

A SURVEY INVOLVING SEVERITY OF CRIMINAL
PENALIZATION INVOLVING CHILD ABUSE
IN ALL FIFTY STATES

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Master of Arts

by
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ABSTRACT

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Purpose

The objectives of this study were: (1) to contribute to the knowledge concerning the severity of criminal penalization involving child abuse throughout the United States; (2) to postulate and develop that the probabilities for receiving severe penalties for child abuse offenders are greater in certain regions of the United States than in others.

Methods

The methods used in this study were: (1) the possible maximum penalty for each of the three child abuse offenses has been obtained from each state's criminal code; (2) upon the completion of each state's penalties for the offenses concerned, the measuring device of ranking, mean rank, and weighted rank is used for the purposes of assessing both state and regional penalty comparisons; (3) the Census Bureau has been used to depict the characteristics of population, ethnicity, mobility, education, and income throughout the United States, to illustrate possible diversity in characterizing child abuse legislation.

Findings

1. The study indicates that the maximum penalties embodied in the laws of the various states vary widely with reference to each of the behaviors under study.

2. For the offense of physical abuse, the East South Central Region maintained, overall, the greater severity of penalty, while the West North Central Region was the least severe.

3. Physical abuse, in correspondence with Census Bureau data, findings tend to illustrate only that there is a correlation of severity of penalty to that of educational attainment.

4. For the offense of incest, the greater severity of penalty is characterized by the East North Central Region, with the Middle Atlantic Region the least severe.

5. For the offense of incest, an inter-regional correlation in severity of penalty to that of the five Census Bureau subjects concentrated upon, appear generally inconsistent.

6. For the offense of abandonment, the West North Central Region possessed the more severe penalty and the West South Central Region was the least severe.

7. There appears, at least from an interstate perspective, a generally insufficiently demonstrated relation between Census Bureau data used and the rank in severity of criminal penalty for the offense of abandonment.



Supervising Professor *J*

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CHAPTER I

THE NATURE OF THE PROBLEM

A Survey Involving Severity of Criminal Penalization Involving Child Abuse In All Fifty States

The purpose of this study is to contribute to the knowledge concerning the severity of criminal penalization involving child abuse throughout the United States. There will be an attempt to postulate and develop that the probabilities for receiving severe penalties for child abuse offenders are greater in certain regions of the United States than in others. The term "child abuse offenders" for purposes of this study will essentially be illustrated and limited for the crimes of physical abuse, incest, and abandonment. The crimes of physical abuse, incest, and abandonment will be surveyed according to "maximum punishment". Maximum punishment is operationally defined as the severest punishment one could receive for each of the above crimes in each state. "Regions of the United States" are defined as those used by the United States Census Bureau as follow:

- (1) New England--including the states of Maine, Vermont, Massachusetts, Connecticut, Rhode Island and New Hampshire.
- (2) Middle Atlantic--including the states of New York, Pennsylvania, and New Jersey.
- (3) South Atlantic--including the states of Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida.

- (4) East North Central--including the states of Wisconsin, Michigan, Illinois, Indiana, and Ohio.
- (5) East South Central--including the states of Kentucky, Tennessee, Mississippi, and Alabama.
- (6) West North Central--including the states of North Dakota, South Dakota, Minnesota, Iowa, Nebraska, Kansas, and Missouri.
- (7) West South Central--including the states of Oklahoma, Arkansas, Texas, and Louisiana.
- (8) Mountain--including the states of Montana, Idaho, Wyoming, Nevada, Utah, Arizona, Colorado, and New Mexico.
- (9) Pacific--including the states of Washington, Oregon, California, Alaska, and Hawaii.

Upon completion of regional surveys of the penal laws concerned, there will be an effort to illustrate regional similarities and differences. Regional illustrations concerned include population, mobility, ethnicity, education, and income. Further, this study will indicate the application of possible maximum sentence as the basis for severity of punishment, not what may actually be applied.

In the United States today the tensions and pressures of our society are exemplified throughout the variety of social problems. Such problems concern education, economics, health, and stability among others. In regard to social stability emphasis may be placed upon family structure and its stability or lack of stability. A major symptom of family instability as a social problem is the reality of child abuse.

Child abuse may be broadly defined as the

detrimental physical injury or emotional abandonment of a child. Physical abuse consists of variations of beatings ranging from techniques of torture to homicide. Emotional abandonment consists of physical, moral, emotional, medical, as well as sexual abuses.

It is estimated that the number of reported child-abuse cases for the fifty states may be about 25,000 a year as of current reporting. Further estimates reveal that there are at least 50,000 to 75,000 children who are sexually abused annually, and approximately 100,000 children annually who are emotionally neglected. Additionally, there must be 100,000 or more children who are physically, morally, and educationally neglected [De Francis, 1972, p.8].

Child abuse is not a new problem. It is based on primitive standards and applied as such each day. Today child abuse is seen as an anomaly in our enlightened age (De Francis, 1963). Child abuse is a problem related to the larger question of how a generation of adults care for its children. That group which does not adequately provide resources for the raising of children and teaches those children to care for their children in turn guarantees its future for itself (Bakan, 1971). In perceiving futuristic conceptions of child abuse, one may reflect upon its historical progression.

A prevalent existence of child abuse may be dated back in the United States from the Mary Ellen case in 1874. At that time there existed no prevention of cruelty to children although the American Society for the Prevention of Cruelty to Animals did then exist. This society

intervened in a case of severe child abuse through use of the law relating to cruelty to animals preempting the creation of the New York Society for the Prevention of Cruelty to Children. A growing consciousness of the existence of child abuse and neglect led to the formation in 1912 of the Federal Government's Childrens Bureau. This federal bureau investigated and reported upon all matters pertaining to the welfare of children (Bakan, 1971). Essentially, the agency which is associated with the welfare of children today is the American Humane Association.

In the early nineteen-hundreds the United States through state governments were entering the field of child welfare. In 1909, the First White House Conference was convened, and the American Association for study and prevention of infant mortality was founded. With the succeeding creation of the United States Childrens Bureau, the trend as illustrated of federal concern was established. At the White House Conference on Child Health and Protection of 1930, an American Children's Charter was adopted, that in essence promised children a home with love and security, plus continual public welfare services for protection from abuse, neglect, exploitation, or moral hazard [Helfer and Kempe, 1968, p. 15].

Child abuse, a problem with previous low visibility has increasingly become apparent in societal awareness. The creation of the term "battered child" originating at a seminar sponsored by the American Academy of Pediatrics in 1961, was adopted to emphasize upon pediatricians and to initiate awareness of the child abuse problem in our society (Helfer and Kempe, 1972). The "battered child" is defined as "any child who received non-accidental physical injury (or injuries) as a result of acts (or omissions) on the part of

his parents or guardians [Helfer and Kempe, 1972, p. xi]." The concept of "battered child" has increasingly become acknowledged and effective to the extent of initiating reporting laws in all fifty states and an increasing general understanding of the problems of child abuse.

In a more recent evaluation of child abuse legislation concerning child abuse awareness, there has been a legislative trend throughout the United States to increase and modify reporting laws. According to the American Humane Association, significant change has been noted, for example, a movement toward enlarging the concept of reportable abuse, a reduction of states permissive rather than mandatory reporting laws, and an increase in the number of states mandating the establishment of central registries. Essentially, there has become an increase in public awareness of the magnitude of the problem of child abuse and states attempting to protect children at risk (American Humane Association, 1970).

Again, the purpose of our study is to exhibit the awareness of penal severity in relation to the crimes of physical abuse, incest, and abandonment involving child abuse. The experimental design shall consist as follows: The maximum punishment attainable for each of the three child abuse offenses to be used has been obtained from each of the fifty states as of 1974. The death penalty will be considered the most severe possible punishment, while jail terms and fines rated next severe. Each state has been ranked in their

order of maximum punishment. Each region of the United States will then be listed with its appropriate states according to their ranking for each of the three offenses. This study is limited in its comprehensiveness involving an extensive study of national child abuse legislation. The purpose of the study is to initiate awareness involving a few criminal offenses, and enlighten interest for further study.

CHAPTER II

REVIEW OF LITERATURE

A Historical Perspective of Child Abuse and its Legislation

Child abuse is not a new problem--it is based on primitive standards and applied as such each day. Today child abuse is seen as an anomaly in our enlightened age (De Francis, 1972). Child abuse is depicted as a problem related to the larger question of how a generation of adults care for its children. That group which does not adequately provide resources for the raising of children and teaches those children to care for their children inturn guarantees a negative future for itself (Bakan, 1971). In order to perceive contemporary as well as futuristic conceptions of child abuse adequately, one may reflect upon the historical and legislative progression of the history of child abuse.

As early as biblical expression has history recorded the mistreatment of children. The Bible contains examples of cruelty to children including Herod's order to slay "all the children that were in Bethlehem, and in all the coasts there of, from two years and under (Matt. 2:16)." Ancient philosophers were not insulted in beating their pupils. Parents, teachers, and ministers alike believed the only cure for the "foolishness of youth" was suppression, especially by use of the rod (Radbill, 1965).

History records that there were those who spoke out against the mistreatment of children. Plato in 400 B.C. advised teachers to "train children not by compulsion but as if they were playing [Costin, 1972]." As the popular Calvinistic view of the inadequacy of children grew, so did the abuse. In ancient times infancy was a dangerous time of life. Chattel attitudes involving children established privileges to sell, offer in sacrifice kill, or dispose of one's offspring. Infanticide by different means was initiated in various societies to assure that only strong, healthy infants were desirable for future service to the state (Costin, 1972). There were many reasons that led to this seemingly inhuman act. Population control, illegitimacy, greed for money, greed for power, superstition, ritual sacrifice were some of the motives exercised for infanticide. Infanticide has even had a "regular feature of numerous cultures including the Eskimo, Egyptian, Chinese, Scandinavian, African, Australian, Aborigine, and even the American Indian [Bakan, 1971]." In classical times, exposing children was considered a common occurrence. In the Roman family children were the property of the father who had absolute power over them, including the privilege of ordering their death, selling them or offering them in sacrifice (Costin, 1972). Another form of sacrifice resulting from the abuse of children, consisted of abandonment. History records that famous characters, actual and fictional

such as Moses, Sargon I, Romulus and Remus, were abandoned as children. From the beginning of Christianity, numerous institutions for abandoned children were founded by the church. In the United States, because there were no foundling homes in the early nineteenth century, abandoned babies were taken to almshouses. During colonial times and even later, "parents often enforced absolute obedience to the demands of adults or emphasized breaking the child's will to free him from the evil disposition with which he had been born [Sunley, 1963, p. 160]." Drugs, particularly laudanum were given by parents or servants almost freely to infants to stop their crying: in 1837-1838 inquests showed that fifty-two infants were included in a total of 186 deaths due to opium (Sunley, 1963).

During the nineteenth century it had become increasingly apparent that the rights of children in relation to parents or those standing in the place of parents steadily and slowly enlarged (Bremner, 1971). In the United States legal relationships between children and parents originated from English common law with some modification. In protecting children against physical abuse a particularly difficult problem existed because administering corporal punishment to minors was viewed as one of the most widely exercised prerogative of adults.

Under the common-law the right of the parent, guardian, or master to chastise children was the corollary of the obligation to support them. The appropriate degree of severity of punishment was

ordinarily left to the judgment of the parent or master but, from time to time, adults were prosecuted for mistreating children under their care [Bremner, 1971, p. 117].

Subsequent organized efforts for the protection of children developed as an outgrowth of humane work for criminals. Beginning with the founding of the New York Society for the Prevention of Cruelty to Children (S.P.C.C.), there was exemplified the prevalent existence of child abuse in the United States from the Mary Ellen case in 1874. At that time there existed no prevention of cruelty to children although the American Society for the Prevention of Cruelty to Animals was in existence. Thus the intervention in the Mary Ellen case, which was concerned with severe child abuse, preempted the New York Cruelty to Children Society. This New York Society for the Prevention of Cruelty to Children which other agencies were patterned, saw as its primary function the investigation of complaints of neglect and necessary presentation of evidence to the courts (Zietz, 1969). Approximately a quarter century after the creation of the New York Society more than 150 organizations devoted whole or a portion of time to the prevention of cruelty to children. Most of them, usually called Humane Societies, included protective work for children and animals. About twenty, patterned after the New York Society, essentially combined their activities to child protection. Such societies sought to protect children not only against abuse and neglect but from the moral dangers of certain types of

employment. The societies also concerned themselves with protection of children against other forms of cruelty such as exploitation, exposure, and neglect by those with the custody of children (Bremner, 1971). By 1900, 161 agencies were actively engaged in a program of child protection. After the turn of the century some of the anti-cruelty and humane societies began to depart from a strictly law-enforcement method in dealing with child abuse offenders. For example, in 1917 the Massachusetts S.P.C.C. took an initiative in developing casework with families and in emphasizing reform and rehabilitation in order to return a child in his own home. Societies in Philadelphia, Newark, Cleveland, Detroit, and Minneapolis also adopted the casework approach as opposed to the punitive approach (Bremner, 1971). A growing consciousness of the existence of child abuse and neglect led to the formation in 1912 of the Federal Government's Children's Bureau. This federal bureau investigates and reports upon all matters pertaining to the welfare of children (Bakan, 1971). In the early nineteen-hundreds the United States, through state governments, were entering the field of child welfare. In 1909, the first White House Conference was convened, and the American Association for Study and Prevention of Infant Mortality was founded. With the succeeding creation of the United States Children's Bureau, the trend as illustrative of federal concern, was established. At the White House Conference on Child Health

and Protection of 1930, an American "Children's Charter" was adopted, that sought to promise children a home with love and security, plus continual public welfare services for protection from abuse, neglect, exploitation, or moral hazard (Radbill, 1965).

In a more contemporary prospective, increasingly apparent societal awareness of child abuse coming to the attention of social agencies and law enforcement agencies, poses child abuse as the nation's most serious child welfare problems.

It is estimated that the number of reported child-abuse cases for the fifty states may be about 25,000 a year as of current reporting. Further estimates reveal that there are at least 50,000 to 75,000 children who are sexually abused annually, and approximately 100,000 children annually who are emotionally neglected. Additionally, there must be 100,000 or more children who are physically, morally, and educationally neglected [De Francis, 1972, p. 8].

The gross parental physical abuse of children has been termed "the battered child syndrome." The "battered child syndrome" is further defined as "any child who received non-accidental physical injury (or injuries) as a result of acts (or omissions) on the part of his parents or guardians [Helfer and Kempe, 1972, p. xi]." Previously, apparent abuse of a child was not reported by doctors or other medical practitioners because of lack of legislative protection from malpractice suits and because of the nature of the doctor-patient relationship among other possible reasons. Others aware of child abuse cases have neglected to report such due to a reluctance of involvement in reporting, and probable

testimony (Zietz, 1969). With the emergence of publicity along with the concept of "battered child," societal awareness has increasingly become acknowledged and effective to the extent of initiating reporting laws in all fifty states. By 1967 all fifty states, Washington, D.C. and the Virgin Islands had enacted laws concerning the reporting of child abuse. These reporting laws are discretionary in five states--Alaska, Missouri, New Mexico, North Carolina, and Washington. In all other states and territories, reporting is mandatory. After the initial enactment of the reporting abuse laws, it became apparent from many states that several problems limited the effectiveness of reporting as a measure toward prevention, treatment, and control. Either many physicians continued to be unaware of the provisions of the law, or if they were aware, there was a hesitancy to cooperate in actual reporting. Therefore, as a result, reporting became erratic and tended to reflect different levels of interest and cooperation with local medical practitioners and others, rather than the real incidence of child abuse (Gil, 1970). In lieu of this erraticism, there has been a legislative trend throughout the United States to modify reporting laws. According to the American Humane Association, significant change has been noted. There has become a movement enlarging the concept of reportable abuse, a reduction of states permissive rather than mandatory reporting laws, and an increase in the number of states mandating the

establishment of central registries. Essentially, there has become an increase in public awareness of the magnitude of the problem of child abuse and states attempting to more effectively protect children at risk (American Humane Association, 1970).

