

A Weekly Paper Devoted to Philosophy, Science and Religion

The ALL-SEEING EYE

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Edited by MANLY P. HALL

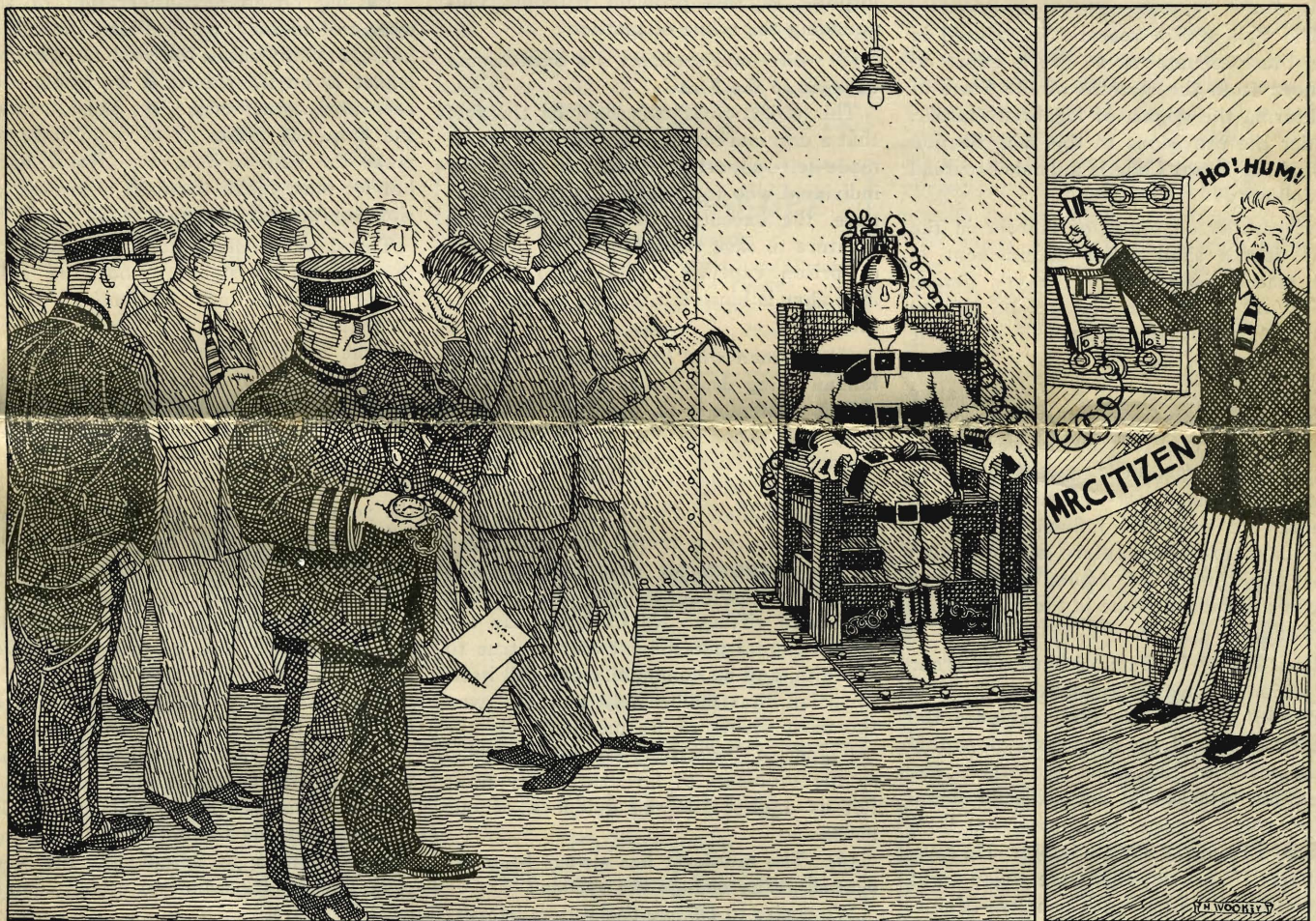
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MURDER *in the* NAME *of the* LAW



ARE YOU BACKING UP YOUR IDEALS

If you are opposed to Capital Punishment, what are you doing about it? Are you taking an active part in the battle against that statute which forces the employees of the State to do MURDER for you? THERE ARE TWO FORMS OF SIN. The sin of commission is the doing of that which is wrong; the sin of omission is the FAILURE TO DO THAT WHICH IS RIGHT. Those who advocate the abolishment of Capital Punishment, yet do not personally interest themselves in the many ways whereby the individual can help to remove this blight from the State, ARE GUILTY OF COMMITTING MURDER by indifference. Californians, wire your Senator and Representatives to support the FelloM Bill. NOW is the appointed time to realize and to act!

