citizens at more than ten times the rate they incarcerate white citizens; Minnesota leads the nation with a black incarceration more than 20 times its white rate.
- During this same period, prison spending tripled, while spending on higher education grew by only a third.

Debt to Society: The Real Price of Prisons is a unique, Internet-based investigation that takes a critical look at the American prison system. The project, six months in the making, discusses not only the economic, but social and ethical costs of our current prison system to all Americans.

The centerpiece of the project is the interactive Incarceration Atlas. This comprehensive resource includes 20 years of data on all 50 states, allowing users to track trends in prison population, growth of spending on prisons compared to higher education, percentage of drug offenders, and racial disparity.

Debt to Society also includes several in-depth articles examining various aspects of the prison system and its costs. Topics covered include how we got to the two million mark to become the world's leading jailer, how children are affected by the incarceration of parents, the extent to which prisons may be acting as breeding grounds for both violent behavior and infectious diseases, and possible alternatives to mass incarceration.

While in-depth investigative reporting is the core of *Mother Jones'* work, we are also committed to putting our research into the hands of educators and activists in the hope that it will be used to effect positive social change. It is our strong hope that ASC members around the country will make use of the data we have assembled in *Debt To Society* both in your own research and in your teaching. Many professors are already assigning class projects that use the Incarceration Atlas as a research tool, and we hope many more educators and activist will follow suit.

From the Editors

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As always, we are looking for manuscripts to fill the pages of the *Critical Criminologist Newsletter*. If you have any papers, essays, etc. you'd like considered, please send them to Barb. One topic that has seemed to come up lately in informal discussions at professional meetings is the discontent some of us experience working in academic units where criminologists constitute a numerical minority, yet are mistreated by their colleagues in other disciplines (or perhaps even IN their own discipline), while carrying the bulk of the student majors, etc. If any of you have thoughts on this, whether it is a trend, what can be done about it, where it comes from, etc., we'd be willing to dedicate some space in the next issue to this topic.

Sincerely,

The Editors of the Critical Criminologist Newsletter

BRITISH SOCIETY OF CRIMINOLOGY

CONFERENCE 2002

CROSSING BORDERS

17 TO 20 JULY 2002
KEELE UNIVERSITY
<http://www.keele.ac.uk/depts/cr/bsc/>

The conference will be 'Crossing Borders' through a variety of topical streams, and the organisers invite creative proposals for presentations and discussion. We would like to receive proposals for themed sessions, for round-table discussions, book discussions, poster sessions and postgraduate sessions. European and international perspectives will be particularly welcomed. We invite European and international research groups, networks, and projects to take advantage of the site and topic to convene their partners at the conference.

The organisers are offering two Pre-conference Workshops on Tuesday, July 16: 'Doing Restorative Justice: Practice and Research' and 'Criminology meets the Media.' Both workshops will provide training opportunities.

The beautiful rural campus of Keele University has been voted 'Best UK Academic Conference Venue' for the past three years in the prestigious MIT awards and will provide an attractive location for a stimulating and exciting conference experience.

All information on the programme, proposals and registration for the conference and the pre-conference workshops can be found on the conference website <http://www.keele.ac.uk/depts/cr/bsc/>

Forms for proposals and registration will be available at this site.

For further information, inquiries and suggestions please contact the conference administrator Siân Payne

BSC2002@keele.ac.uk

or Susanne Karstedt

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So What if Mumia's Jurors Used Butterfly Ballots?

Paul Leighton
Eastern Michigan University

For the second year in a row, U.S. executions declined - to 66 from a recent high of 99 in 1999 - but death row's two most notorious inmates were removed. The federal government performed its first execution in decades on Timothy McVeigh for his domestic terrorism in the Oklahoma City bombing. And in December a judge removed former Black Panther Mumia Abu-Jamal from death row because of concerns about ambiguous jury instructions, although he upheld Abu-Jamal's conviction for the 1981 shooting of a Philadelphia police officer.