The historical progression of child abuse is neither a new problem nor just a product of the American culture. Child abuse, in its own undesirability, has not lost its reality through the mere passing of time, nor will it by its own accord, until a generation attempts to more effectively deal with the problem. Essentially, history may repeat itself, but perhaps not with the same severity. Again, child abuse is depicted as a problem related to the larger question of how a generation of adults care for its children. That group which does not adequately provide resources for the raising of children and teaches those children to care for their children in turn guarantees a negative future for itself (Bakan, 1971).

CHAPTER III

METHODOLOGICAL PROCEDURES

Methodology

The purpose of this study is to contribute to the knowledge concerning the severity of criminal penalty involving child abuse throughout the United States. This study will attempt to postulate and develop the idea that the probabilities for receiving severe penalties for child abuse offenders are greater in certain regions of the United States than in others. It is not the purpose of this study to illustrate the causation or provide a complete rationale for the findings of this study. The term "child abuse offenders" for purposes of this study will essentially be illustrated and limited for the crimes of physical abuse, incest, and abandonment. The child abuse offenses of physical abuse, incest, and abandonment for purposes of this thesis shall be operationally defined as follows: Physical abuse of children is defined as the "intentional non-accidental use of physical force, or intentional, non-accidental acts of omissions, on the part of a parent or other caretaker interacting with a child in his care, aimed at hurting, injuring, or destroying that child [Helfer and Kempe, 1972, p. xi]." Incest is defined as "persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each

other, or who commit fornication or adultery with." Abandonment is defined as "an offense if an individual intentionally or knowingly fails to provide support that he can provide and that he was legally obligated to provide for his children younger than eighteen years." The crimes of physical abuse, incest, and abandonment have been broadly defined to facilitate the specificity of law each crime may encompass. Maximum punishment has been operationally defined as the severest punishment one could receive for each of the three child abuse offenses in each state. This study will indicate the application of possible maximum sentence as the basis for severity of punishment, not what may actually be applied. "Regions of the United States" are defined as those used by the United States Census Bureau. For the purpose of this study, the Census Bureau regional illustration is used for its demographic clarity in the division of the United States into nine regions. They are as follows:

- (1) New England--including the states of Maine, Vermont, Massachusetts, Connecticut, Rhode Island, and New Hampshire.
- (2) Middle Atlantic--including the states of New York, Pennsylvania, and New Jersey.
- (3) South Atlantic--including the states of Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida.
- (4) East North Central--including the states of Wisconsin, Michigan, Illinois, Indiana, and Ohio.

- (5) East South Central--including the states of Kentucky, Tennessee, Mississippi, and Alabama.
- (6) West North Central--including the states of North Dakota, South Dakota, Minnesota, Iowa, Nebraska, Kansas, and Missouri.
- (7) West South Central--including the states of Oklahoma, Arkansas, Texas, and Louisiana.
- (8) Mountain--including the states of Montana, Idaho, Wyoming, Nevada, Utah, Arizona, Colorado, and New Mexico.
- (9) Pacific--including the states of Washington, Oregon, California, Alaska, and Hawaii.

The possible maximum penalty for each of the three child abuse offenses has been obtained from each state's criminal code. A prison term of fifty years is the maximum severe penalty, with a jail term of thirty days the least severe. Upon the completion of each state's penalties for the offenses concerned, the measuring device of ranking, mean rank, and weighted rank is used for the purposes of assessing both state and regional penalty comparisons. For the purpose of this study, the rank scale is used as follows: All fifty states are ranked among themselves for each of the offenses of physical abuse, incest, and abandonment according to the possible maximum penalty within each state. For example, when the offense of physical abuse is taken the ranking and mean rank by states of the maximum punishment for the regions of the United States is then depicted for each of the three offenses. The mean rank indicates the average of the combined rank of states for each of the nine Census Regions; e.g., Middle Atlantic (mean rank for the

offense of physical abuse), New York, 29th; New Jersey, 28th; and Pennsylvania, 20th; the mean rank 25.7.

Order or rank of maximum punishment (with mean rank) for the regions of the United States (by states) for each of the three child abuse offenses, are then illustrated in order of most severe to least severe in penalty; e.g., for the offense of physical abuse, the East South Central region ranked first, has a mean rank of 13.0, while the West North Central region ranked ninth, has a mean rank of 29.1. For the offense of incest, the East North Central region ranked first, has a mean rank of 10.4, while the Middle Atlantic region ranked ninth, has a mean rank of 43.6. For the offense of abandonment, the West North Central region ranked first, has a mean rank of 15.7, while the West South Central region ranked ninth, has a mean rank of 30.5. Finally, the rank and weighted rank (where rank is multiplied by itself) for each region of the United States for the combined three child abuse offenses measured in order of most severe to least severe possible punishment is illustrated; e.g., for the region of New England, physical abuse is ranked fourth with a weighted rank of 16. Incest is ranked seventh with a weighted rank of 49, while abandonment is ranked third with a weighted rank of 9. The weighted mean is 24.7 for the three offenses in New England.

With the acquisition of data depicting regional

differences for the maximum punishment of the child abuse offenses, there is then a limited illustration of hypothetical suggestions and references in explaining diversity, if any, of criminal penalty involving child abuse throughout the United States. For the purpose of this study, to illustrate possible diversity in characterizing child abuse legislation, the Census Bureau has been used to depict the characteristics of population, ethnicity, mobility, education, and income throughout the United States. Each of the five characteristics shall be operationally defined as follows: Population has been defined as the total inhabitants of people of the United States as comprised of each of the nine Census regions. Ethnicity is defined or consists of three ethnic descriptions consisting that of blacks, chicanos, and other foreign-born or second generation peoples in each of the nine Census regions. Mobility is defined as the migration tendency for each state from 1960 to 1970. Those considered migratory have moved from their homes within a five-year period. Education is defined as the average grade level of achievement for each particular region. Finally, income is illustrated by income levels in each of the Census regions. To illuminate the comparison of each of the five Census subjects to that of the three child abuse offenses, the following methodology is presented. A map of each of the five Census subjects is depicted illustrating each subject's individual characteristics. Each of

the child abuse offenses, along with the combined offenses rank of three, is visually ascribed to each of the five subject matter. In essence, one is able to obtain both regional rank for each of the child abuse offenses and the subject matter application to the offenses in depicting that the probabilities for receiving severe penalties for child abuse offenders are greater in certain regions of the United States than in others.

CHAPTER IV

DATA PRESENTATION AND ANALYSIS

Results

The problem in this study is presented in the postulate that the probabilities for receiving severe penalties for child abuse offenders are greater in certain regions of the United States than in others. The possible maximum penalty for each of the three child abuse offenses has been obtained from each state's criminal code. The measurement of rank, mean rank, and weighted mean rank is used for the purposes of assessing both state and regional penalty comparisons.

Physical Abuse

The rank of states by possible maximum punishment for the offense of physical abuse has been illustrated in Table 1. There are thirteen rank categories for all fifty states comprising the first to fiftieth ranking respectively. New Mexico exhibits the maximum penalty of fifty years for conviction of physical abuse of a child. The least severe maximum penalty is depicted by the state of Iowa, with a penalty of only thirty days. Unlike Iowa, several other states maintain severe penalties for conviction of physical abuse. These include Texas, with a penalty of twenty years; Colorado and Maryland, with a penalty of fifteen years; and

TABLE 1

Rank of States by Possible Maximum Punishment
for the Offense of Physical Abuse

State	Rank	Maximum Penalty
New Mexico	1	50 years
Texas	2	20 years
Colorado Maryland	3	15 years
Alabama, California, Connecticut, Michigan	5	10 years
Georgia, Illinois, Kansas, Massachusetts, Minnesota, Ohio, Oklahoma, Tennessee, Washington	9	5 years
Wisconsin Kentucky	18	3 years
Delaware, Louisiana, Mississippi, Missouri, North Carolina, Pennsylvania, South Carolina, Vermont	20	2 years
New Jersey	28	18 months
Idaho, New York, New Hampshire, North Dakota, Oregon, Rhode Island, West Virginia, Wyoming, Alaska	29	1 year

TABLE 1--Continued

Rank of States by Possible Maximum Punishment
for the Offense of Physical Abuse

State	Rank	Maximum Penalty
Maine	38	11 months
Arizona, Virginia, Florida, Hawaii, Indiana, Montana, Nevada, South Dakota, Utah	39	6 months
Arkansas Nebraska	48	3 months
Iowa	50	30 days

the states of Alabama, California, Connecticut, and Michigan with a penalty of ten years. All other states ranked fifth through thirty-ninth have a median range in maximum penalty of six months to five years, with the exception of Arkansas and Nebraska, each having a penalty of three months, and Iowa with a penalty of thirty days.

Ranking and mean rank by states of the maximum punishment for the regions of the United States for the offense of physical abuse has been illustrated in Table 2. The East South Central region is ranked first, with a mean rank of 13.0 in maximum punishment for the offense of physical abuse, while the West North Central region is ranked ninth, with a mean rank of 29.1, the least severe penalty. The coastal regions of Pacific and South Atlantic are ranked fifty and sixty respectively, with the closer mean ranks of 22.2 and 22.4. There appears a correlation of legislative and regional attitudes between these two regions although they be at opposite areas of the United States.

In order to illustrate possible causes of diversity of severity of sanction on child abuse legislation, U.S. Census Bureau data have been used to depict the characteristics of population, ethnicity, moving habits, education, and income throughout the United States.

Population

The population distribution for the United States

TABLE 2

Ranking and Mean Rank by States of the Maximum
Punishment for the Regions of the United
States for the Offense of Physical Abuse

Section	Rank	Section	Rank
NEW ENGLAND		WEST NORTH CENTRAL	
Connecticut	5	North Dakota	29
Maine	38	Minnesota	9
Massachusetts	9	South Dakota	39
New Hampshire	29	Nebraska	48
Rhode Island	29	Kansas	9
Vermont	20	Iowa	50
	<u>21.7</u>	Missouri	20
	mean		<u>29.1</u>
			mean
MIDDLE ATLANTIC		WEST SOUTH CENTRAL	
New York	29	Oklahoma	9
New Jersey	28	Arkansas	48
Pennsylvania	20	Louisiana	20
	<u>25.7</u>	Texas	2
	mean		<u>19.8</u>
			mean
SOUTH ATLANTIC		MOUNTAIN	
Delaware	20	Montana	39
Maryland	3	Idaho	29
West Virginia	29	Wyoming	29
Virginia	39	Nevada	39
North Carolina	20	Utah	39
South Carolina	20	Colorado	3
Georgia	9	Arizona	39
Florida	30	New Mexico	1
	<u>22.4</u>		<u>27.3</u>
	mean		mean
EAST NORTH CENTRAL		PACIFIC	
Wisconsin	18	Washington	9
Michigan	5	Oregon	29
Illinois	9	California	5
Indiana	39	Alaska	29
Ohio	9	Hawaii	39
	<u>16.0</u>		<u>22.2</u>
	mean		mean

TABLE 2--Continued

Ranking and Mean Rank by States of the Maximum
Punishment for the Regions of the United
States for the Offense of Physical Abuse

Section	Rank
EAST SOUTH CENTRAL	
Kentucky	18
Tennessee	9
Mississippi	20
Alabama	5
	<u>13.0</u>
	mean

by region as compared to regional severity for the offense of physical abuse has been illustrated in Figure 1. The East North Central Region is seen as the most populous, while the Mountain Region is the least populated. Using the hypothetical suggestion of a correlation between population density and the severity of penalty for physical abuse, it appears that such a suggestion cannot be justified. This discrepancy is depicted by the East North Central region and the Middle Atlantic region. The East North Central region is the most populated and is ranked second in regional mean ranked maximum penalty. The Middle Atlantic region is highly populated but ranks only seventh in regional mean rank severity of penalty. For the purpose of interregional comparison of regional mean ranked severity, the Pacific and South Atlantic regions show marked similarity in mean rankings. These regions are ranked fifth and sixth respectfully, and are similar in population. It does not, however, seem safe to conclude that regional population number alone affects severity of punishment because the East South Central Region which ranked first and the West North Central Region which ranked ninth are also similarly populated. In essence, an interregional assessment of maximum to minimal regional severity of penalty for physical abuse as compared to number in the population for the respective regions appears weak in potential for explanatory power. There is a possibility that the density of population (not

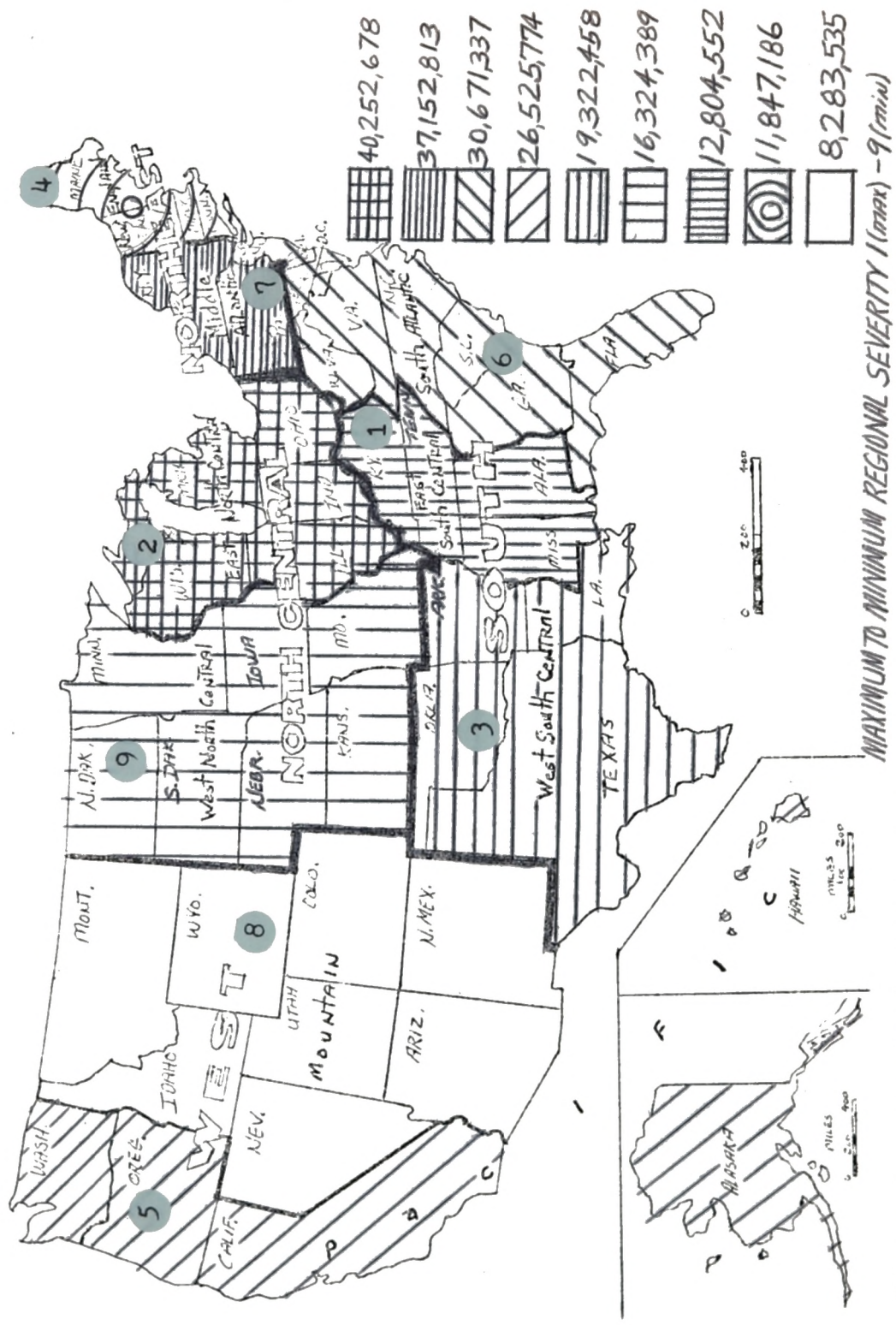


Figure 1.--Population Distribution by Region for the United States Including Maximum to Minimum Mean Ranked Regional Severity for the Offense of Physical Abuse

explored here) could relate to severity of sanction.