Do not permit your INDIFFERENCE to do murder.

CAPITAL PUNISHMENT IS LEGALIZED MURDER

The Fellow Bill a Corrective

The Fellow Bill recently introduced in the State Senate is a direct effort to remove from the statutes of the State of California the stigma of legalized murder. Under the provisions of this Bill, Section 190 of the Penal Code is amended to read as follows:

"Every person guilty of murder in the first degree shall suffer confinement in the state prison for life; every person guilty of murder in the second degree is punishable by imprisonment in the state prison not less than ten years."

Senator Fellow's Bill, as representative of the most progressive humanitarian sentiments of a civilized commonwealth, deserves the unqualified support of every man and woman far-sighted enough to realize the profound influence which it will have upon the future of the State. The abolishment of capital punishment marks a great milestone in the civilizing of civilization.

Hon. Harry L. Davis, former Governor of Ohio, in an article published in "The Outlook," of July 26, 1922, explodes the theory advanced by advocates of capital punishment to the effect that there has been an increase in homicide in those states where capital punishment has been removed from the statute books. He says, in part: "However, there are today eight states that have no death penalty—Maine, Rhode Island, Wisconsin, Minnesota, Michigan, Kansas, North Dakota, and South Dakota. They have had no capital punishment in from nine to seventy-five years. Homicides in the first five have averaged from 1915 to 1919, 35 for each million population, according to New York World statistics compiled by F. L. Hoffman, of Newark, N. J., while in 25 capital punishment states for which such figures are available, the homicide average during the same period is shown to have been 84 for each million inhabitants."

It is interesting to note that the State of Maine, which abolished capital punishment in 1887, has the smallest homicide

rate in the United States, whereas California where the death penalty is enforced—according to tables compiled for the years 190-1921—has the second highest homicide rate in the Union.

Let us first consider briefly the five popular arguments advanced by advocates of capital punishment as adequate reasons for the execution of a convicted murderer:

(1) **Capital punishment effectually removes the possibility of a repetition of the crime of murder by the same offender.**

By separating the murder from contact with the community for the rest of his natural life, and depriving him of the privilege of parole, the Fellow Bill effectively disposes of this problem without compounding the crime of murder.

(2) **Life imprisonment is a burdensome expense to the State.**

This objection is overruled by the fact that a criminal incarcerated for life can be made self-supporting. What is more, any individual who is so selfish as to countenance the execution of a fellow human creature to save the infinitesimal pro rata of prison expense necessary to keep a man alive is himself a menace to the community.

(3) **A man who has murdered another human being deserves to die.**

This statement—so often made—is in direct opposition to the Christian religion, the accepted faith of the American people. It has been declared by Christendom that the Mosaic Law of "An eye for an eye, and a tooth for a tooth" was superseded by the doctrines of Jesus Christ, who taught that forgiveness was the greatest of human virtues. No Christian can advocate capital punishment and be true to his faith, and no community can call itself Christian that deliberately murders even the most erring of its members. If the teachings of Christianity are not applicable to the problems of law, then they must fail as a code for the guidance of our people.

(4) **The murderer has always been executed. Why change the system?**

We desire to change the system because the system has failed. We no longer live in the Dark Ages, but in what we claim to be civilized and enlightened times. Let us efface forever from our statutes capital punishment as a modern survival of primitive barbarism, ignorance, and savage cruelty.

(5) **The moral example of capital punishment discourages crime.**

The fallacy of this argument is apparent to all who read the daily newspapers. In spite of the fact that over a period of many centuries tens, yes hundreds of thousands, of murderers have been burned, hung, decapitated, electrocuted, and asphyxiated, the number of murders increases with

amazing rapidity. If capital punishment discourages crime, how did the commission of crime survive the reign of King Henry the 8th, for while this sovereign sat upon the English throne 72,000 people were publicly executed for 240 minor major offenses? In his work, "Capital Punishment," Clifford Kirkpatrick, Ph. D., produces evidence to the effect that the moral example of capital punishment is not a deterrent to major crime. He writes: "The death penalty may be an actual suggestion to crime. A boys' club in New York agreed to stand for two minutes in the honor of four gunmen who had 'died game'."

Passing on to a consideration of the causes of murder, we find that the criminal is, in many cases, the victim of circumstance or environment. If we would successfully combat crime, we must destroy the cause of crime. Not only must we make the path of the transgressor hard, but we must make the path of transgression unprofitable and uninviting.

