

# Life Sentences no Deterrent

*Sociology*

MARCUS KAVANAGH, in *The Criminal and His Allies* (Bobbs-Merrill):

The increase in the number of convicts in the prisons of the United States who have been condemned to life imprisonment tends strongly to demonstrate how surely that penalty is losing its effect as a deterrent of murder. . . .

The fear of death is the great protector and preserver of the races of men and beasts. Without that fear to warn and protect them, all living things would have perished off the face of the earth. Not once, but a dozen times at least, I have had prisoners turn to me after their sentence and, in open court, thank me for condemning them to life imprisonment.

No heavier responsibility ever falls on the shoulders of a human being than the duty of a judge to decide whether a man shall live or die. It is my theory that when a man goes out to rob and, just for a little soon-to-be-spent money, takes the life of an honest person, the robber should die for his crime, if anyone ever should suffer death for crime.

Once I sentenced to life imprisonment a man named Joseph Welcome. I thought it might be helpful to show the people who had gathered to hear the sentence that life imprisonment was not such an easy experience as it was "cracked up" to be. The sentence on Welcome was pronounced just a few weeks before Christmas, sixteen years ago. It was taken in shorthand as I spoke, and soon was printed in the press generally in this and other English-speaking countries. I received a newspaper, indeed, from Calcutta, containing the words of the sentence, and two from Australia.

Welcome pleaded guilty to having murdered Mrs. Mary McLean, March 22, 1909, in a boarding house she conducted at 1144 West Monroe Street. The prisoner changed his plea from "not guilty" after eight jurors were chosen. It was shown that he forced his wife to become a "white slave" and shot her for refusing to give him money. Mrs. McLean was shot and killed while attempting to save Mrs. Welcome.

In sentencing Welcome, I said: "Welcome, you committed a terrible crime. Your punishment is to be more terrible still. You compelled your own wife to make public commerce of her soul for your gain. When she sought to escape you shot her. It was not your fault she lives,

and you, in fact, then killed another woman who was making her cleanly, useful way in the world. You could hardly get twelve men in the jury box who would not inflict the death penalty on you, yet it is the policy of the law to regard a plea of guilty as in some measure of itself a mitigation.

"The instinctive, unreasoning horror of mankind regards death as the most severe punishment. This idea is not correct. You are now to receive a sterner punishment. Your victim died but once. You will die a hundred times. You will suffer more the day you put on your prison clothes than she did in her death. After that, there will be only the hopeless, painful years from day to day, from month to month, stretching out for ever and in agony.

"You will be wiped out of human knowledge; even your name will be taken from you; henceforth you will be known by a number. Without the permission of your guards, you will not be permitted to lift a hand or whisper a word; you will have no right except the right to mere existence.

"In four or five years the eternal solitude and silence will begin to crush in upon you like an iron weight. You hear the street-car bell ringing in the street as it passes now? You will remember it in after years as the most exquisite music. It will mean hurrying crowds that go where they like and do as they please; it will mean the greatest of all pleasures—freedom.

"You can only dream of it day by day and by night, and your dream will be torture unspeakable. In the summer you will guess that there are cool rivers running somewhere under green trees and you will long for the sight even of a green leaf with an aching you never thought you would experience.

"In a few weeks the holidays, with their lights and festivities and happiness, will be here, and many a Christmas will roll over you in your iron cage and high stone wall; but you will never hear a child laugh again.

"You are so elated now at the thought of saving your life that you do not realize all this. I want you and the others here in the courtroom to understand it. You are not sorry for your crime; you have only a great self-pity. There will be few worse men than you in that prison, but have

no illusions. Welcome, the law has taken its full and ample revenge upon you."

This sentence was published pretty generally in the newspapers of the country. Probably at the time it made some impression.

I was mistaken in my prophecy. Welcome is already walking the streets of Chicago again, as free as air. He was released after serving ten years.

"The relative number of persons sentenced to death has declined steadily from 1890 to 1923. At the same time the number sentenced to life imprisonment has steadily increased to an extent which can be accounted for only in small part by the replacement of capital punishment by life imprisonment." (U. S. Census: Prisons, page 110).

The records show how the murder rate has steadily increased in 28 cities of this country from 5.1 to the 100,000 population in 1890, to 11 to the 100,000 in 1926.

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Among some African natives the king of the tribe is considered to have power over the weather.

Experiments with luminous golf balls are being made to enable the golf fan to play late in the evening.

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