Ethnicity

The ethnicity of total population for the United States including maximum to minimum regional severity for the offense of physical abuse has been illustrated in Figure 2. Ethnic composition is depicted in each region with a percentage distribution of blacks, chicanos, and foreign-born and second generation Americans. Within the South Region, ethnicity other than white is most often black, while the West Region, North Central and Northeast Regions maintain a higher percentage of foreign-born and second generation people of varying ethnic compositions. One may attempt to suggest a hypothetical relationship between ethnicity and the severity of penalty for physical abuse in order to account for noted interregional differences. The East South Central Region, which ranked first in severity of penalty for physical abuse, has 20% black, 1% chicano, and 2% foreign-born and second generation Americans. The West North Central Region which was mean ranked ninth has 4% black, 1% chicano, and 11% foreign-born and second generation Americans. The comparison of these two regions would suggest a correlation of blacks to greater severity of penalty, with foreign-born and second generation Americans least severe. However, this rationale proves to be invalid because of discrepancies between other regions. Essentially, this discrepancy exists from a broad perspective

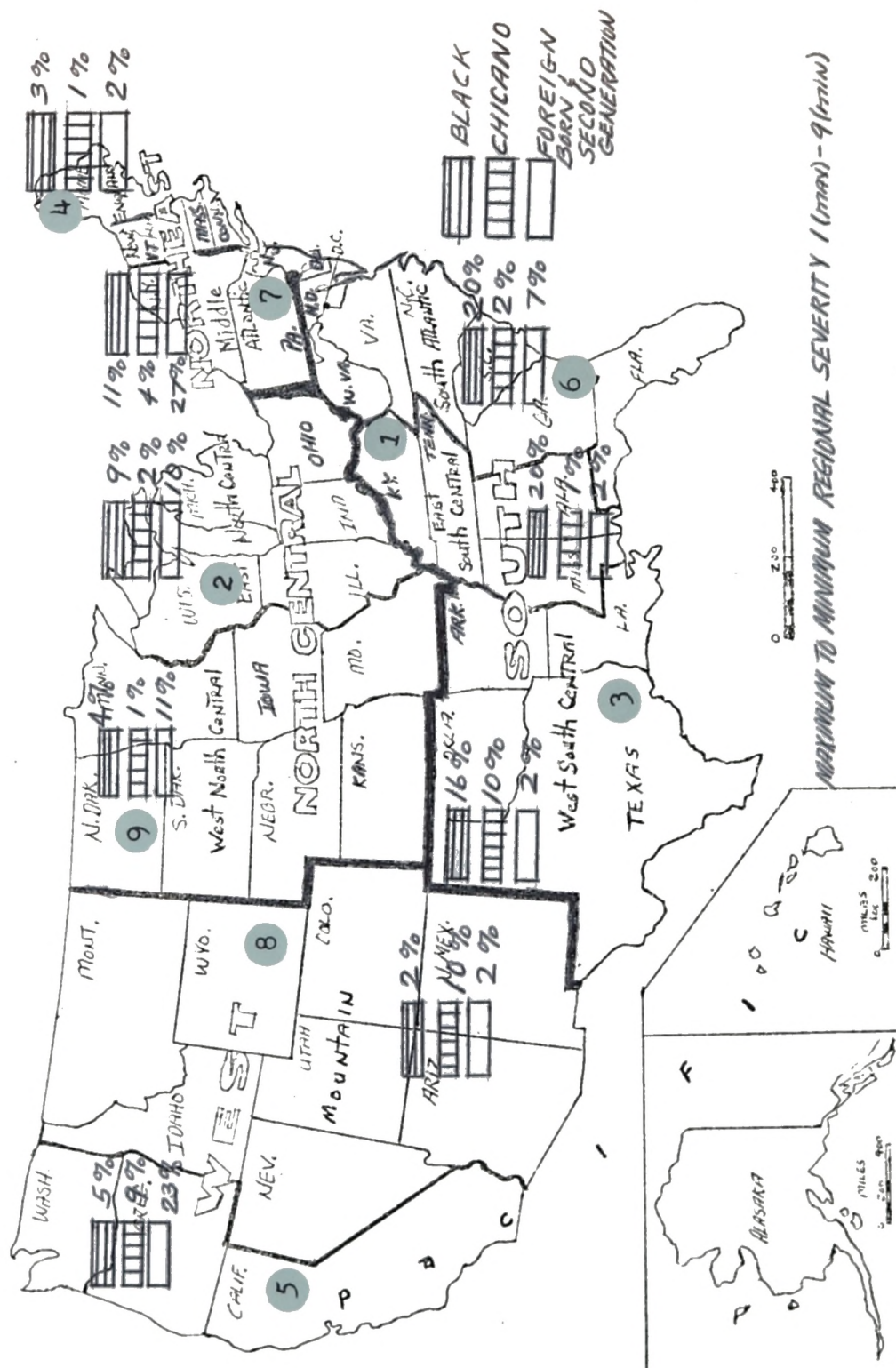


Figure 2.--Ethnicity Other Than Native Born Anglo-White of Population for the United States Including Maximum to Minimum Regional Severity for the Offense of Physical Abuse

concerning chicano ethnicity which indicates a higher percentage of chicanos in the West and Southwest Regions of the United States, with a lesser concentration eastward.

Moving Habits

The moving habits of the United States population by Census Region and including maximum to minimum regional severity for the offense of physical abuse has been illustrated in Figure 3. The Western Region is shown to be most mobile, whereas minimal mobility is predominant in the upper North Central region along with the Middle Atlantic region. The median moving habits throughout the United States is concentrated in the East South Central and South Atlantic regions. The West South Central region is slightly above the median. The Pacific region proves to have the most consistency in moving habits among the states within the region than any of the other regions in that all of the Pacific states and most of the West are above the median. In all of the other regions there is a mixture of moving tendencies, especially in the West South Central region where there is a mixture of three moving patterns comprising four states. To illustrate a hypothetical correlation between mobility and severity of penalty, the following regional composition is provided: The East South Central region ranked first in severity of penalty and has a mean of 46% in mobility, while the West North Central region ranked ninth and has a mean of 45%. With such similar means

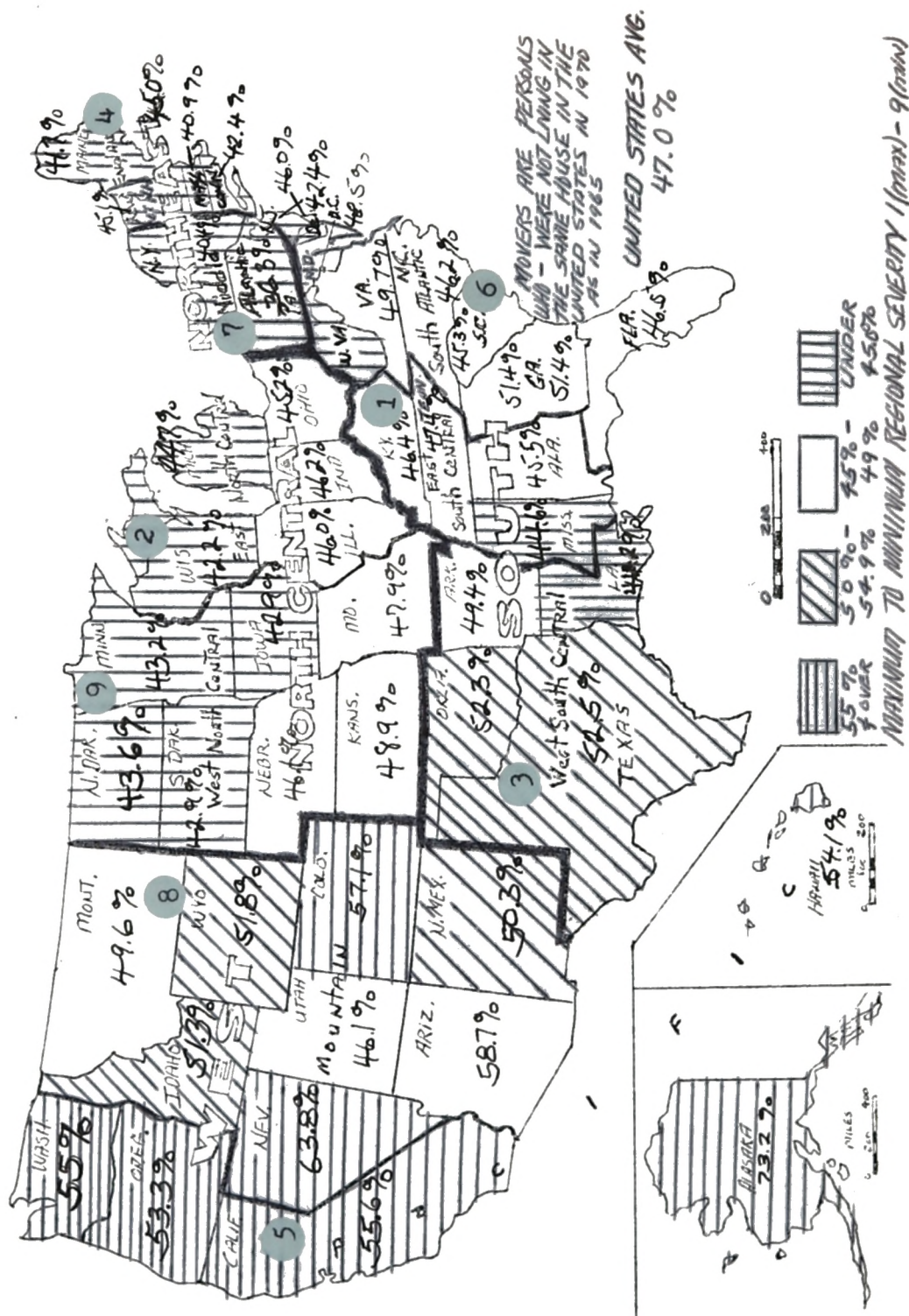


Figure 3.--Moving Habits of Population for the United States Including Maximum to Minimum Regional Severity of Criminal Sanction for the Offense of Physical Abuse

there appears that a hypothetical correlation of mobility to regional severity of criminal sanction for the offense of physical abuse is untenable.

Education

Educational achievement of total population for the United States including maximum to minimum regional mean rank severity of criminal sanction for the offense of physical abuse, has been portrayed in Figure 4. The Pacific Region maintains the highest average years of education (12.4), while the average begins to decline with a eastward movement. The East South Central Region maintains the lowest educational average (10.5) years. It appears that the North Central and Northeast sections of the United States maintain a higher educational average than that of the South. Using the hypothetical suggestion that educational attainment is correlated to the severity of penalty for physical abuse in each region, the following assessments can be made: The East South Central Region ranks first in severity of criminal penalty and with an educational average of (10.5) years, while the West North Central Region which ranks ninth in severity and maintains an educational average of (12.2) years. Further, the East North Central Region ranked second in severity of penalty and maintains an educational average of (12.1) years. The Mountain Region ranked eighth in severity and maintains an educational average of (12.3) years. The West South Central Region ranked third in

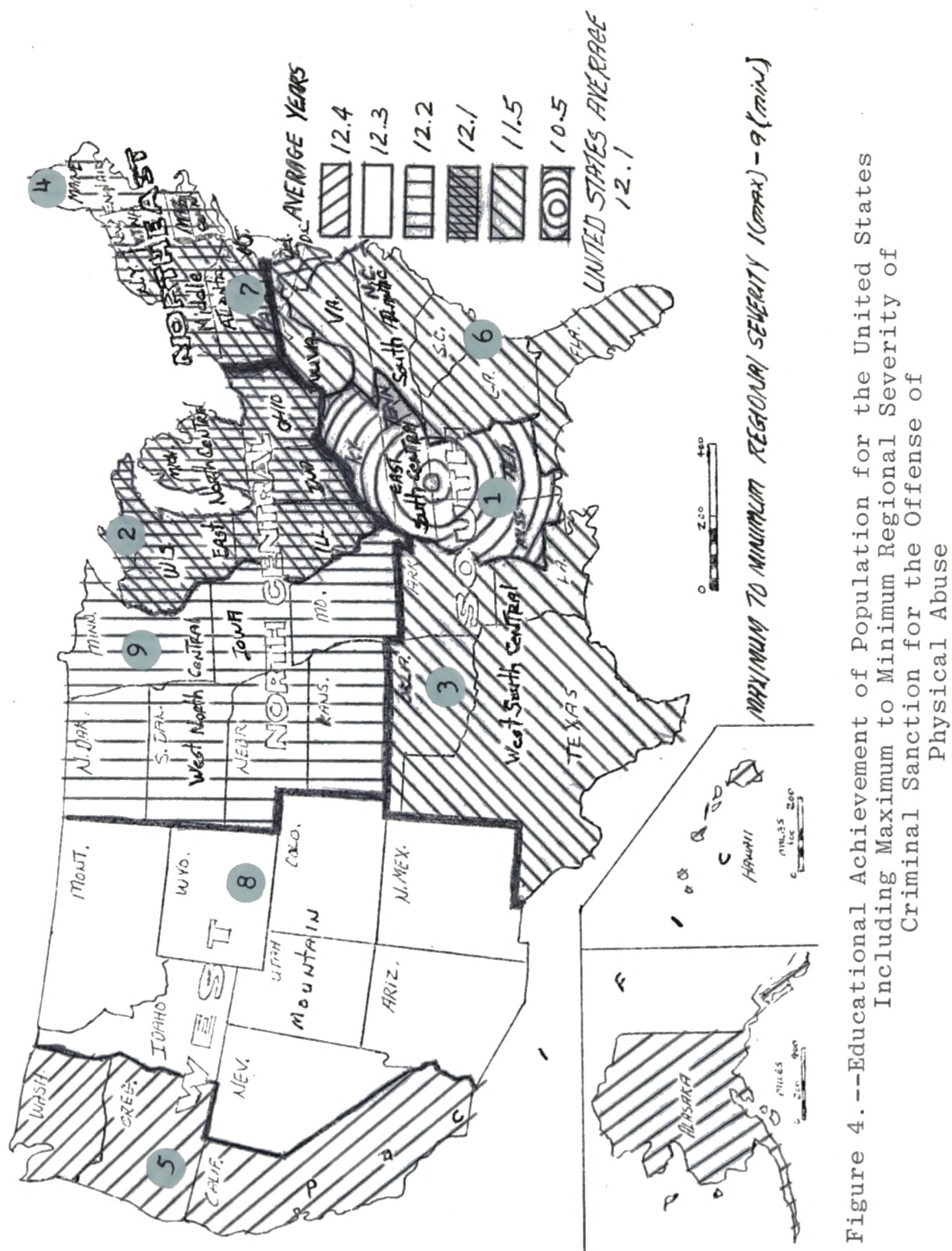


Figure 4.--Educational Achievement of Population for the United States Including Maximum to Minimum Regional Severity of Criminal Sanction for the Offense of Physical Abuse

severity of penalty and maintains an educational average of (11.5) years. The Middle Atlantic Region ranked seventh in severity of penalty and maintains an educational average of (12.1) years. There seems to be some support for the hypothesis that severity of penalty is related to educational achievement. It should be pointed out, however, that the Pacific Region is the exception to this seeming relationship.

