

God. Does society take a young prisoner, handcuffed and guarded from a modern penitentiary of cement, stone and armor plate—take him out upon the gallows and hang him until he is dead for self-defense? To kill a man over-powered and harmless is not an act of self-defense for either a citizen or a state, but is an act of unrestrained power directed by revenge rather than reason.

What man would be permitted to kill his neighbor because his neighbor was excitable, high tempered and in the habit of getting drunk, on the theory that his neighbor might kill somebody and possibly the accused? Such conduct is not self defense, but a mere problematical subterfuge. Is it logical to vote to death a prisoner on such a theory of national self defense when the guilty one can be kept secure? The pretended excuse that a man might gain his freedom and kill some one, a mere speculation, is not a self-defense justification. It would not be extending this peculiar logic to engage phrenologists to go out in search of children with destructive tendencies and put them to death on the same theory of self defense or to hang all drunkards. The state is not obliged, in fact, to kill for self defense—the state is too great and powerful to be compelled to resort to killing for such an excuse in a time of peace and quiet such as we are now enjoying.

I can conceive of a case, possibly several where capital punishment by the state for self defense is necessary and may be inflicted. A bold political criminal; one who murders to win; who has the following of a Napoleon; who has the criminal heart of a Borgia; who, when convicted of a murder would be liberated by his criminal adherents; and who, when liberated would go on poisoning and killing others. Deploring capital punishment as we must, yet as a principle of self defense we may be obliged to tolerate and use it in such a case if it ever arises.

On the same principle as individuals we believe in killing if it is necessary to prevent being killed. What individual would hesitate to shoot if a burglar was crawling in his bed room window with a pistol in each hand and a knife in his teeth? This illustration is mentioned as an exception under the rule of self preservation.

A few years ago I copied from the paper a mere headline for comment in this connection:

"One Hundred Seventy-six People Attempt Suicide in Omaha During Past Year. Of these thirty-three succeeded while 142 were saved and very glad of it." One hundred forty-two saved and "glad of it!" If we should have hung these 142 rescued or ignominiously cursed and tarred and feathered and burned them in oil, for example, would that have kept others from attempting suicide? No, when they attempt it they expect to succeed and would adopt surer methods. Such punishment of suicides involving painful death would suggest and repeat suggestions of destruction and increase suicide from new recruits rendered morbid by disappointment or grief. If men kill themselves under pressing distress which sprouts a germ thought of suicide for escape, why would not a greater number be driven to kill others from similar development of murder and execution talk?

This weakness of mind—this homicidal mania—would be stimulated by the thoughts of murder in others. If attempted suicides were punished with painful and prolonged death out of 176 attempts, it would have been chronicled nearer a hundred instead of 33 that succeeded.

Lynchings are fair illustrations of where public executions cause more murders by example. In countries where men are hanged by the state, hanging is the usual method of the lynchers; they follow example. Where beheading is the penalty the stiletto and knife is the weapon of the mob. Where shooting is the penalty the mob usually is content with the bullet. No one will deny that executions cause lynchings and more murders by mere suggestions. This principle is recognized in a mild way in every household where parents instinctively (regardless of the Ladies Home Journal) know better than even talk of evil to their children because the suggestion on a subject of evil causes deeper thoughts on the conversation, and thoughts so fertilized develop actions in them. What is true in most children is bound to effect some grown people the same as children. Men are lynched by mobs because states have heretofore been teaching that in certain cases men ought to be killed. The mob thinks it has in its midst one of the most aggravated cases for such a penalty. They are not taught to be shocked at taking human life but rather to demand one occasionally for the good of the coun-

try. The people have not fully outgrown the witch hanging days of a few years ago. Lord Eldon expressed himself in the nineteenth century with fear of disaster if England repealed the death penalty for stealing five shillings.

Executions unquestionably have a tendency to brutalize the minds of men and cause them to put a price upon human life and feel a license to take it away. If the state hires men to slaughter human prisoners furnished by juries left to inherited prejudices, what may we expect of citizens of such a government? When men are burning and bursting with passion or rage; when nothing but a life, in a country of cheap estimation of life, stands in the way of success, men think of killing because killing is made so natural to think of. Picture after picture of vivid executions are impressed upon the mind to suggest themselves at every supposed emergency, by this great composite hypnotic operator—public opinion. It is therefore natural for these germ thoughts planted by the state's suggestion to burst out and overshadow other thoughts until a citizen takes a life for a capital or towering, monumental offense against himself, a private citizen as he has seen his government do with its offenders. An execution is not only of no value to prevent others from killing, but on the other hand experience shows it has the opposite effect. If an execution is ordered to deter others, the public should know of it not by reading but by seeing it as they did in olden times. But the awful effect upon the people has been so marked that nearly every state in the union has compelled executions to be in private—ultra private enclosures. In this state, as well as many others, executions are removed from the county of the crime to the penitentiary in an enclosure and in the presence of only half a dozen legal witnesses.

We may perhaps seriously consider the fact of numerous penitentiary murders being influenced to some extent by the shocking suggestion of concentrated executions of the state in this institution.