The dope peddler selling his wares or the steps of the public school; the bootlegger distributing poisonous liquor through the community; parents neglecting the moral training of their children; the congestion of great cities where millions are huddled together, many with improper food and clothing or hygienic advantages; the grinding wheels of industrialism; literature unfit for the minds of the youth who read it; all these are powerful factors in the fabrication of the criminal.

Modern civilization is permeated with crime. Gold is supreme and its accumulation the prime motive for living. The criminal is actually the personification of the criminal instincts of the race, the murderer the personification of the murderous instinct of the race. Man is but thinly veneered with respectability; he is still a savage in his own heart, and occasionally someone—unable to control his innermost urges—commits in actual life the very crimes which thousands of others commit in their hearts.

You may continue to destroy the occasional malefactor who comes within the grasp of the law but you cannot destroy crime until you destroy selfishness within the hearts of human creatures. Crime is as old as the human race. It is in the blood and bone of every creature; it can never be beaten out of man nor will his death destroy it.

The only practical solution of crime is education—not only the education of the intellectual faculties but education in moral value sense. The child must be taught the value of human life; the finer and kindlier qualities now ridiculed must be unfolded and nurtured; the realization

of the value of constructiveness must be woven into the fabric of American youth.

Every so often the world is drenched in the blood of a great war, in which the intellects of the human race vie with each other to create more terrible instruments for the annihilation of their fellow creatures. On the field of battle thousands of lives are snuffed out in a single second; shells, gas, and liquid fire sweep across the face of the earth, directionalized by so-called civilized and cultured nations! What is the inevitable reaction? Man becomes careless as to the value of human life. What is one person more or less in the midst of a holocaust of shrapnel?

All over the world the value of human life has depreciated. Man's inventions grind him to pieces and every day the papers are filled with casualty lists from accident, fire, and plague. The result is that the impressionable youth—the useful citizen or criminal of tomorrow—grows up surrounded by examples which distort the mind and produce various forms of bias that, if sufficiently emphasized, become criminal tendencies.

The penal institutions of this country contain many men and women who, while possessing brilliant intellects, have in their natures peculiar mental or moral kinks which were not controlled and thus became the dominating influences in life. A morbid disposition, an unhealthy attitude toward the problems of life, attempts to shirk the responsibility and labor of providence—all these attitudes develop into distinct criminal expressions. Obsessed by his attitudes, the individual seeks to force the world to accept his own standards and then curses society that finds it necessary to isolate him in self-defense.

It has recently been scientifically established that the criminal is actually a sick man and crime a disease—a disease both infectious and contagious, which permeates the entire fabric of an individual until it destroys all the constructive tissues. All living creatures contain the germ of this disease, but fortunately only comparatively few permit the disease to gain the upper hand. Disease is not limited to the body—in fact, the most deadly diseases are not those which attack the physical members. These are diseases both of the mental and moral natures which, while outside the cognizance of material science, are being explored and catalogued by highly specialized types of intellect such as the alienist and the psychoanalyst. The prison must be looked upon as a place wherein the morally and mentally sick are quarantined until their ailments have been diagnosed and a proper treatment applied. There is no doubt that a certain percentage of mental and moral disease now called crime can be effectively treated and

the sufferer returned again as a useful member of society.

The mere recognition of crime as a disease will do much to remedy present conditions, for efforts will then be made to find a cure for the criminal, whereas up to the present time his detention has been considered sufficient. Every prison should have on its official staff an alienist, whose duty should be the continued study of the factors in the individual which caused and perpetuated criminal impulses. When a man is physically sick the medical fraternity attempts to cure him and will use every effort to keep him alive, even if fully aware that a permanent cure is impossible. The ethics of the profession demand that every patient shall breathe just as long as it is humanly possible to keep breath in the body. On the other hand, when a man is morally and mentally sick—that is, a criminal—the law either confines him without proper curative treatment or, if he be considered incurably sick, hastily executes him, thus effectually removing all opportunity to study his condition and any possible chance to cure him.

Victor Hugo summarizes this aspect of crime in the following noble sentiments: "For what then do I ask your aid? The civilization of penal laws. The gentle laws of Christ will penetrate at last into the Code, and shine through its enactments. We shall look on crime as a disease, and its physicians shall displace the judges, its hospitals displace the galleys. Liberty and health shall be alike. We shall pour balm and oil where we formerly applied iron and fire: evil will be treated in charity, instead of in anger. This change will be simple and sublime."