Income

The income average of the population for the United States by U.S. Census Region including maximum to minimum regional severity for the offense of physical abuse, has been illustrated in Figure 5. A higher income average is noted for both the Pacific and East North Central Regions, while the lower income area is noted for the East South Central Region. There is no region in which all the states are represented by a single income index as representative of each. Those regions which are close to a common index, are those of the East North Central and of the East South Central Regions. There is the possibility of hypothesizing that income may be correlated with severity of criminal penalty for physical abuse. The East South Central Region ranked first in penalty for physical abuse and maintains the lowest income average in the United States. The West North Central Region ranked ninth in penalty and maintains a slightly less than average income. It may be hypothesized

that the more economically prosperous regions would have lesser maximum penalties for physical abuse, while the less affluent regions would be characterized with a more severe penalty for physical abuse. This hypothesis appears invalid due to the following analysis: The West North Central Region has only the sixth best income average, rather than the first as the hypothesis assumes. In the same context, the East North Central Region, ranked second in severity of penalty, maintains the highest income median of all regions. In essence, the seeming correlation between income and severity of physical abuse, appears consistent only in the East South Central Region, but not throughout the United States. With more specific evaluation, there appears that these differences are not necessarily magnified on an interregional level, but rather possibly by interstates cross-regional description. An interstate cross-regional analysis appears applicable with the states of Kansas, ranked ninth; Oklahoma, ranked ninth; Texas, ranked second; New Mexico, ranked first; and Colorado ranked third, all these states in severity of maximum criminal penalty for physical abuse of children. Each of the above states are contiguous to Oklahoma and have greater penalty severity for physical abuse. This noted relationship requires explanation. The similarity in severity of criminal penalty might be explained if, at the time the laws were legislated, there were a widely publicized case of

child abuse which affected the noted states. Such rationale has been developed by Edwin Sutherland, in his study of The Diffusion of Sexual Psychopath Laws. In his study, Sutherland is concerned with the way in which sexual psychopath laws are diffused. Essentially, Sutherland describes a community initially thrown into a panic by a few serious sex crimes which are given a great deal of publicity. The community is in an agitated state and devises a variety of proposals. A committee is created to study facts and make recommendations. The objective is diffused by recommending a sexual psychopath law as the "scientific" procedure for control of sex crime. One might then assume that the state laws concerning physical abuse of children in New Mexico and Colorado parallel Sutherland's rationale. This possibility has not been explored in this thesis.

Incest

The rank of states by possible maximum punishment for the offense of incest has been illustrated in Table 3. There are ten rank categories for all fifty states. California ranking first, exhibiting the most severe penalty of fifty years. The state of South Carolina ranks fiftieth, with a penalty of one year. A few other states possess high penalties for the offense of incest. Florida and Iowa are ranked second with penalties of twenty-five years, Indiana and Kentucky ranked fourth, have a penalty of twenty-

TABLE 3

Rank of State by Possible Maximum Punishment
for the Offense of Incest

State	Rank	Maximum Penalty
California	1	50 years
Florida, Iowa	2	25 years
Indiana, Kentucky	4	21 years
Georgia, Ohio, Massachusetts	6	20 years
Alaska, Louisiana, Nebraska, North Carolina, Utah	9	15 years
Arizona, Arkansas, Connecticut, Hawaii, Idaho, Illinois, Kansas, Maine, Maryland, Michigan, Texas, Virginia, Minnesota, Mississippi, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Rhode Island, South Dakota, Washington, Wisconsin, West Virginia	14	10 years
Alabama, Delaware, New Hampshire	38	7 years
Colorado, Missouri, New Jersey, Oregon, Pennsylvania, Tennessee, Vermont, Wyoming	41	5 years

TABLE 3--Continued

Rank of State by Possible Maximum Punishment
for the Offense of Incest

State	Rank	Maximum Penalty
New York	49	4 years
South Carolina	50	1 year

one years, while Georgia, Ohio, and Massachusetts ranked sixth, provide a penalty of twenty years. States other than South Carolina that maintain penalties with minimal severity include New York, with a penalty of four years, while Colorado, Missouri, New Jersey, Oregon, Pennsylvania, Tennessee, Vermont, and Wyoming have a penalty of five years.

Ranking and mean rank by states of the maximum punishment for the regions of the United States for the offense of incest, have been illustrated in Table 4. The East North Central Region ranks first with a mean rank of 10.4 in maximum punishment for the offense of incest, while the Middle Atlantic Region ranks ninth with a mean rank of 43.0, being the least severe in penalty for the offense of incest. The West North Central Region ranked third with a mean rank of 15.4, and the Pacific Region ranked fourth with a mean rank of 15.8 in severity of penalty, maintain the more similar ranks. Further analysis of maximum to minimum criminal penalty severity will be made using the U.S. Census Bureau data for the characteristics of population, ethnicity, education, and income.

Population

The population for the United States by region and including maximum to minimum regional severity for the offense of incest, has been illustrated in Figure 6. The characteristics of numbers in the population density are

TABLE 4

Ranking and Mean Rank by States of the Maximum
Punishment for the Regions of the United
States for the Offense of Incest

Section	Rank	Section	Rank
NEW ENGLAND		WEST NORTH CENTRAL	
Connecticut	14	North Dakota	14
Maine	14	South Dakota	14
Massachusetts	6	Minnesota	14
New Hampshire	38	Nebraska	9
Rhode Island	14	Kansas	14
Vermont	41	Iowa	2
	<u>21.2</u>	Missouri	41
	mean		<u>15.4</u>
			mean
MIDDLE ATLANTIC		WEST SOUTH CENTRAL	
New York	49	Oklahoma	14
New Jersey	41	Arkansas	14
Pennsylvania	41	Louisiana	9
	<u>43.6</u>	Texas	14
	mean		<u>12.8</u>
			mean
SOUTH ATLANTIC		MOUNTAIN	
Delaware	38	Montana	14
Maryland	14	Idaho	14
West Virginia	14	Wyoming	41
Virginia	14	Nevada	14
North Carolina	9	Utah	9
South Carolina	50	Colorado	41
Georgia	6	Arizona	14
Florida	2	New Mexico	14
	<u>18.4</u>		<u>20.1</u>
	mean		mean
EAST NORTH CENTRAL		PACIFIC	
Wisconsin	14	Washington	14
Michigan	14	Oregon	41
Illinois	14	California	1
Indiana	4	Alaska	9
Ohio	6	Hawaii	14
	<u>10.4</u>		<u>15.8</u>
	mean		mean

TABLE 4--Continued

Ranking and Mean Rank by States of the Maximum
Punishment for the Regions of the United
States for the Offense of Incest

Section	Rank
EAST SOUTH CENTRAL	
Kentucky	4
Tennessee	41
Mississippi	14
Alabama	38
	<u>24.3</u>
	mean



Figure 6.--Population Distribution by Region for the United States Including Maximum to Minimum Mean Ranked Regional Severity for the Offense of Incest

MAXIMUM TO MINIMUM REGIONAL SEVERITY 1(max) - 9(min)

the same as illustrated for physical abuse. A comparison may illustrate what correlation, if any, exists between number in the population and rank of severity of penalty for the offense of incest. The East North Central Region, ranked first, is the most populated region, while the Middle Atlantic region ranked ninth, is also highly populated and the second most populous region behind the East North Central Region. This comparison appears to refute a correlation between number of population and severity of penalty, at least for the offense of incest.

Ethnicity

Ethnicity (other than native born Anglo-white) of the population for the United States and including maximum to minimum regional severity for the offense of incest, has been illustrated in Figure 7. Hypothetically, one may suggest a correlation that ethnicity may be related to severity of criminal penalty. The East North Central Region ranked first, maintains 9% blacks, 2% chicano, and 10% foreign-born and second generation Americans of various ethnic groups. The Middle Atlantic Region ranked ninth, maintains 11% black, 4% chicano, and 27% foreign-born and second generation Americans. Though these regions are widely separated in rank of severity in penalty, both have large ethnic minorities. A tentative hypothesis relating high minority ethnicity with severity of criminal penalty appears untenable.

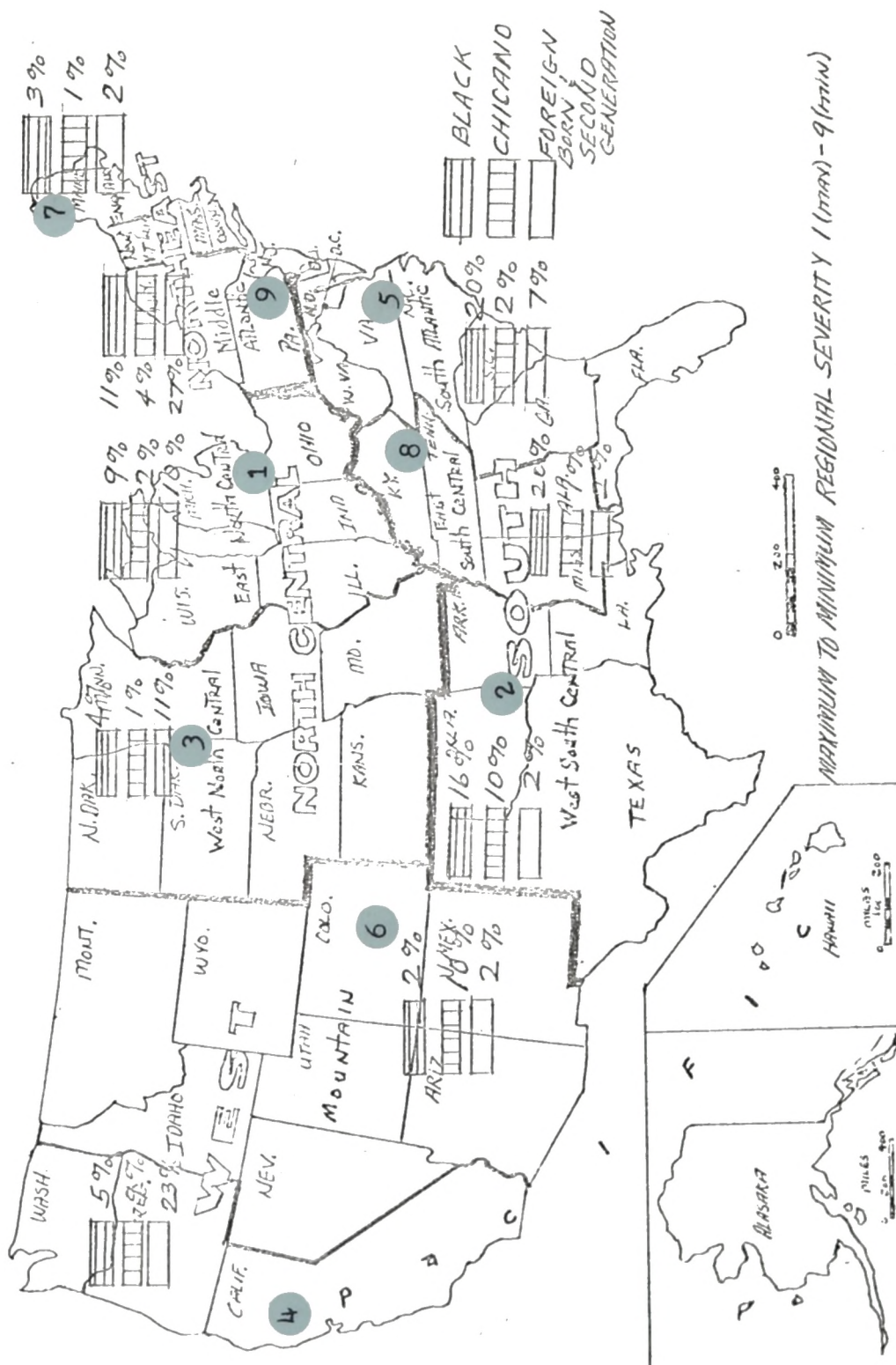


Figure 7.--Ethnicity Other than Native Born Anglo-White of Population for the United States Including Maximum to Minimum Regional Severity for the Offense of Incest

Moving Habits

The moving habits of the population for the United States including maximum to minimum severity for the offense of incest has been illustrated in Figure 8. A hypothesis that the more severe region in criminal penalty also maintains greater moving habits, cannot be validated. Essentially, in order for the hypothesis to be tenable, the region ranking first in criminal penalty severity, should also possess the greatest moving habit percentage of regional population. Likewise, the ninth ranked region should possess the smallest moving habit percentage of regional population. Figure 8 illustrates that the Middle Atlantic Region is ninth-ranked and also possesses the smallest moving habit percentage (39.7) of regional population. However, the East North Central Region ranking first in severity of criminal penalty, has a percentage (44.9), which, if compared to the fourth-ranked Pacific Region percentage of (61.1), is not the greater moving habit region, making the hypothesis untenable.

