



## The Indianapolis Times

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"Give Light and the People Will Find Their Own Way."

### Enlightened Penology

One of the most creditable acts of President Hoover was the appointment of Sanford Bates as director of federal prisons. Bates had a splendid record as commissioner of corrections in Massachusetts. Now he amply has vindicated the hopes of those who expected him to introduce enlightened methods into administration of federal penitentiaries.

His special report, just made public by the White House, is a fearless and able summary of what it means to apply sense and science to treatment of criminals. His reference to efforts to remedy the frightful overcrowding of federal institutions is no more than might be expected from any efficient prison administrator.

But his observations on the methods of treating prisoners form a genuine contribution to penal science.

Bates asserts that scientific treatment, rather than savage punishment, should be the aim. This requires an adequate staff of experts to study each criminal individually and prescribe treatment according to the facts discovered regarding his personality and life story.

The ultimate purpose of treatment is reformation. This never can be achieved by indiscriminate mass administration, in which all are handled alike, regardless of personalities, age and crimes. Stress is laid upon the success of prison camps where the honor system is maintained fully.

Several passages in Bates' reports are especially worth producing:

"It will take much patience and intelligence to supplant the traditions which have governed our prisons for so many years with a system of scientific discipline. It will not be enough to ameliorate the rigors of the prison of the past unless we can substitute for them the stern discipline of self-education and self-improvement.

"A prison need not have dirt, idleness, graft and cruelty to deter persons from committing crime. If the experience of punishment makes possible an acquaintance for the first time with some of the higher things of life it still may be very desirable disciplinary experience."

Bates does well to insist that all this in no way means coddling of criminals or removal of fear of imprisonment. It does not mean that the resources of science at last may be turned to the service of this important social effort.

Bates should have many years in his present post to apply his wholly commendable and practicable program.

### Barnes' Opinion—and Ours

Harry Elmer Barnes, special contributor to this newspaper, is known as a liberal.

In a recent article on a labor subject, he said:

"We do not ask Mr. Green to accept William Z. Foster for a buddy, but Foster certainly is no further removed from the interests of same labor organization than Matthew Woll, or John L. Lewis, two of Mr. Green's trusted lieutenants."

The essence of liberalism is tolerance—broad-mindedness, freedom from bigotry.

In that statement we think Barnes slipped from his role, as we all do from time to time. Anyway, we want to express our own editorial opinion of William Z. Foster. And even at the risk of being called a bit bigoted ourselves, we desire to say that we think no more essentially anti-social being than William Z. Foster ever came within our observation.

We do not believe he ever breathed a constructive breath in his life. Destruction is the beginning and the end of his philosophy. He would declare war on the millennium and dynamite Utopia.

We have had our differences with Matt Woll and John L. Lewis and William Green and others who represent the "administration" in the A. F. of L.

But to classify them or any one of them in the same category with William Z. Foster, to mention them in the same sentence, to put them in the same nest with society's leading rattlesnake—that's not what we call liberalism.

During their lifetime, Green, Lewis and Woll, particularly in the time of Gompers, have played parts in a mighty movement that brought to labor higher wages, shorter hours, and better working conditions. That fact stands to their credit. Differ with them as much as we may now, that accomplishment can't be wiped out.

And what did William Z. Foster ever contribute to the working man in all that time? The answer echoes—"Nothing but hell."

### For Safety

The United States commerce department's decision to withdraw, temporarily, Fokker tri-motored planes from passenger traffic on the airlines took commendable courage. There is bound to be criticism of this action, but it seems to us that no precaution to protect the lives of air passengers is too great.

The Fokker wing, admittedly one of the strongest in service, is so constructed, we understand, that frequent inspection and thorough maintenance are difficult.

The present withdrawal of thirty-five Fokker planes from passenger traffic is to see that all these wings are in proper condition. If they are—or if not, as soon as they are repaired—the planes will be put back in service.

If there is even a doubt about the condition of any plane, now is the time to find out about it, and not after more people have been killed.

The very existence of air transport depends upon its record of safety. What may seem a drastic action today will be forgotten tomorrow in the continued increase of safety in flying which this action helps make possible.

### Labor Injunctions

When congress meets again, and again is asked to curb the use of anti-labor injunctions, those who have stood in the way of this legislation for years will find one of their most useful weapons badly weakened.

The anti-injunction bill violates state's rights, opponents have cried. Yet within the last few months legislatures in many states have debated taking the lead in this matter and themselves attempting to stop the abuse which the federal government has neglected to halt.

As a matter of fact, the cry of state's rights never has been a valid one in opposition to this bill. Felix Frankfurter of the Harvard law school and Nathan Greene point out in a study of the labor injunction they just have made.

"State's right invariably is the voice of obstruction when federal legislation is invoked, but never has it been put to more sardonic use than in the present instance," they say.

The federal judiciary has for decades set the pace not only in the abundance of labor injunctions or

in the breadth of their application and in the ever-widening orbit of their interdiction, but also in fashioning legal restraints upon the organized activities of workers which reminds of involuntary servitude.'

Federal courts frankly have refused to follow state policy and have intervened in such local affairs on the basis of their conception of some transcending national policy. But congress is powerless to bring such decisions in conformity with its determination of national policy.

Federal courts can invade state policy by judge-made law. But congress is impotent to define law for the general guidance of its own creation.

The federal government is consistently more timid than state governments, less able to hear the calls of oppressed people, and less willing to move in their behalf. But perhaps, now that others have led the way, it will find it possible to follow.

### He Is Old And Sick

The end of Albert B. Fall's fight for reversal of his bribery conviction leaves us all well agreed upon one thing. None of us wants to see him go to jail.

The jury that found Fall guilty as United States secretary of interior is taking \$100,000 from his friend, Edward L. Doheny, recommended mercy for him. The judge who sentenced him, while saying that the case would warrant imposition of a maximum three-year jail sentence and \$300,000 fine under normal conditions, imposed a sentence of one year and \$100,000 fine because of Fall's physical state, and announced that he would suspend the jail sentence if a delay in its execution had not been assured at that time by decision to appeal the conviction.

A civilized community does not demand that a sick old man go to prison to die.

Punishment such as was imposed upon Fall—justly, we believe—is not imposed for the purpose of retribution.

If its purpose is to prevent the offender from again committing his offense, that purpose need no longer be considered. If it is intended to protect the community from corruption on the part of future public servants, that purpose has been fulfilled as well as it can be fulfilled in any case.

Fall's fellow citizens do not begrudge him whatever of peace he yet may find in life.

### An Honest Man

Rarely have we read an address so surprising in its frankness as that of Melvin A. Traylor, Chicago banker, before the International Chamber of Commerce convention. No Communist could bring a worse indictment against the financial and political leaders of the country.

Traylor charged that in 1927 the responsible bankers and government officials knew that the speculation orgy, unless checked, would lead to the crash of 1929, and yet remained silent.

"Few warnings were issued, and few attempts were made to attract public attention to the danger that threatened."

"We have not failed because of ignorance of economic theories, but because of our utter disregard and defiance of all economic laws."

"Ambition, stupidity and greed have dictated policies and trouble has been the result."

No truer word has been spoken of the cause of this depression.

Those bankers and business leaders and Washington officials, who saw the danger signal and ran the country full speed ahead to the wreck of 1929-30, have a lot to answer for.

To Melvin A. Traylor, for the honesty and courage of this confession, which implicates so many of us, the country is indebted greatly.

England is moving toward similar action, whether the labor government survives or not.

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