The criminal codes of the future will be more humanitarian, for they will be devoted to the transmutation of crime rather than the extermination of criminals. The same energy and cunning which make a dangerous criminal, when redirectionalized into constructive channels, result in a valuable and industrious member of society. The antiquated exterminative measures employed to check crime have completely failed in their purpose, as evidenced by even a superficial consideration of present criminal conditions in America. Even a child realizes that, while the crime of murder is a most serious offense, a second murder on the part of the State can not possibly improve the situation, for while there was one person dead before the execution there are two persons dead afterward. The first individual is not restored to life by the proceeding, nor has justice been satisfied.

The citizens of a State who employ officials to perform the necessary murders required under the law of capital punish-

ment are themselves instigators and accessories to the crime of murder, but they are too cowardly to personally supervise the crime which they sanction and commit by proxy. It is the voter—and not the executioner—who is responsible for the death of the murderer. The executioner is merely the hired representative of the people and no individual has a moral right to advocate a law which he is not personally willing to enforce. Therefore, no individual has a right to advocate capital punishment who is not personally willing to cut the cord which holds the trap door of the gallows or close the switch which turns the current into the electric chair. How many of the prosperous, peace-loving members of a community could be found who would volunteer their services for this task?

Elbert Hubbard advances the theory that "Just as long as the State sets an example of killing its enemies, individuals will occasionally kill theirs." He makes the following comments on the attitude of ex-President Fallieres of France regarding the death penalty: "Among the pleasant duties of the President of France is that of signing all death warrants issued in the Republic. This is well. President Fallieres says, however, that there should be a slight change in the arrangement, to-wit: The judge who sentences the man to die, should also act as his executioner. President Fallieres knows full well that if this were the case it would do away with legalized homicide. He says, "I will not ask another man to do that which I myself am unwilling to do. I will do no murder—even for the State."

We no longer live in the day of swash-buckling buccaneers who fought on street corners over trivialities and murdered as a legitimate form of amusement. Nowadays many people turn pale at the sight of blood and reach maturity without ever having seen a person die. We are not cruel as a nation, and those who have once witnessed an execution never went to behold another. Because the tragedy which takes place behind the gray stone walls of a prison is hidden from our sight and we are not brought face to face with the effects of our legislation, we thoughtlessly permit laws to remain upon our statute books which we would quickly eradicate if we personally contracted their savagery.

The restoration of the medieval system of public executions might be an effectual solution to the problem of capital punishment. The townfolk of the Middle Ages were so accustomed to behold death and were so entertained by the spectacle of public hangings that they even held their children up above their heads so that the

(Continued on page 7, Col. 1)

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WHAT PRICE CIVILIZATION

And the Greatest of These is Vanity

Whenever anyone mentions the valuable improvements which are the outgrowths of civilization, let us not forget some of those so-called improvements among them "style." It is surprising to learn the tragic part it plays in many lives.



Style is used to take the place of a dying personality. The truth of this was proven to my satisfaction by a fashionable tailor who produced undeniable evidence. He quite agreed with the late King Edward that "clothes make the man," and in defense of this belief he explained several of the ins and outs of his trade. He told how he could pad up stooping shoulders, fill out hollow chests, and straighten bandy legs by peculiar processes of his art. He can cut down hips build out muscles, straighten spinal curvature, and in other words take a miserable specimen of manhood and send it back to its friends a perfect Hercules.

How often is it true that hideousness adorned promanades as beauty! If there ever was a curse upon the face of the earth, it is style. Few can afford to follow its edicts in these times of economic stress, and yet rich and poor alike struggle and fight to keep up with the Parisian will-o'-the-wisp. Day after day they wear themselves out chasing this illusive creature, this parasite nurtured by hairdressers, modistes, masseurs and tailors who make mil-

lions out of a thousand fashionable inconveniences.

Have you ever observed milady in all the radiance of her uncontained exuberance, her face framed by a halo of electric curlers that hang from the ceiling? She is happy in the pain of implanting the principles of spinal curvature into her rebellious hair. At this she spends half her time—the other half inside a cast of beauty plaster. While the plaster is working the curl comes out, and vice versa. But then, ask arty man in dress clothes what he thinks of his tall stiff collar, gloves and impossible shirt front. He will admit he is miserable but will aver that he has to do it because the rest do. Both of these parties would be equally miserable if they failed to acquiesce with this ever-changing lunatic known as fashion, so what can be done? This state of affairs is the direct product of a civilization that considers absolute everything except the actual need of the individual and the welfare of his body.