Education

The educational achievement of the total population for the United States including maximum to minimum regional severity for the offense of incest, has been illustrated in Figure 9. One may hypothesize that severity of penalty may be related to educational attainment. An initial analysis indicates that there really is no concrete evidence for

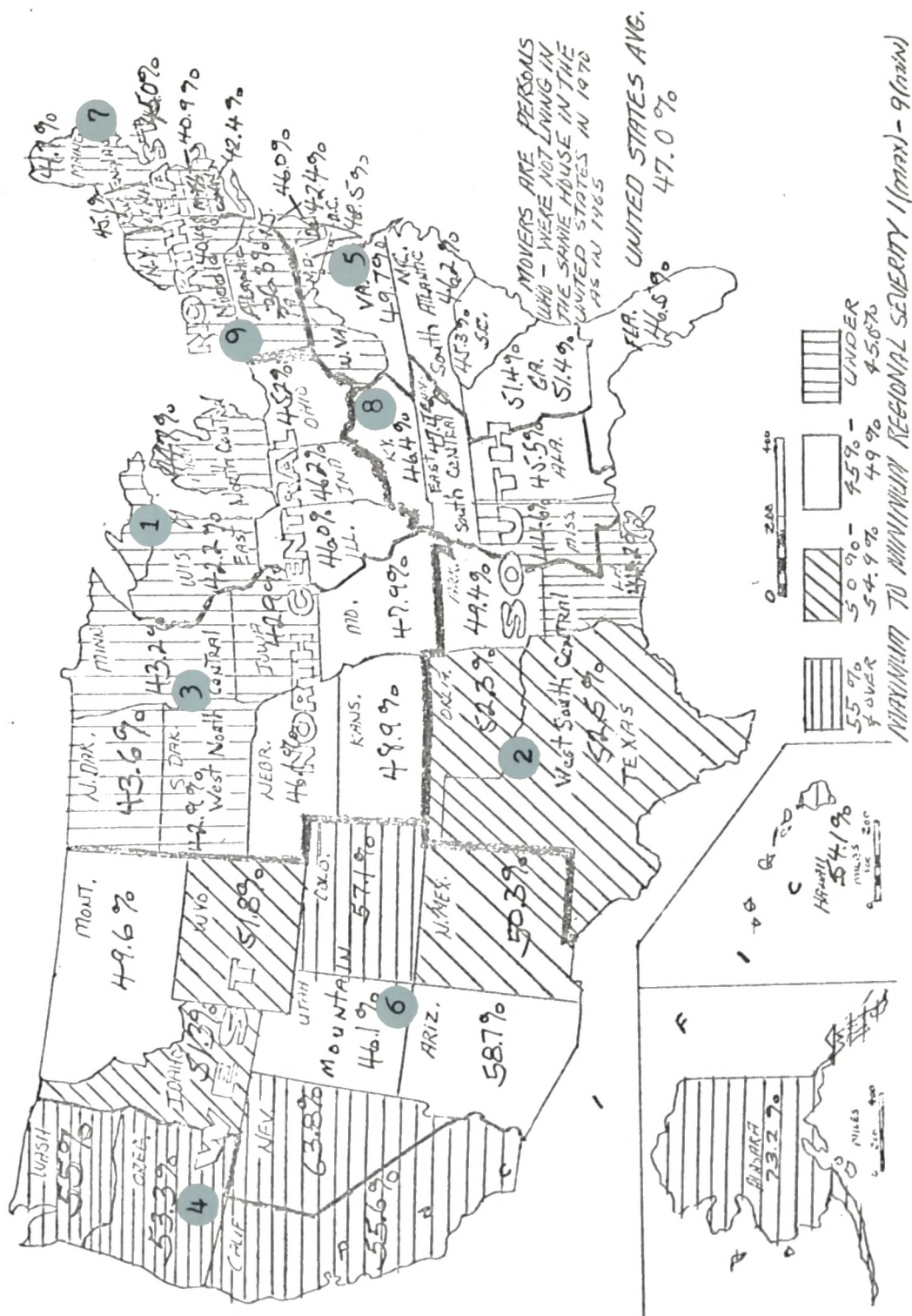


Figure 8.--Moving Habits of Population for the United States Including Maximum to Minimum Regional Severity of Criminal Sanction for the Offense of Incest

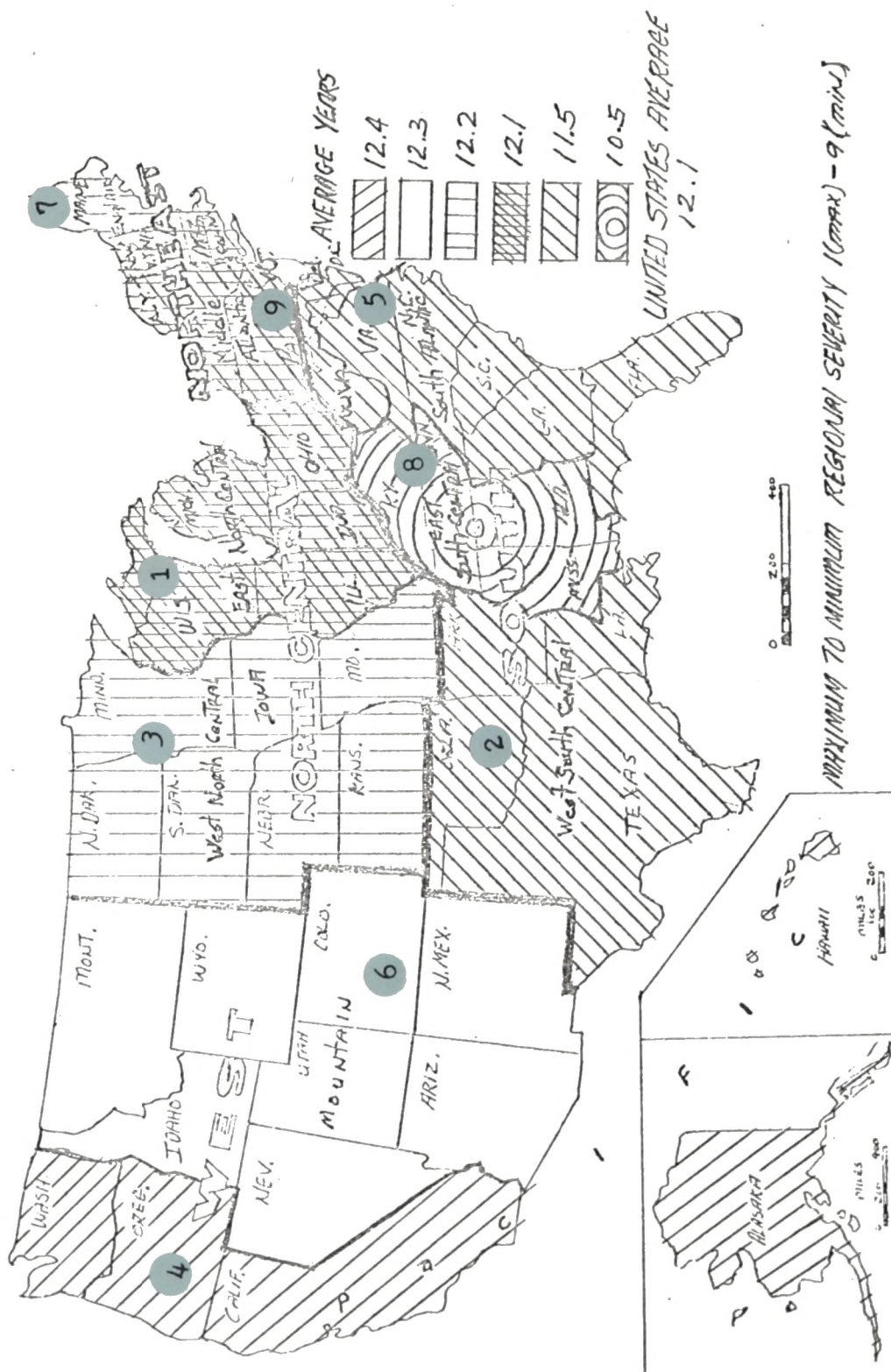


Figure 9.--Educational Achievement of Population for the United States Including Maximum to Minimum Regional Severity of Criminal Sanction for the Offense of Incest

substantiating this hypothesis. The East North Central Region ranked first in severity of penalty, maintains an educational attainment average of 12.1 years, while the Middle Atlantic Region ranked ninth in severity, maintains the same average of 12.1 years. The diversity in rank and similarity of educational attainment appears to invalidate the hypothesis.

Income

Income average of the total population for the United States including maximum to minimum regional severity for the offense of incest, has been illustrated in Figure 10. The East North Central Region ranked first in penalty, maintains a high income average of \$10,000 or more, while the Middle Atlantic Region ranked ninth in penalty, maintains a similar average. This comparison appears to illustrate that there exists no correlation between severity of penalty to that of income distribution.

Essentially, interregional correlation for rank in severity of penalty to that of the five Census Bureau subjects concentrated upon appears inconsistent. However, an intraregional concentration has been interestingly depicted largely within the West North Central Region. In the same perspective, five states contiguous to South Dakota are ranked high in severity of penalty for the offense of incest. South Dakota, along with the states of Montana, North Dakota, and Minnesota are ranked fourteenth, while

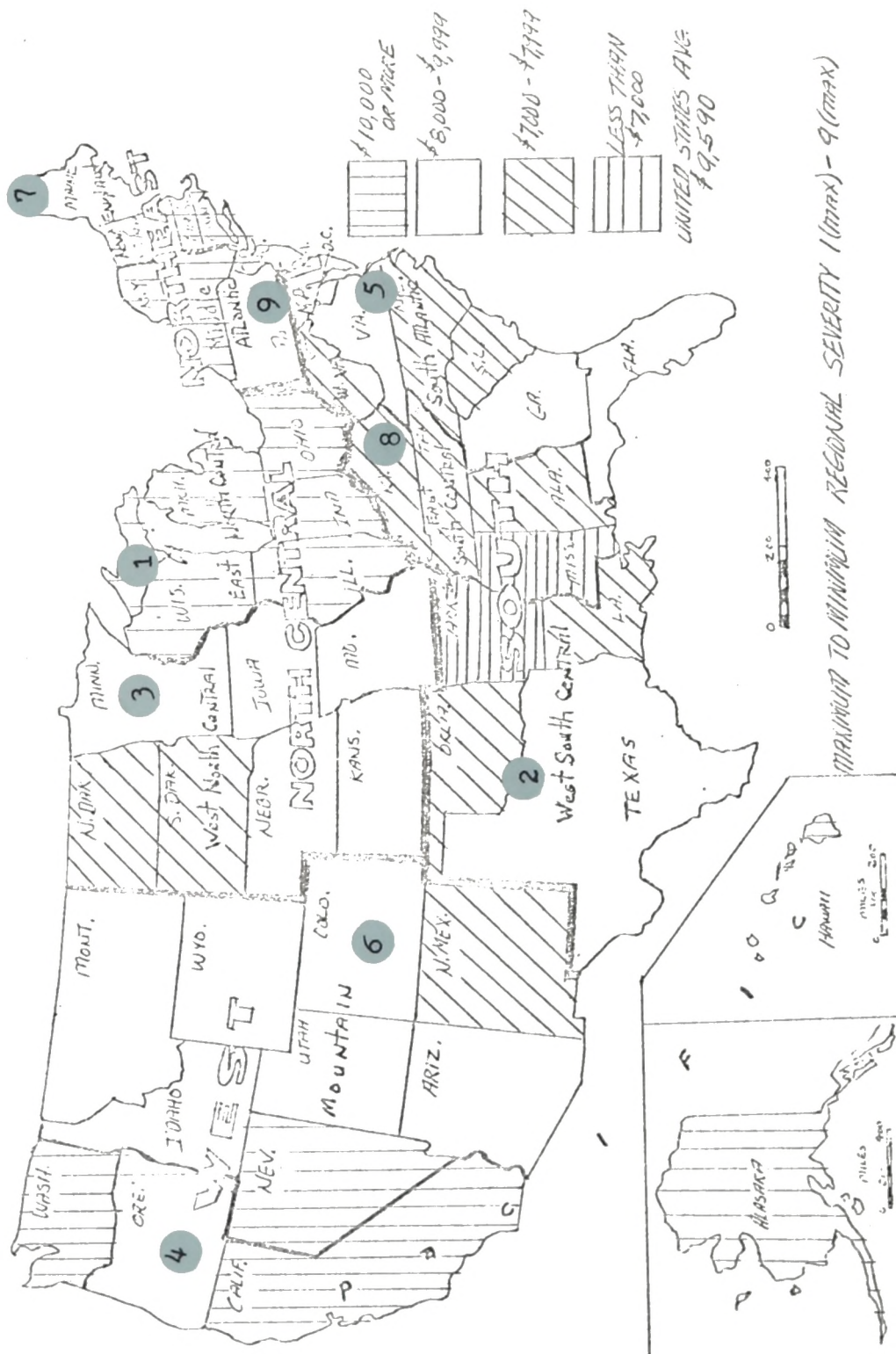


Figure 10.--Income Average of Population for the United States by Census Region Including Maximum to Minimum Regional Severity for the Offense of Incest

Iowa is ranked second and Nebraska is ranked ninth in severity of penalty. Again, Sutherland's rationale may be applied to illustrate the formulation of law in the applied setting. It appears that regardless of an inter-regional or intra-regional perspective, maximum punishment for the offense of incest is generally more severe than for the offense of physical abuse.

Abandonment

A broad perspective concerning maximum punishment for the offense of abandonment seems to parallel that of physical abuse. The rank of states by possible maximum punishment for the offense of abandonment, has been illustrated in Table 5. There are thirteen categories of penalties for fifty states. New Mexico ranks first with a penalty of fifty years. Arkansas and Nebraska, ranking in the last category, thirteenth, maintain a maximum penalty of only three months. Other states with severe maximum penalties consist of Washington, with a twenty year penalty; while Michigan and Oklahoma have penalties of ten years. Other states with minimal severity for the offense of abandonment, consist of Arizona, Hawaii, Indiana, Louisiana, Montana, Utah, and Virginia, all with a penalty of six months.

The ranking and mean rank by states of the maximum punishment for the regions of the United States for the

TABLE 5

Rank of State by Possible Maximum Punishment
for the Offense of Abandonment

State	Rank	Maximum Penalty
New Mexico	1	50 years
Washington	2	20 years
Michigan, Oklahoma	3	10 years
South Dakota	5	7 years
Nevada	6	6 years
Connecticut, Kansas, Kentucky, Minnesota, Missouri, North Dakota, Ohio, Oregon	7	5 years
New York	15	4 years
Georgia, Illinois, Maryland, Wisconsin	16	3 years
Delaware, Florida, Maine, Massachusetts, Mississippi, North Carolina, Pennsyl- vania, Vermont	20	2 years
Alabama, Alaska, California, Colorado, Idaho, Iowa, New Hampshire, Rhode Island, South Carolina, Tennessee, Texas, West Virginia, Wyoming	28	1 year

TABLE 5--Continued

Rank of State by Possible Maximum Punishment
for the Offense of Abandonment

State	Rank	Maximum Penalty
New Jersey	41	18 months
Arizona, Hawaii, Indiana, Louisiana, Montana, Utah, Virginia	42	6 months
Arkansas, Nebraska	49	3 months

offense of abandonment, has been illustrated in Table 6. The West North Central Region ranked first in severity of criminal penalty maintains a mean rank of 15.7, while the West South Central Region ranked ninth in severity, maintains a mean rank of 30.5. The more similar regions in mean rank consist of New England, ranked third, with a mean rank of 20.5; and the East South Central Region ranked fourth, with a mean rank of 20.8. There appears a consistency with all three offenses for the Pacific and South Atlantic Regions. For physical abuse, these regions are ranked fifth and sixth; for incest they are ranked fourth and fifth; and for abandonment, they are ranked fifth and sixth again--the Pacific Region always ranking slightly above the South Atlantic Region.

Population

Total population for the United States, including maximum to minimum regional severity for the offense of abandonment, has been illustrated in Figure 11. A hypothesis suggesting that the lesser populated regions have less severe penalties appears invalid. The West North Central Region ranked first in severity is inhabited by roughly sixteen million people, while the West South Central Region, ranked ninth in severity, is inhabited by approximately nineteen million people. Density of population in urban centers (not dealt with here) is a possible variable to explore in order to explain the differences.