This removal of executions to the penitentiary to avoid the evil influence upon the general public is a terrible blow to old Henry VIII and his death carts; this is the death knell to the sentiment of such scenes commemorated in the masterpieces of art as beautiful women riding through the jeering crowds to the headman's block. This conduct of the various states proves to every reasonable man that the state of Nebraska and many of her sister states have concluded that the example of public executions, that is the killing of people to deter others from killing, does not have the effect it was once thought to have had. It proves that the example of public execution is bad for society instead of good. If it is bad to see, it is not good to read of. It therefore follows that the real benefit to society is not to either see or read of an execution, and consequently, if possible, not have one. This condition would prevent its publication over the civilized world with all its damaging details. In the state of Michigan, where the death penalty is absolutely repealed, I have read that murders committed in numbers are far below the murders of the states which have the arbitrary penalty of death. It may be that the state having ceased to play such a part at suggestion of death has made this marked difference yet the details of executions recognizing no restraint in the boundary line of that state and creeping in from other states exerts much damaging influence.

On the question of suggestion as applicable to kings and rulers the old sultan of Turkey was somewhat sagacious. He censors the press so that no report is ever published in Turkey of the killing of a ruler. President McKinley's death was published there as resulting from indigestion. If it is beneficial to suppress news of the killing of kings on account of suggestion it is in the same measure vastly more beneficial to prevent the killing of citizens by their governments for the same reasons.

The other day I clipped from the papers the following dispatch which is also in point:

"Paris, July 13.—The prefect of police in France has forbidden the moving picture exhibition of the exploits of the bandit Bonnot and his band, on the ground that it would stimulate imitators." Comments of this kind are continually being published.

For thousands of years executions have been tried and have failed in restraining crime. Criminals have been hung upon the gibbet, and in iron cages until their bodies have shriveled or fallen to pieces or were devoured by carrion birds, and the public was welcomed, yea, invited and compelled to witness such executions

and public spectacles to inspire them with awe and fear, and frighten them into becoming "law abiding citizens." But the purpose failed, utterly failed, because these examples excited the people and impressed deeds of destruction in the minds of the individual, when jealousy, passion, disease and drunkenness always awaken these thoughts of the nation's example of public punishment which they adopt upon impulse as private punishment.

Henry VIII put to death 72,000 people during his reign of twenty years, but each year crime increased. People were hung for being witches, beggars, and vagabonds; for stealing sheep, game or fish and for stealing as low as 35 cents in money; for quitting the king's service; for discussing how long the queen would live; for trying to convert men to the Roman Catholic religion and for about a hundred other offenses.

Some of the mild forms of punishment graduated up to a resulting death were as follows: Plucking out eyes, cutting off the nose or lips, boiling and burning for heresy. China's most terrible slow death was ten years' imprisonment without salt. There was the rack, skinning alive, quartering and disemboweling—also the hitching of horses to the four extremities and tearing men apart. If we had such punishments now murderers would follow the example of the state and mutilate their victims as did the bandits of old. However, at the present time the plain, simple killing of the state satisfies the modern murderous citizen.

Have not these dreadful punishments had their influence in private crime and was it not time for the legislature to open the question of the death penalty to juries and their reviewing bodies? Is it not a terrible truth that human life has been one of the lightest baubles with which governments and subjects have ever played? And yet these horrible penalties have failed in the purpose for which they were intended. Possibly while they serve to horrify some who never contemplate murder the suggestion of death remind and set in motion private motives of revenge in others which causes more murders than were ever prevented. In the light of the past will it help the state or nation to hang this fellow? Will it be another example of the little consequence of a human life? Will it continue to teach the false doctrine that death is a punishment and lead men in frenzies of anger to think of killing to get even?

The hanging of one man will never stop another who kills in the heat of passion because he does not take time to think of the gallows. He is a victim of years of suggestion plus the inherited memory or tendency from the same influences. What is responsible for so many murders in the heat of passion? These wild passions resulting in spasmodic murder are the harvests of wars, desires for abortions and capital punishment. Some impulses are planted by state sanctioned deaths from the earliest understanding of children and are watered and warmed in public schools, on the public streets, in business places, and in the sanctity of homes.

Heredity and suggestion on the part of the state has its influences in every murder and the more the state hangs and the nation wars the more the people will think of human destruction and the more murders we will have.

Every year the dead letter office receives nearly the same number of misdirected letters. It never varies perceptibly. Why do we have the same number of absent-minded moments in the lives of men and women who write letters? We do not know; neither do we know why there are also the same recurring number of murderous and suicidal impulses in a given locality of our society. It may appear that this suggestion by the state is responsible for many of them.

For every accused of this generation some allowance should be made for the influence of the state's example in killing men. Some allowance for an accused should be made for heredity, parental influence—the desire of the mother for the destruction of her unborn son. As surely as family features are transmitted from father to son so also are thoughts, ideas and practices handed down to sons by ancestors who have been through wars that have butchered men like stock in slaughtering pens. We should study the character of a murderer as we do the symptoms of diseases; as we do fevers in our hospitals and insanity in our asylums. It is said there are laws for crime as well founded as those for the wind and tides, light and darkness, birth and death, even suicide and accident. Let us study the man while he is given civilized punishment and not follow a false doctrine and

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