This modern system of dress is certain to play a great part in race extinction. Already it has for many ages held a prominent position among the causes of human suffering. Pulled into a hundred shapes, bound and tied in half a dozen different ways, the body stands—or tries to stand—exposed to the chilly blasts of winter and smothered in the summer by multitudinous concoctions of Parisian intellect. Its feet die of suffocation or else become warped trying to fit themselves into something several sizes smaller than they are, while their rear ends are held up in the air by Spanish monuments which twist 50 per cent of the body above out of its appointed position. Then behold this body's neck—held up like a giraffe's by a celluloid collar which vanishes into the mystery of a starched shirt front that creates a pigeon-chested effect each time the wearer sits down. The species homo is daily making itself endlessly miserable by trying to improve upon nature and as a result so cramps the body that this gradually atrophying organism is a mere hollow mockery inside an ornate artificial plating. The body of the average person is absolutely incompetent to co-operate with him in the mutual problem of physical existence.

Anyone who says shoes are healthy is quite foolish but anyone who leaves them off is put in the psychopathic ward as a possible menace to the community; whoever told man he looked well in a swallow-tail coat of sombre hue certainly had a poor eye for art; while tall silk hats are quite certain to produce baldness which condition does not particularly improve the general appearance of those who own this lackage. The savages dress in the

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furs and feathers of helpless creatures they have slain—many of us prance around evidencing our savagry by feathered bonnets and fur clothing. Unless a difference in style is found and man is given greater bodily freedom, that he may develop himself in a natural way, civilization will necessarily fail because there will be no one left alive to keep it goin.

The Food Question

Consider for a moment that which goeth in at the mouth. Here again civilization reaches genius in concocting death-dealing beverages and foods which nothing created from atomic substance can successfully manipulate, digest, or expel from the system. These mystic dishes are delicious but only so to a palate educated to unnatural tastes. The Roman emperor dined on peacock's tongues, while we find Eskimo pie more conomical and to our tastes. Natural food values are lost. A French chef who is capable of mixing twenty-nine different condiments together without their exploding is worshipped by the modern epicure who will take three gastro-dyspepsia tablets and then assail the combination. Here again we ask—is a civilization that brings this to us a thing to be proud of or is it merely a detriment masquerading under the guise of an accomplishment?

On we go, with our heads in the air, talking about modern conveniences, but most of them are merely props to hold up inconveniences and enable man to be absolutely miserable in a fairly comfortable way.

This view of the situation will not be looked upon favorably by many people, for most have sacrificed everything they are and have in the name of this mechanical thing, civilization. But where are the heroes of days gone by? Where are the seers, sages, and prophets? Where are the enlightened minds that live immortal? Where are the great ones who make themselves living temples to living gods? Civilization has taught man to build beautiful temples of rock and stone, but with the life blood of his fellow man, and every day he makes his own living temple less fit to be the dwelling place of the spirit within.

You will point out and say—look what wonderful things modern methods have done. But we ask you to look and see what these same methods have also undone. Poison gas, liquid fire, gun powder, cannons and machine guns—all of these are just as much products of civilization as gum-drops and victrolas. One gas shell will kill more men than the ancients lost in a whole war. Voltaire has aptly said: "The savagery with which they fight is a

proof of their civilization and superior mentality."

The Immortal Tooth-Brush

And you point with pride to the tooth-brush—one of the most universal implements which civilization has yet conceived. This little broom for sweeping the teeth is still indigenous to the human race; there are no records of the animals using them, nor has it been discovered that the angelic hierarchies find them necessary. Yet in spite of his noble defense of the bicuspid, man is the only creature in the universe up to the present time who has false teeth. The primitive man did not use a tooth-brush, yet his teeth were far better than ours. Methuselah, it is said, wore his own for nine hundred years in spite of pyhorrea.

Civilization creates foods that destroy the teeth; pumps the body full of medicine that decays the teeth; then it runs down the nervous system, depletes the vitality, corrupts the digestive plan, and reduces the hours of rest. The result is the teeth fall out. These conditions are the direct result of a system of living which we call civilization; and yet in the face of all of this, it comes out on the front porch with a flourish and a blare of trumpets and offers as a special boon to humanity—a **tooth brush!**