TABLE 6

Ranking and Mean Rank by States of the Maximum
Punishment for the Regions of the United
States for the Offense of Abandonment

Section	Rank	Section	Rank
NEW ENGLAND		WEST NORTH CENTRAL	
Connecticut	7	North Dakota	7
Maine	20	South Dakota	5
Massachusetts	20	Minnesota	7
New Hampshire	28	Nebraska	49
Rhode Island	28	Kansas	7
Vermont	20	Iowa	28
	<u>20.5</u>	Missouri	7
	mean		<u>15.7</u>
			mean
MIDDLE ATLANTIC		WEST SOUTH CENTRAL	
New York	15	Oklahoma	3
New Jersey	41	Arkansas	49
Pennsylvania	20	Louisiana	42
	<u>25.3</u>	Texas	28
	mean		<u>30.5</u>
			mean
SOUTH ATLANTIC		MOUNTAIN	
Delaware	20	Montana	42
Maryland	16	Idaho	28
West Virginia	28	Wyoming	28
Virginia	42	Nevada	6
North Carolina	20	Utah	42
South Carolina	28	Colorado	28
Georgia	16	Arizona	42
Florida	20	New Mexico	1
	<u>23.8</u>		<u>27.1</u>
	mean		mean
EAST NORTH CENTRAL		PACIFIC	
Wisconsin	16	Washington	2
Michigan	3	Oregon	7
Illinois	16	California	28
Indiana	42	Alaska	28
Ohio	7	Hawaii	42
	<u>16.8</u>		<u>21.4</u>
	mean		mean

TABLE 6--Continued

Ranking and Mean Rank by States of the Maximum
Punishment for the Regions of the United
States for the Offense of Abandonment

Section	Rank
EAST SOUTH CENTRAL	
Kentucky	7
Tennessee	28
Mississippi	20
Alabama	28
	<u>20,8</u>
	mean

Ethnicity

Ethnicity of population for the United States including maximum to minimum regional severity for the offense of abandonment has been illustrated in Figure 12. Ethnicity compared to the offense of abandonment, is as varied in applicability as has been the analysis with the offenses of physical abuse and incest. An interesting comparison exists between the Pacific Region, ranked fifth in severity of offense, to that of the South Atlantic Region, ranked sixth in severity. The Pacific Region has a small percentage of blacks, 5%; chicanos, 9%; and the greater percentage consisting of foreign-born and second generation Americans, 23%. The South Atlantic Region maintains the greater percentage of blacks, 20%, with chicanos, 2%, and foreign-born and second generation Americans, 7%. Ethnic composition appears to be dissimilar between these two regions, while there exist similarities in severity of penalty for the offense of abandonment. It is suggested that legislation on abandonment is not influenced by regional ethnic composition.

Moving Habits

Moving habits of the population for the United States including maximum to minimum regional severity for the offense of abandonment, has been illustrated in Figure 13. One may hypothetically suggest that the more severe penalty regions are less mobile, while the less severe penalty

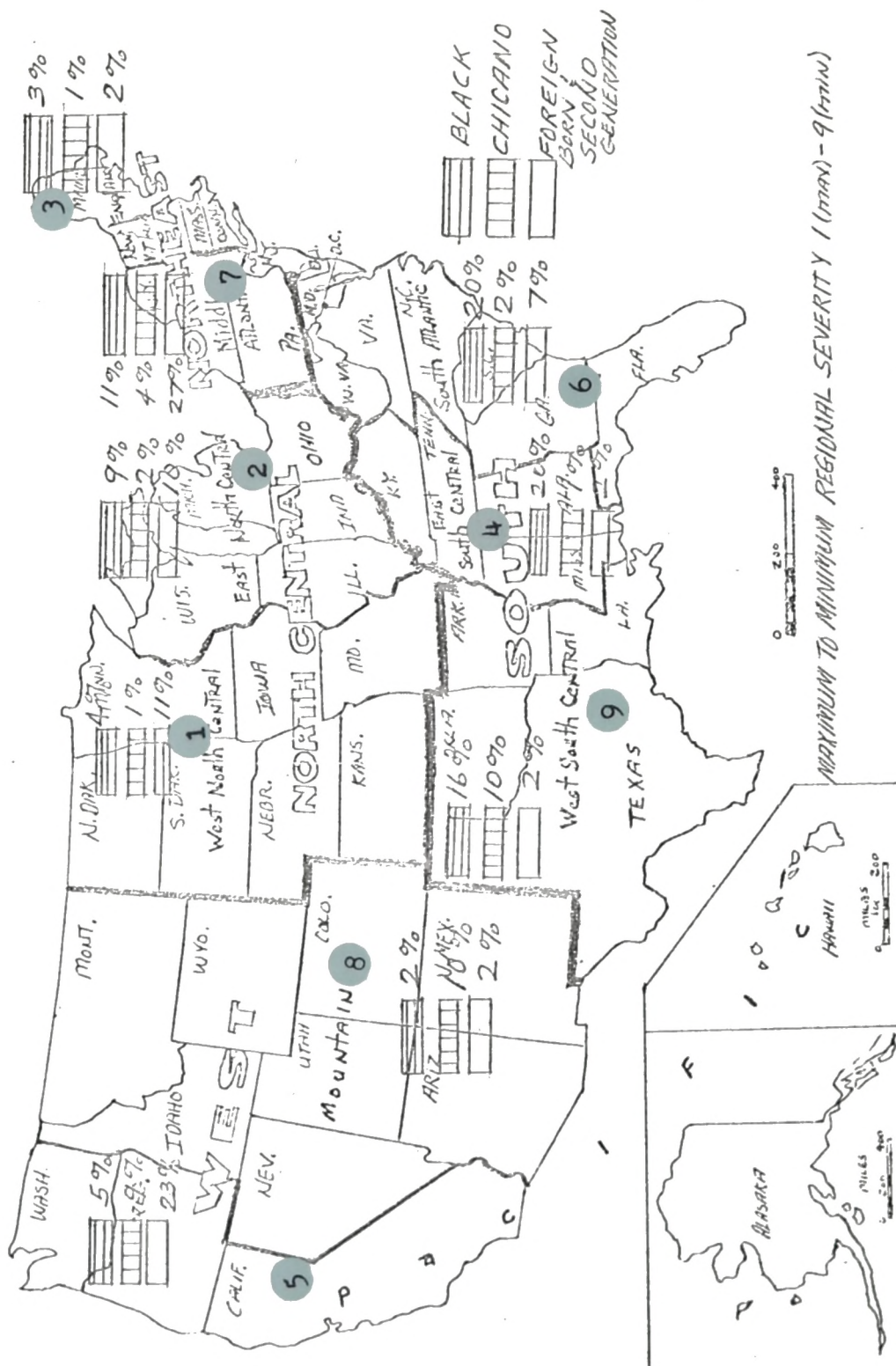
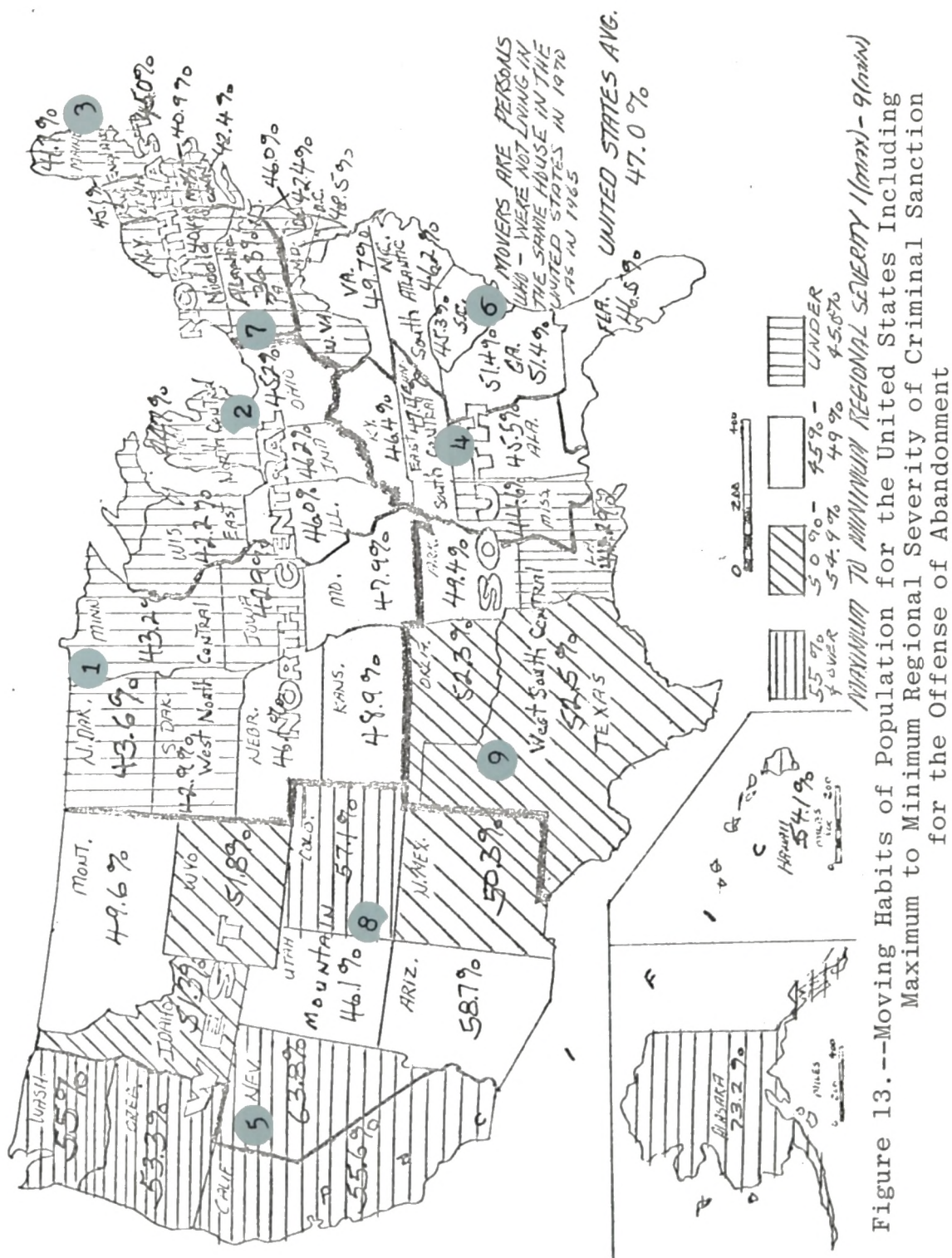


Figure 12.--Ethnicity Other than Native Born Anglo-White of Population for the United States Including Maximum to Minimum Regional Severity for the Offense of Abandonment



regions are more mobile. This appears applicable with the West North Central Region, ranked first in severity; and the West South Central Region, ranked ninth in severity. The West North Central Region has an average of 45% in mobility, while the West South Central Region has an average of 49.6%. This regional comparison is consistent except for a comparison of New England and the Middle Atlantic Region. New England, ranked third in severity, has an average mobility rate of 43.0%, while the Middle Atlantic Region, ranked seventh in severity, has only 39.7% mobility. The hypothesis appears invalidated by the latter comparison.

Education

Educational achievement of the population for the United States, including maximum to minimum regional severity for the offense of abandonment, has been illustrated in Figure 14. Educational achievement throughout the United States has been characterized as being higher with the westward movement. The West North Central Region, ranked first in penalty severity, maintains an educational average of 12.2 years, while the ninth-ranked region, West South Central, has an average of 11.5 years. From this comparison one may hypothesize that the more severe the region for the penalty of abandonment, the more educated it is also. When comparing the East North Central Region, ranked second in criminal penalty, to the Mountain Region, ranked

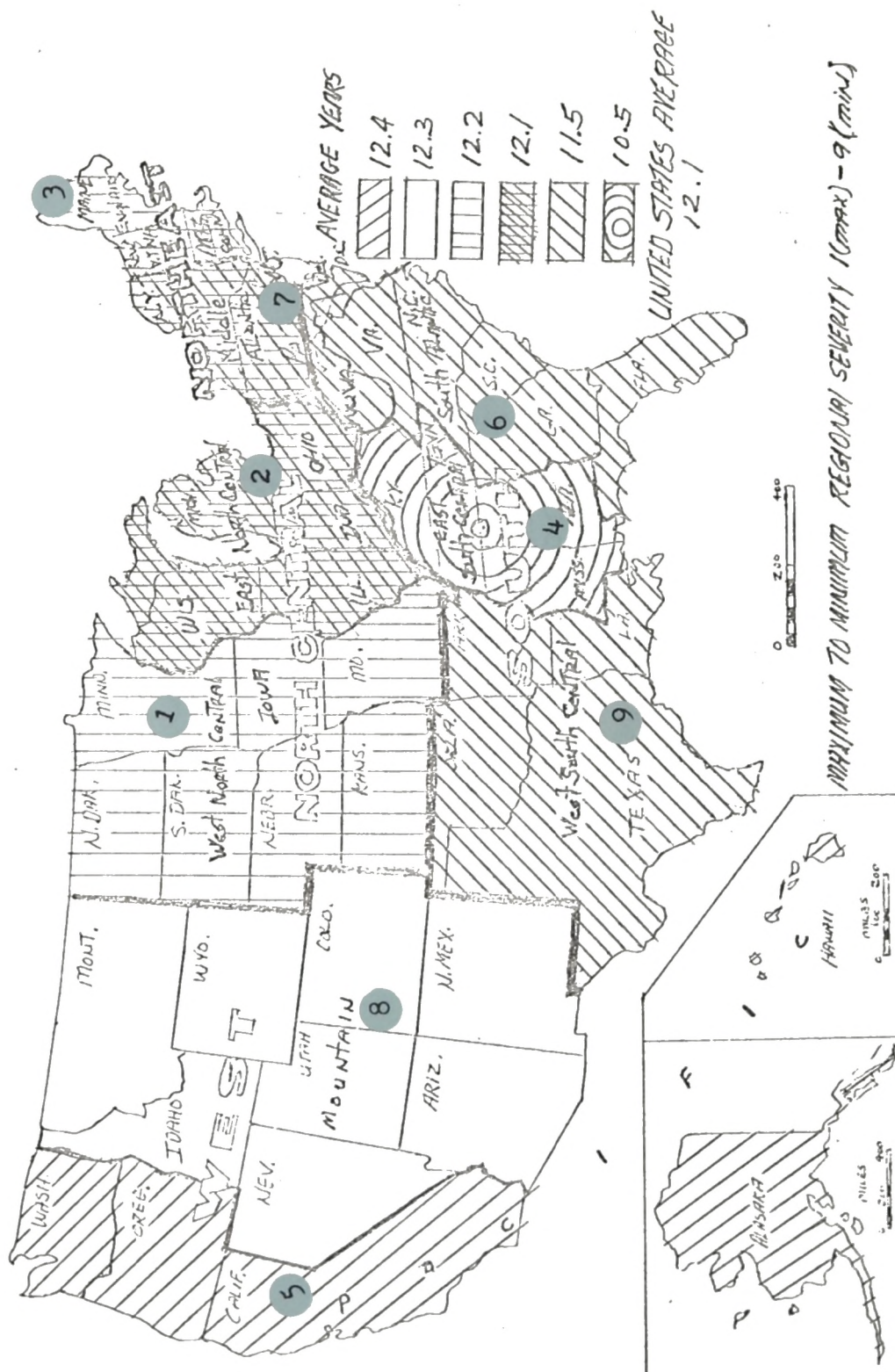


Figure 14.--Educational Achievement of Population for the United States Including Maximum to Minimum Regional Severity of Criminal Sanction for the Offense of Abandonment

eighth in severity of penalty, we find a contradiction. The East North Central Region has an educational average of 12.1 years, but the eighth-ranked Mountain Region has a higher average of 12.3 years. There is a pattern of educational consistency for comparative purposes, but rank for severity of penalty is unpredictably diffused throughout the United States.

Income

In the same perspective, income average appears to lack a consistent pattern in relation to penal severity. Income average of total population for the United States including maximum to minimum regional severity for the offense of abandonment has been illustrated in Figure 15. The West North Central Region, ranked first in severity, has an income average somewhat higher than the ninth-ranked West South Central Region. These regional comparisons appear to be too comparable in income assessment to be correlated to rank of severity of penalty.