Abu-Jamal's case embodies all that's wrong with the death penalty for both sides of the issue. Supporters see Abu-Jamal as wrongly convicted, an all too frequent occurrence fueling support for a moratorium on executions endorsed by Supreme Court Justice Ginsburg. [Justice Sandra Day O'Connor said that "the system may well be allowing some innocent defendants to be executed," but she does not endorse a moratorium on executions.] Abu-Jamal's supporters see the black activist - who has no previous arrests for violence - as a symbol of racial oppression, an articulate defendant personifying the statistics that blacks make up 11 percent of the population, 46 percent of prisoners and 54 percent on death row.

The other side sees a man convicted of killing a police officer, of standing over the fallen officer and shooting him four times at close range in the head and body. After two decades and two execution dates, Abu-Jamal is not just alive but still filing appeals. The latest series of four appeals leading to the recent ruling raised 29 issues and, with response briefs, generated an 800-page file (plus a trial transcript and a variety of other court opinions) requiring a 272-page judicial response.

What's disturbing is that the judge found

two important potential problems in Abu-Jamal's proceedings: the number of prospective black jurors excluded by the prosecution and ambiguous instructions to the jury about the factors they could consider. The case is a reminder that society still needs to scrutinize the role of race in executions and be vigilant about apparent "details" if the state is to play God with people's lives. For all the people who felt more comfortable with the death penalty following McVeigh's execution, the decision in Abu-Jamal's case is a reminder about the difficulty of setting up a system that consistently delivers factually guilty people who deserve to die.

In the 1972 case of *Furman v Georgia*, the Supreme Court halted executions because it found that death sentences were arbitrarily administered, which arose from jurors facing the decision of whether to acquit or execute. Trials then became split into a guilt phase followed by a sentencing hearing, where jurors receive instructions about pre-determined aggravating and mitigating circumstances plus a worksheet form to structure decision-making. Imagine that the jury form for death sentences was only slightly better than the butterfly ballot that lead many Florida Jews to vote for Buchanan.

Abu-Jamal's case involved the claim that the instructions Pennsylvania uses in all its capital cases are ambiguous and could lead to jurors failing to consider important evidence related to mitigating factors. Jurors are told the decision for death must be unanimous and this implies that they must also be unanimous about the presence of a mitigating factor to record it in the worksheet form and give it further weight. In U.S. District Judge William Yohn's words, the "temporal proximity" of the words created a "reasonable likelihood" that relevant evidence would be excluded. A life hung in the balance of a word game played by lawyers about the "linguistically plausible conclusion" from the jury instructions and a form.

In another recent case, the Supreme Court struck down a sentence when jurors were not told

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1 that the alternative to death was life imprisonment
2 without parole - an obviously important piece of
3 information that several states fought to exclude.
4 Although such cases appear to indicate the
5 administration of death sentences is becoming more
6 rational, courts also find that having an attorney who
7 was asleep in court did not void a death sentence
8 unless he slept through important parts of the trial.
9 Supreme Court Justice Antonin Scalia went so far as
10 to state that "mere factual innocence is no reason not
11 to carry out a death sentence properly reached."
12

It's understandable that the late Justice Harry Blackmun, shortly before his retirement in 1994, wrote a dissenting opinion saying that, although he had voted for more than 20 years to uphold the death penalty, he would do so no more. "From this day forward, I no longer shall tinker with the machinery of death," Blackmun wrote in the case of a Texas convict whose death sentence was upheld by the Supreme Court's majority. The death penalty has to be imposed fairly and consistently or not at all, and Blackmun concluded fairness was not going to happen: "Rather than continue to coddle the Court's delusion that the desired level of fairness has been achieved and the need for regulation eviscerated, I feel morally and intellectually obligated simply to concede that the death penalty experiment has failed." Twenty years of work and "the death penalty remains fraught with arbitrariness, discrimination, caprice, and mistake." Blackmun noted: "The basic question - does the system accurately and consistently determine which defendants 'deserve' to die? - cannot be answered in the affirmative."