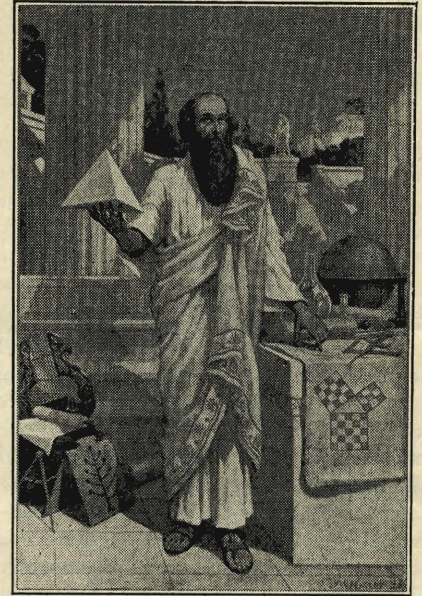
All the way along the line we find the same absurdities. Civilization spends most of its time discovering surface remedies for its own failings. Thousands of wars have been fought by our most cultured nations, most of them for one purpose—to bring about peace. Every day the thing we call civilization is dragging people to untimely graves by tearing down both mind and body; its endless swirl of excitement leaves men and women wrecks before their lives begin.

That Which Is Called Law.

Let us not forget its complexity of laws. Man has a special set of laws justifying everything he desires to do. If at any time they do not suit him, he amends them, then the next generation amends the amendments. A son's only hope of life is to lay by enough shekels so that in his old age he can become one of the law-makers and change a few of the awkward phrases to suit his own convenience. There is no penalty for breaking these man-made laws, however; the crime today is to get caught. All of this endless contradiction, dissension and quibbling gives the human race some enlightenment, but only after years and ages of uncertainty.

The Beast Beneath.

The civilization we know today is not natural; it is an assumption from beginning to end. The beast of the jungle still lurks in the heart of man; at soul the mass of humanity is composed of primi-



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tive creatures, fighting, scrapping for what they want, cursing those in their way, struggling for possession, and fighting for existence. Mr. Moneybags, figuring up his income tax, is at heart a dressed-up hyena gnawing at the shin-bone of his last victim and trying to find a way to eat the entire carcass and remain alive. He still growls when you try to take this bone away from him; but now that he is civilized he hires three lawyers to do the yapping.

Man is still the thoughtless, heartless beast, supremely selfish and supremely self-centered; like the cat with its velvet paw he conceals his claws under a pinch-back cutaway and white waistcoat. Said coat and vest do not alter him in the least, unless it be a very good coat and vest—then it will make him a little more conceited. So, Smith, in a white vest, argues with Brown in a white vest, concerning the problem on hand which problem perhaps concerns the fate of Miss Blank. While these two bow and scrape—longing to get at each others throats—beneath the white linen veneer lies smothered the spirit of the primitive beast. The next morning the papers tell you all about it. Smith threw Brown out of a window, shot Miss Blank, then took gas. There was nothing unusual about it, just a little excitement that will soon die down. All according to the general style of modern behavior.

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Crime waves and wholesale degeneracy show plainly what lies beneath the thing we call civilization, and proves conclusively that this coating or polish does not sink in very deeply.

What Can Be Done.

The thing to be especially considered is the possibility of improving this rather rebellious world child. One of the greatest things the human race must learn to do today is to adapt its resources to the actual needs of the respective units that compose it. Every one of the inventions and discoveries we have made are capable of serving the highest purpose. The power that comes with them is two-edged; if wrongly used it will destroy as rapidly as it builds up. We have many conveniences but we are using them to injure ourselves; we have practical things but we are not using them in practical ways; and we can never use them in practical ways until those who have power to administer them will do so unselfishly and without ulterior motive.

This sham civilization has got to fall—or rather be melted into an honest-to-God, worthwhile thing. Until then, we have little to be proud of. The measurement of value and virtue is not taken upon the base of ownership, but upon the principle of use. Power is not a virtue; but the proper use of power is virtuous. Let us build a permanent civilization upon the ideal that use is the measurement of intelligence, and constructive application is the proof of rightful ownership.

THE FOOL
The Fool became dissatisfied with preaching nice smug sermons to nice, rich, smug parishioners.

The Fool gave up his fiancee for the sake of his ideal of service.

The Fool believed in preaching on practical economic conditions instead of a sentimental Christmas sermon and was asked to leave.

The Fool left and tried to bring the strikers and the owners together.

The Fool gave a practical working solution which was successful until the owners wanted to save more money.

The Fool gave his last overcoat and his last dollar to the needy man and befriended the outcast woman, and the orphan.

The Fool was often in danger, slandered and misunderstood, but—

The Fool saw reformed men and women, the healing of a crippled child, happiness where there had been misery, improved working conditions.

"The Fool" they called him, and refusing to listen to his fool ideas, sank deeper in their misery of selfishness.

Was he a Fool?

"The Fool" a stage play is now playing at the Belmont Theatre, First Street and Vermont Avenue. James Kirkwood and Lila Lee play the leading roles, and are ably supported by a large cast. We recommended that you see "The Fool".—H. S. G.