In summary, initially there appears at least from an interstate perspective, a general insufficiently demonstrated relation between Census Bureau data used and the rank in severity of criminal penalty for the offense of abandonment. An intra-regional analysis appears to be equally inconsistent with ranking patterns other than regional compositions. The maximum penalties for the offense of abandonment are relatively proportionate to

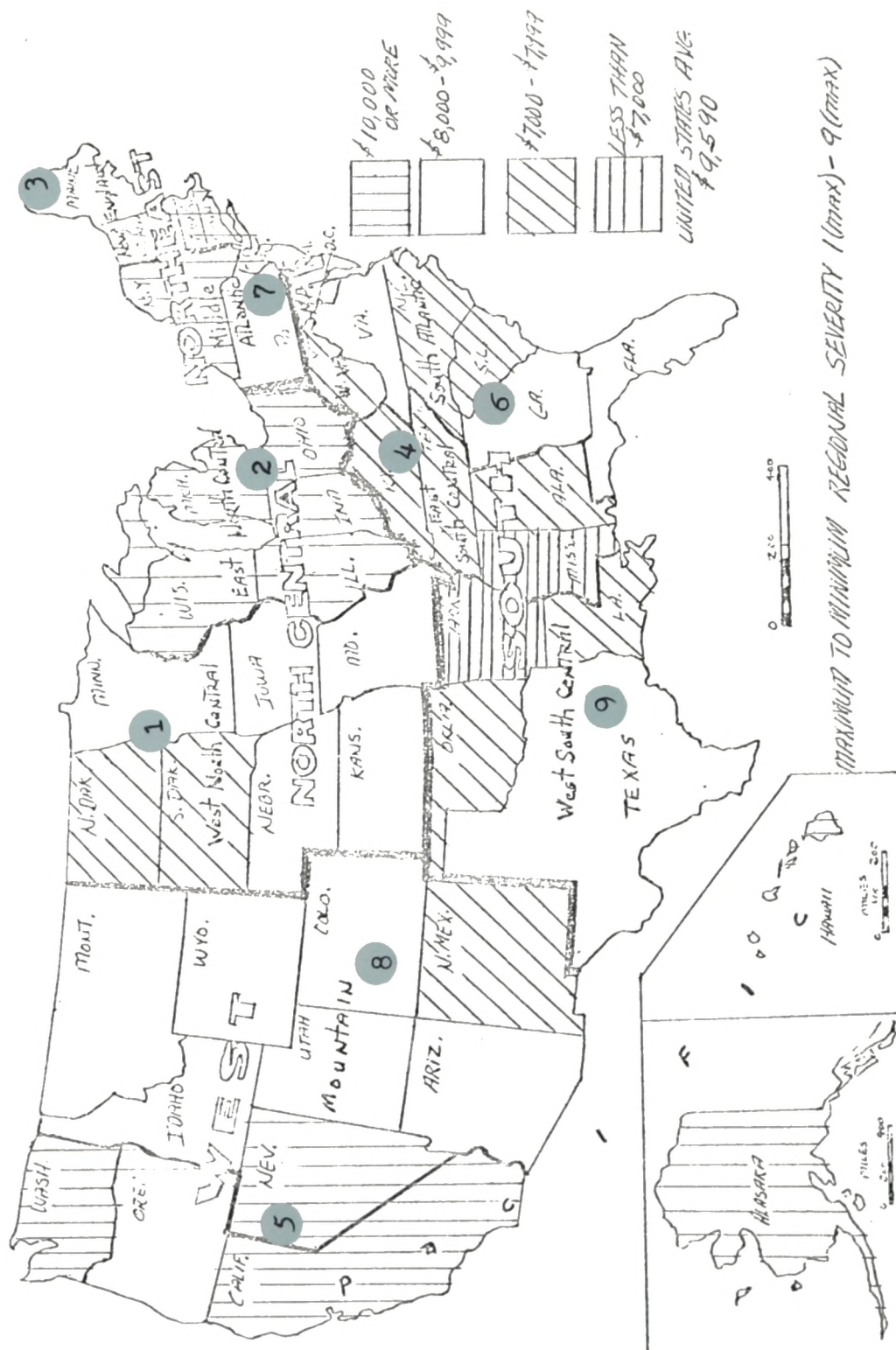


Figure 15.--Income Average of Population for the United States by Census Region Including Maximum to Minimum Regional Severity for the Offense of Abandonment

severity of penalty for physical abuse. As previously illustrated, the offense of incest provides the most severity of maximum penalty of the three child abuse offenses.

The rank of severity of penalty for the three offenses has been depicted in Table 7. An interesting comparison exists between the Pacific and South Atlantic Regions. Though both regions are at opposite ends of the United States, they maintain a consistency in rank of the three offenses.

The rank and weighted rank for the regions of the United States for combined three child abuse offenses, has been illustrated in Table 8. The East North Central Region, ranked first in severity of penalty or combined offenses, has a weighted mean rank of 3.0. The least severe region in the United States for severity in penalty is the Middle Atlantic Region, with a weighted rank of 59.7. The West North Central Region, ranked fifth, in severity for combined offenses, and the West South Central Region, ranked sixth in severity, maintaining the more similar of weighted mean rank. Weighted mean rank has been visually described in Table 9.

In Figures 16-20, there is an illustration of regional severity for the combined offenses as related to that of Census Bureau characteristics including population, ethnicity, moving habits, education, and income. From an

TABLE 7

Order of Rank of Maximum Punishment (with Mean Rank) for the Regions of the United States (by States) for Each of the Three Child Abuse Offenses

Offense	Rank	Section	Mean
Physical Abuse	1	East South Central	13.0
	2	East North Central	16.0
	3	West South Central	19.8
	4	New England	21.7
	5	Pacific	22.2
	6	South Atlantic	22.4
	7	Middle Atlantic	25.7
	8	Mountain	27.3
	9	West North Central	29.1
Incest	1	East North Central	10.4
	2	West South Central	12.8
	3	West North Central	15.4
	4	Pacific	15.8
	5	South Atlantic	18.4
	6	Mountain	20.1
	7	New England	21.2
	8	East South Central	24.3
	9	Middle Atlantic	43.6
Abandonment	1	West North Central	15.7
	2	East North Central	16.8
	3	New England	20.5
	4	East South Central	20.8
	5	Pacific	21.4
	6	South Atlantic	23.8
	7	Middle Atlantic	25.3
	8	Mountain	27.1
	9	West South Central	30.5

TABLE 8

Rank and Weighted Mean Rank (Where Rank is Multiplied
by Itself) for each Region of the United States
for the Combined Three Child Abuse Offenses

Section	Rank	Weighted Rank
NEW ENGLAND		
Physical Abuse	4	16
Incest	7	49
Abandonment	3	9
	weighted mean rank:	24.7
MIDDLE ATLANTIC		
Physical Abuse	7	49
Incest	9	81
Abandonment	7	49
	weighted mean rank:	59.7
SOUTH ATLANTIC		
Physical Abuse	6	36
Incest	5	25
Abandonment	6	36
	weighted mean rank:	32.3
EAST NORTH CENTRAL		
Physical Abuse	2	4
Incest	1	1
Abandonment	2	4
	weighted mean rank:	3.0
EAST SOUTH CENTRAL		
Physical Abuse	1	1
Incest	8	64
Abandonment	4	16
	weighted mean rank:	27.0

TABLE 8--Continued

Rank and Weighted Mean Rank (Where Rank is Multiplied
by Itself) for each Region of the United States
for the Combined Three Child Abuse Offenses

Section	Rank	Weighted Rank
WEST NORTH CENTRAL		
Physical Abuse	9	81
Incest	3	9
Abandonment	1	1
	weighted mean rank:	30.3
WEST SOUTH CENTRAL		
Physical Abuse	3	9
Incest	6	36
Abandonment	8	64
	weighted mean rank:	54.7
PACIFIC		
Physical Abuse	5	25
Incest	4	16
Abandonment	5	25
	weighted mean rank:	22.0

TABLE 9

Rank of Sections of the United States for Combined
Child Abuse Offenses Ranked in Order of Most
Severe to Least Severe Possible Punishment

Rank	Weighted Mean Rank	Section
1	3.0	East North Central
2	22.0	Pacific
3	24.7	New England
4	27.0	East South Central
5	30.3	West North Central
6	31.3	West South Central
7	32.3	South Atlantic
8	54.7	Mountain
9	59.7	Middle Atlantic



Figure 16.--Population Distribution by Region for the United States Including Maximum to Minimum Mean Ranked Regional Severity for the Combined Offenses

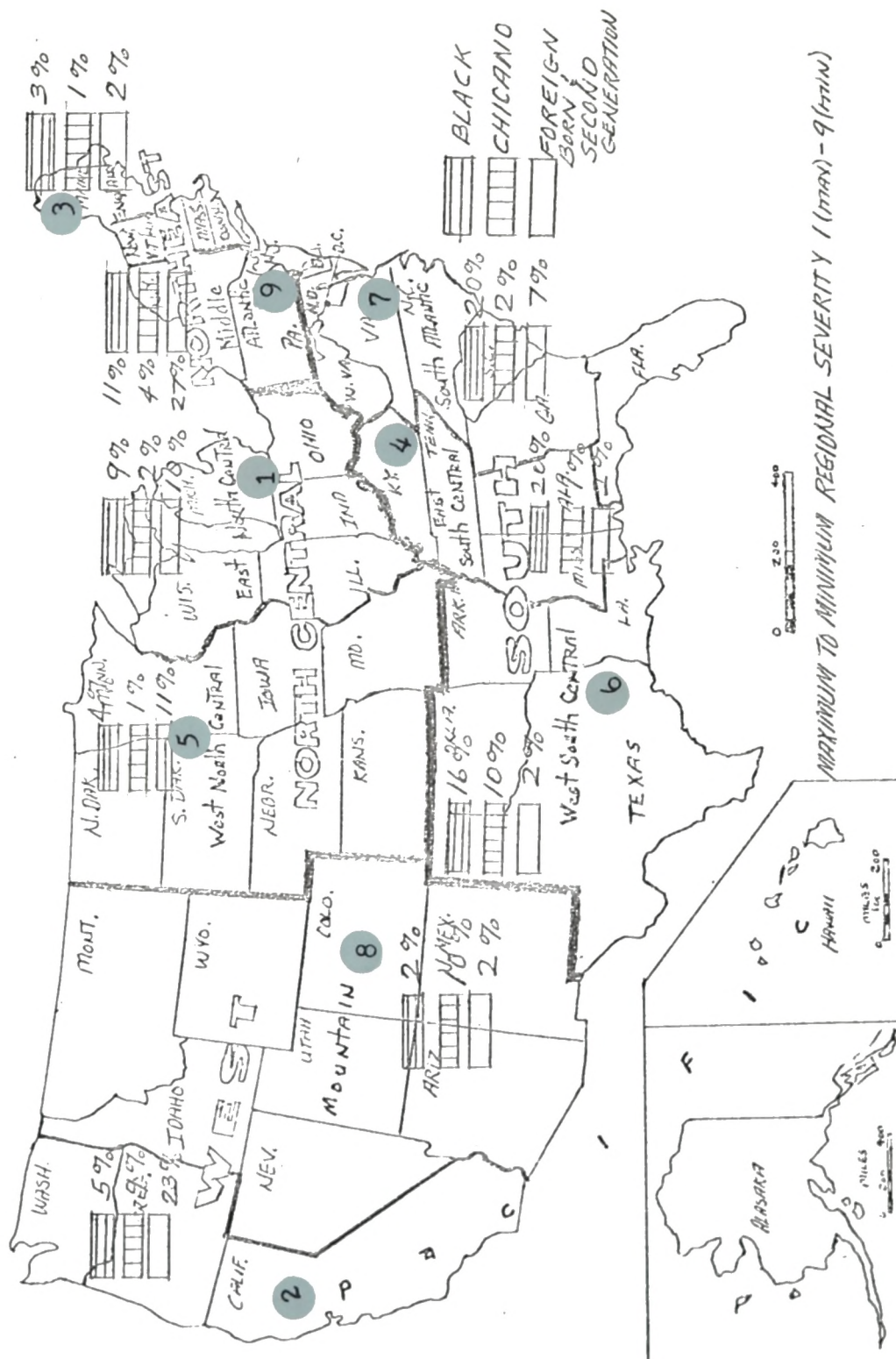


Figure 17.--Ethnicity Other than Native Born Anglo-White of Population for the United States Including Maximum to Minimum Regional Severity for the Combined Offenses

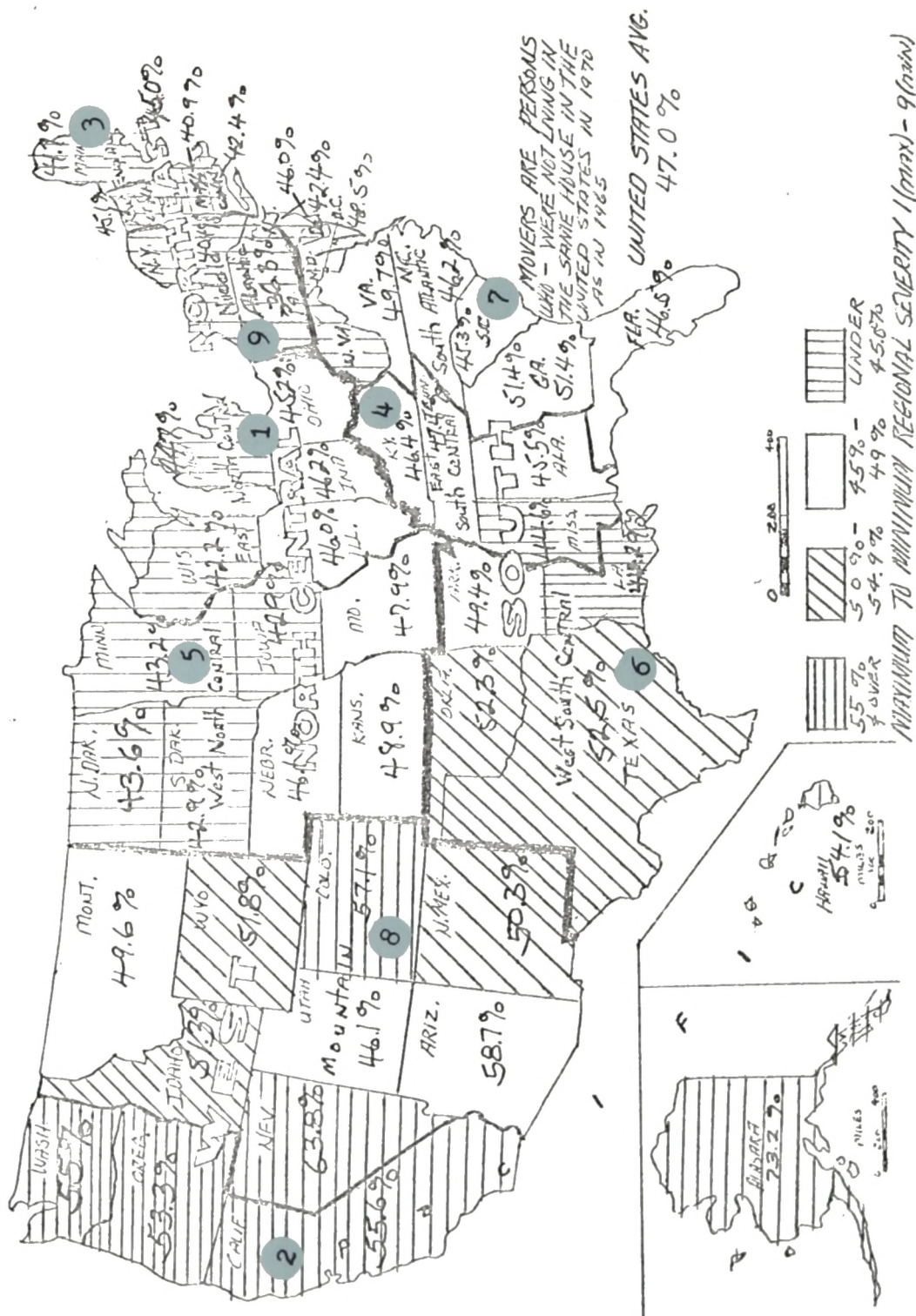


Figure 18.--Moving Habits of Population for the United States Including
Maximum to Minimum Regional Severity of Criminal
Sanction for the Combined Offenses