At the practical level, Abu-Jamal's death sentence becomes life imprisonment without parole unless the district attorney starts another sentencing hearing within 180 days of the Dec. 18 decision in his case - a difficult task after 20 years. A court has refused to grant him a new trial on the question of discrimination in excluding black jurors, so he sits in prison indefinitely - perhaps wrongfully convicted, but no longer in the national spotlight because the drama of a death sentence is gone. The risk, though, is that people will see his release from death row as

an indication that the system worked, rather than additional evidence that the death penalty experiment has failed miserably; that it will coddle the delusion of fairness rather than the understanding that the machinery of death will never be fair, accurate and cheap.

A web-based version of this article, with links to supporting reference material and additional information, is available through <http://paulsjusticepage.com> > Criminal justice

Critical Criminology Journal

Jeff Walker
Editor in Chief
Critical Criminology

The journal is proceeding at a good pace; although not as quickly as we would have wanted. Volume 10(1) and 10(2) are now out, Volume 10(3) should be out any day now, and I am currently working on the copy-edits for Volume 11(1). As I have found, the printing process takes a lot longer with this company than most I have dealt with. We still need good articles for the journal; so please keep CC in mind

The other issue I am currently working is getting a better mailing list to Kluwer for the journal. I am not sure what mailing list Kluwer had been using for 10(1) and 10(2); but I do know that it missed a large number of Division members. I think that has been corrected now. If anyone did not get copies of the journal, please send me an e-mail to jtwalker@ualr.edu and I'll get back issues

In My Opinion...

On Wednesday, May 2, 2001, a Dallas, Texas woman by the name of Mary Jean Pearle received a phone call. In the course of that phone call, she heard her daughter, Faith Battaglia, ask, "Why are you trying to put daddy in jail?" Pearle then listened in horror as she heard her daughter saying, "No, Daddy, don't do it. No, Daddy, no," followed by several gunshots. Pearle's ex-husband, John Battaglia, had just murdered their two daughters, Faith, age 9, and Liberty, age 6.

Cases like that of John Battaglia are the types of cases that have even death penalty opponents questioning their views about capital punishment. Proponents of the death penalty, on the other hand, only have their views reinforced. Almost exactly one year after Battaglia murdered his daughters, a Dallas jury sentenced him to death by lethal injection. In her victim impact statement, Pearle said to Battaglia, "You are one of the most heinous murderers of modern times. Hitler did not kill his own children. Dahmer didn't kill his own children." While there is no real disagreement that Battaglia's actions were heinous, there is much disagreement over why he committed them.

The jury, in sentencing Battaglia to death, rejected claims made by his defense attorneys in the sentencing phase that he was mentally ill. They did so in spite of testimony by a psychiatrist appointed by Judge Janice Warder, who said that Battaglia was sane at the time of the shootings, and should not be considered a risk to society.



The issue of parents killing their children brings back to mind such cases as that of Andrea Yates. In the most recent case, that of Andrea Yates, another mother who drowned her five children in a bath tub. In the case of Susan Smith, a judge sentenced her to life in prison for killing her two kids in a car, and pushing the car into a lake. Unlike the jury in the Battaglia case, however, both Smith and Yates, both of whom also claimed mental illness in their trials, were sentenced to life in prison. One can't help but question why it was that a jury sentenced a *father* who killed his kids to death, while two *mothers* who killed their kids were sentenced to life. One also can't help but question why it was that certain groups that came forward to support Andrea Yates and Susan Smith were silent about John Battaglia. Is it possible that there is a gender bias at work here?

Make no mistake about it. Post-partum depression is a real mental illness, and the groups who came forward to support Yates and Smith should be applauded. The juries in the Yates and Smith trials were right in accepting defense claims of mental illness and sentencing them both to life. Just as real a mental illness, though, is bipolar disorder, and it is tragic that John Battaglia's jury did not seem to understand that.

Chris Price
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