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MURDER IN THE NAME OF THE LAW

(Continued from Page 3, Col. 3)
 little ones might behold all the ghastly details of the crime. But men and women of the twentieth century unfamiliar with such forms of cruelty would be horrified and sick at heart as they watched the deliberate, systematic, and intentional process of destroying a human life. We feel that the reaction from a revival of public executions would forever destroy capital punishment among the American people. We would also suggest that a scaffold be erected in the midst of every city square, the tall arms of the gibbet an ever-present reminder of man's inhumanity to man. Such a sight would be nauseating and revolting to the finer sentiments of the people, and yet if we advocate the hanging of a man why should we hide the process behind gray walls and barred windows? If it be right to hang him at all, it is right to hang him in the public square where, according to the advocates of capital punishment, the moral lesson would be all the more impressive. Let all those who advocate the extreme penalty be forced to attend each and every execution. Place them in the front row where they may watch the minute details of the agony they have advocated. Let them remove the black cap from the condemned man's face that they may the better see him die. Then from their ranks let one be chosen—the foremost defender of the system, the man who shouts, "Let the murderer die." He shall be the one to spring the trap that sends the convicted man, gasping and struggling, into eternity. A spectacle of this kind brought home to the citizens of the State would result in each member of the community desiring forthwith to wash his hands of any further part in the guilt. He would then assist in that noble work of devising a better and more constructive method of solving the issues of major crime.

Furthermore, we have no right to demand of our public officials that they shall commit murder for us. The destructive effect of an execution upon the morale of a prison is profound, as all realize who have come in contact with that phase of the problem. The elimination of capital punishment will cause a great sigh of relief to go up among those servants of

the people who in the fulfillment of their duty must participate in all the ghastly details of the execution. S. Hobhouse and A. F. Brockway, after a careful investigation of the effects of capital punishment in English prisons, concluded: "Evidence of the bad effect of executions upon both the staff and the other prisoners is unanimous." (See Report of the Prison System Enquiry Committee.)

To the governors of those States which still enforce capital punishment pleas go every day from the friends and relatives of condemned men, asking for gubernatorial clemency and seeking to present new and exonerating evidence. The State executive is placed in a most difficult position. The law demands the death of the

criminal; the jury has convicted him; and in order to commute the sentence the governor must override the judgment of the court. In a certain sense, the executive himself must become a lawbreaker in order to give expression to that quality of mercy inherent in the hearts of all true men and women. The substitution of life imprisonment for the death penalty would solve this problem by eliminating these painful situations. It seems unnecessary and unnatural that the supreme executive of a State must break the law in order to show mercy.

Another element rarely considered is the fallibility of the jury system. There are instances of judicial error in which the wrong man was hanged and afterwards the actual culprit confessed. Former Governor Davis of Ohio sites five instances where men convicted of major crimes were later found innocent. He adds: "There are many other cases on record where innocent persons were saved from the death penalty by fortuitous circumstances; likewise where it is certain innocent persons have been executed." While the records of these instances are few, there are many more unknown cases where justice has miscarried. In the face of this ever-present possibility, the substitution of life imprisonment for the death sentence has a decided advantage, for while capital punishment is irrevocable once administered,

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the State can make partial amends if the parties concerned are still alive. The most flagrant examples of judicial miscarriage arise from the practice of inflicting the death penalty upon accessories to the crime of murder; upon the weight of circumstantial evidence alone; or upon juvenile offenders. The Marquis de Lafayette, an outstanding figure in early American history, recognizing the possible miscarriage of justice, said: "I shall ask for the abolition of the penalty of death until I have the infallibility of human judgment demonstrated to me."

The rapid progress which the modern world is making in scientific discovery is a further consideration. As we have already suggested, we know comparatively little about the true nature of crime, but considerable thought is being turned in that direction with the hope of solving the riddle of criminal impulse. We are seeking to discover to just what degree the criminal is a victim of circumstances, just what part heredity plays in the problem, and whether or not crime is a form of insanity, in many cases possibly due to the malfunction of glands, nerves or organs. There are many persons today suffering from incurable diseases who are living in hourly hope that science will discover the cure for their malady before the disease destroys them. If we imprison the murderer for life, human progress may discover before the end of his life the cure for his disease. The American people are not cruel at heart and if the criminal can actually be assisted, the majority of people will be willing to help him. Therefore we recommend to your consideration the substitution of life imprisonment for capital punishment, with the hope that in the years to come the solution to the problem of crime may redeem the criminal at least for himself if not for society, and that he may not be hurled out into oblivion without every effort on the part of his fellow creatures to assist him in the re-making of his own character.