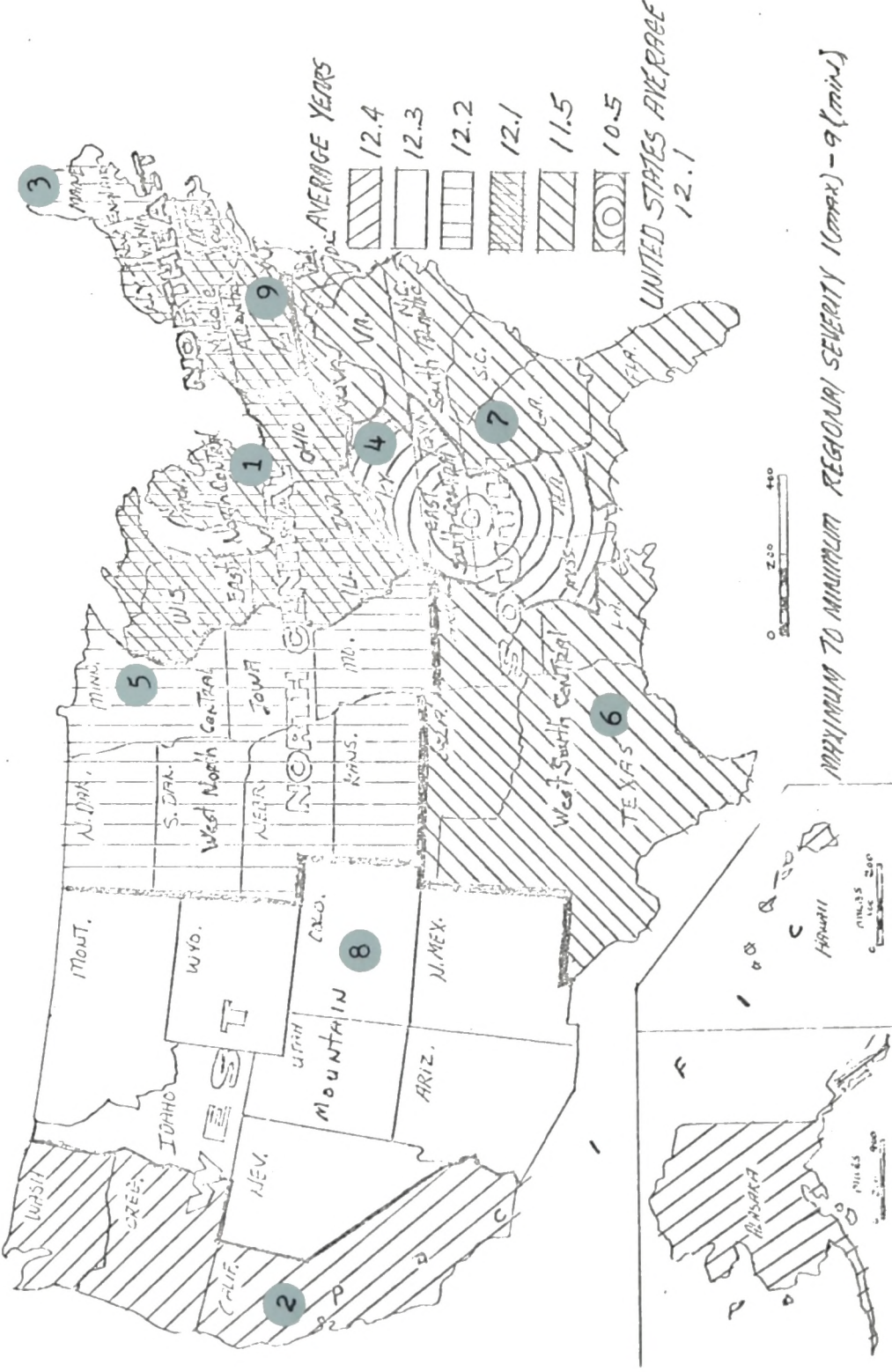


Figure 19.--Educational Achievement of Population for the United States Including Maximum to Minimum Regional Severity of Criminal Sanction for the Combined Offenses

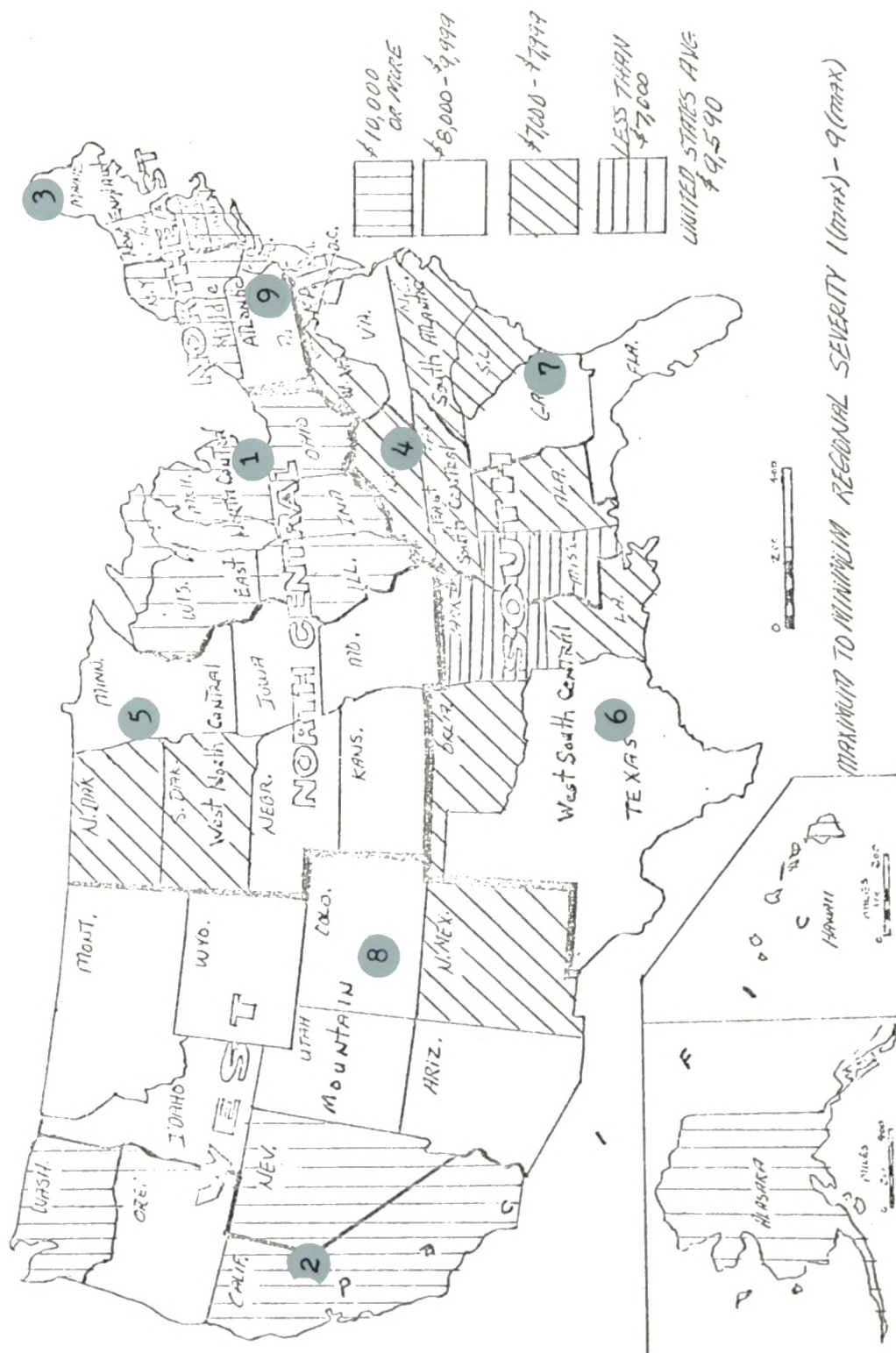


Figure 20.--Income Average of Population for the United States by Census
Region Including Maximum to Minimum Regional Severity
for the Combined Offenses

inter-regional perspective, there appears that within each of the above characteristics there exists a minimal amount of patterned relationships among the variables illustrated. The lack of observable pattern would seem to invalidate a postulated relationship among the observed variables as they now stand. More importantly, to survey the child abuse offenses of physical abuse, incest, and abandonment in relation to that of rank in severity of penalty, it appears one may need to concentrate upon intra-regional analysis. This study provides an initial analysis concerning the severity of criminal penalty involving child abuse throughout the United States. The purpose has not been to provide comprehensive explanation of child abuse legislation, but to contribute to the knowledge concerning the severity of criminal penalization and to initiate future study.

CHAPTER V

RESULTS

Summary, Conclusions, and Recommendations

This study has attempted to fulfill its purpose of contributing to the knowledge concerning severity of criminal penalty involving child abuse throughout the United States. Essentially, there has been an attempt to postulate and develop that the probabilities for receiving severe penalties for child abuse offenders are greater in certain regions of the United States than in others. Those child abuse offenses studied consist of physical abuse, incest, and abandonment. The maximum penalty which can be assessed for each of the offenses from each state's criminal statutes has been the penalty used for the purposes of this study.

For the purpose of assessing the evolution of child abuse, an historical perspective of child abuse and its legislation has been summarized. An initial investigation illustrates that child abuse is by no means a new problem. Early beliefs of treatment of children have been exemplified by biblical expression concerning the correction of children or the destruction of children, (including Herod's order to slay "all the children that were in Bethlehem, and in all the coasts thereof, from two years and under [Matt. 2:16]."

In a more contemporary perspective attitudes of

disregard for children began to diminish. In the United States, rights of children, both morally and legislatively, became more increasingly apparent during the nineteenth century. Modifications in criminal liability concerning child abuse offenses, concentrated in the United States, appear evident in the severity of penalty which each state assesses.

Due to the apparent pervasiveness of child abuse throughout the United States, much social concern to contain the problem has arisen. The most apparent mechanism for social control of child abuse exists in our laws. Attitudes towards child abuse are reflected in the laws of the several states. For our purpose, the problem in this study is presented in the postulate that the probabilities for receiving severe penalties for child abuse are greater in certain regions of the United States than in others. It is not within the scope of this study to attempt to ascertain the motives behind the framing of such penalties. One of the goals of this research is, however, to highlight any patterns of inconsistent penalties which may appear so that a foundation for future research understanding of penalty inconsistency might be laid.

In determining penal diversity of the regions of the United States for the child abuse offenses of physical abuse, incest, and abandonment, the following findings

were characterized. Concerning physical abuse, the East South Central Region maintained the greater severity of penalty, while the West North Central Region was the least severe in penalty.

For the offense of incest, the greater severity of penalty is characterized by the East North Central Region, with the Middle Atlantic the lesser. For abandonment, the West North Central Region portrayed the most severe penalty and the West South Central Region was the least severe. A broad perspective of rank of regions of the United States for combined child abuse offenses ranking in order of most severe to least severe possible punishment, occurs in Table 10.

TABLE 10

Regional Rank for Combined Child Abuse Offenses

Rank	Section
1	East North Central Region
2	Pacific Region
3	New England Region
4	East South Central Region
5	West North Central Region
6	West South Central Region
7	South Atlantic Region
8	Mountain Region
9	Middle Atlantic Region

In order to illustrate possible causes of diversity of severity of sanction in child abuse legislation, U.S.

Census Bureau data have been used to depict the characteristics of population, ethnicity, moving habits, education, and income throughout the United States. Concerning physical abuse in correspondence with Census Bureau data, the findings tend to illustrate only that there is a correlation of severity of penalty to that of educational attainment. Using this comparison, there is some support for the contention that those regions with the more severe penalties against physical abuse are also the lesser educated. Additionally, there is some support for the conclusion that the least severe region for the penalty of physical abuse is the more educated; e.g., the East South Central Region ranked first in severity of criminal penalty, maintains an education average of (10.5) years, whereas, the West North Central Region ranked ninth in severity, maintains an educational average of (12.2) years.

An inter-regional assessment of physical abuse in relation to population, ethnicity, moving habits, and income appears yielded in conclusive results; i.e., these variables did not appear to be correlated with the variation of penalties noted.

An interstate cross-regional analysis was attempted with the states of Kansas (ranked ninth), Oklahoma (ranked ninth), Texas (ranked second), New Mexico (ranked first), and Colorado (ranked third), in severity of maximum criminal penalty for physical abuse of children. Each of the above

states are contiguous to Oklahoma and each rank high in penalty severity for physical abuse. This noted relationship might be explained if, at the time the laws were legislated, there were a widely publicized case of child abuse which affected the noted states. Sutherland used such explanation for the diffusion of sexual psychopath laws. It is not known whether or not such a "case" were widely publicized. Further study is, perhaps, indicated.

For the offense of incest, an inter-regional correlation in severity of penalty to that of the five Census Bureau subjects concentrated upon appears generally inconsistent. Regions maintaining more severe penalties for those who commit the offense of incest, are primarily also highly mobile. Essentially, maximum punishment for the offense of incest is generally more severe than for the offense of physical abuse.

There also appears, at least from an interstate perspective, a generally insufficiently demonstrated relationship between Census Bureau data used and the rank in severity of criminal penalty for the offense of abandonment. An intra-regional analysis appears to be equally unproductive of explanation. The maximum penalties for the offense of abandonment are relatively proportionate to severity of penalty for physical abuse. As previously illustrated, the offense of incest provides the most severity of maximum penalty of the three child abuse

offenses.

To survey the child abuse offenses of physical abuse, incest, and abandonment in relation to that of rank in severity of penalty, it appears one may need to concentrate upon intra-regional analysis, due to a minimal amount of inter-regional patterned correlation.

This study has attempted to provide an initial analysis concerning the severity of criminal penalty involving child abuse throughout the United States. In attempting to describe or define the broad perspectives of child abuse, the author has limited child abuse offenses to physical abuse, incest, and abandonment. Once again, in illustrating the legislative penalties for each of these offenses, only the maximum possible penalties are recorded and they do not necessarily reflect what each state actually has assessed. Such a study of assessed penalties may be in order.

The chief conclusion of this study is that the maximum penalties embodied in the laws of the various states vary widely with reference to each of the behaviors under study. Such variance remains largely unexplained. It is hoped that this study will contribute further studies leading to such explanation.

Future research might postulate: (1) that there are differentials in the rates of assessment according to such variables as social class, income, or ethnicity; (2)

that diffusion of child abuse laws follow discernible patterns related to communication patterns; (3) that educational level of the population (since educational level seemed to be correlated with maximum penalty embodied in the law) is correlated to actual penalties as assessed. Other variables which might be fruitfully explored are religion and/or local mores.

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