Life imprisonment has been said to be more cruel than the death sentence. This then should satisfy those who advocate cruelty. In any event, we believe that life imprisonment will have a tremendous moral effect upon crime. The average murderer expects to pay with his life for the life he has taken. He may even conclude that what he has gained by the crime will more than balance the few minutes of agony which he himself must suffer. On the other hand, if the man who commits the crime realizes that he will have to spend the rest of his natural life behind gray stone walls and iron bars, separated forever from the world of which he was a part, doomed to be alone with his thoughts for many long weary

years, we believe these considerations would take much of the glory and brag-gardocio out of the criminal.

Most important of all, however, life imprisonment may have a profoundly constructive effect upon the mind and soul of the prisoner. We are still more or less concerned with what lies beyond the grave and it is something for the criminal to make peace with himself and his God. This he may do if he is imprisoned for life. He may grow within those prison walls to become a truly beautiful soul, accepting his fate, realizing the immensity of his offense, and living to redeem, at least in part, the better side of his own nature. There are records in the prisons of such effects actually taking place in the lives of those condemned to remain for the rest of their lives within the gloom of the penitentiary. While this may not seem to the average individual an important consideration, not one of us is in a position to fully realize how important the re-making of the life of an individual may be in that great unknown which stretches out beyond the grave.

We are not sentimentalists on the subject of capital punishment. We believe the criminal should be adequately punished and made to realize the enormity of his offense against society. We do not advocate opening the prison doors nor transforming penal institutions into places of amusement, but we do believe that the mere huddling of men together will not redeem them for society nor prevent the recurrence of the crimes for which they have been incarcerated.

A number of foreign governments have been successful in curbing their criminal classes without the infliction of capital punishment. Holland abolished capital punishment in 1860, Italy in 1889, Portugal in 1867. In Russia the death penalty is only resorted to in cases of treason and resistance to the government. There have been no executions in Finland since 1826, and none in Belgium since 1863. In Norway, Sweden and Denmark there is only about one execution for every twenty death sentences. In some cantons of Switzerland there have been no executions in fifty years. In Germany only about eight per cent of the convicted men have been executed; in Austria, only about four per cent. These statistics would indicate that it is possible to maintain law and order without resorting to terrorism in the form of legal murder.

It has been very satisfactorily proven that the stricter the penal code the less crime we have, and that where justice is deferred crime is rampant. The startling amount of murder in America in comparison to other parts of the world is the result—to a certain degree—of the Ameri-

can penal system, and if capital punishment be abolished its place must be taken by a rigid enforcement of other existing statutes. As time goes on, the human race will undoubtedly evolve more efficient, more intelligent, more adequate methods of coping with the criminal, but until such is the case the only way whereby he can be controlled is by the realization that whether he is a millionaire or a pauper, whether he is a rich man's son or a poor man's son, whether he has pull or no pull, the law is inflexible. If he breaks the law knowingly, he must compensate to the State by his liberty.

If the Fello Bill is to take the place of capital punishment—and it can do so and be successful in every respect—it must mean that ten years' imprisonment is ten years' imprisonment, and that life imprisonment is life imprisonment. The laxness in our laws is responsible for much of the crime from which we suffer. The parole system, while in many cases useful, all too often defeats the ends of justice by permitting the criminal to be released upon society when only a portion of his sentence has been served. Enforce all laws to the letter and life imprisonment will be found an adequate substitute for the death penalty. But be lax with other laws and even the death penalty itself is ineffectual.

Being in constant touch with large groups of people representing the thinking classes of the various communities in California, we presented the question of capital punishment and its abolition to groups of people in the three largest cities of California. Los Angeles, San Francisco, and Oakland. The result of the votes taken was very interesting and most gratifying. In no case was pressure brought to bear. An outline of the principles involved was alone presented. Before our own congregation—the Church of the People in Los Angeles—we took the first of these three interesting ballots. There were 2000 persons present. A hand vote was taken and not one hand went up as being in favor of capital punishment. At the Scottish Rite Auditorium in San Francisco, the second hand vote was taken in a packed house of 1600 persons, and only seven hands were raised in favor of capital punishment. In Oakland, in the Aahmes Shrine Pavilion, the third hand vote was taken and out of 900 persons only ten hands went up in favor of capital punishment. This means that out of 4500 people approached, only sixteen were avowedly in favor of capital punishment. These people, representing no particular party or faith—for all our work is inter-denominational and non-partisan—we feel to be representative of the true sentiments of the people of California on the question of abolishing capital punishment.