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CRIME AND COURT PROCEDURE

INCREASE IN PRISONERS

Prison statistics supplied by the federal Department of Commerce show a steady increase in the number of commitments to federal and state penal institutions. The admissions to 92 state institutions in 1926 number 41,042, compared with 33,298 in 1923 and 26,415 in 1910. Admissions in 1926 to the four federal institutions numbered 5,010, compared with 3,703 in 1923 and 987 in 1910. The number of inmates in the 92 reporting state institutions on January 1, 1927, was 89,294 and in the federal institutions 6,803. In 1923 the respective populations were 72,474 and 4,664 and in 1910 the numbers were 61,933 and 1,904. Recent statistics covering county and municipal jails are not available but in 1923 the number of prisoners in such institutions was about one-third of the number in federal and state institutions.

These increases have far outrun growth in general population. The number of prisoners in confinement on January 1, per 100,000 of the general population, in the 44 states represented, was 70.2 for 1910; 68.3 for 1923; 75.3 for 1926; and 79.2 for 1927. When comparing the figures for individual states, given in the accompanying table, it should be noted that the number of prisoners in the prisons and reformatories in a given state is affected, not only by the prevalence of crime in the state, but also by such factors as the character and effectiveness of the local policies and machinery of law enforcement, and the distribution of prisoners between the state penal institutions and county and city jails and workhouses.

In only twelve of the 44 states reporting were there fewer prisoners in 1927 than in 1923. In many states there are rather striking increases. It is impossible to state whether these increases are due to more crime, more vigorous prosecution of the criminal laws, or the commitment of a relatively larger proportion of the prisoners to state institutions. Possibly all these factors operate in some states, and other factors as well. If there is a more vigorous prosecution of crime, or if a larger proportion of felons is being committed to state institutions, the increased population of these institutions is a sign of progress. If, on the other hand, crime is increasing, as there is strong reason to believe, the picture is not so bright.

Reforms Needed

There are numerous crime surveys being made. The science of criminology and penology is being developed. Criminal law and court procedure are being examined rather critically. And it is high time that these things were being done. The layman knows that there is an appalling amount of crime; he knows that our police agencies are deficient; he knows that court procedure is slow and costly and ineffectual; he knows that prisons are being maintained at great expense by the taxpayers and that they are failing lamentably either to reform the criminal or to deter others from crime. He knows that an overhauling is needed in all these lines, but he is incapable of making recommendations. There is no one who knows just what is needed. It is time to make some experiments. If they fail no great harm is done; if they succeed society will be benefited immeasurably. That is why we should welcome such experiments as the Baumes law in New York, the abolition of the grand jury in Wisconsin, the abolition of capital punishment in Michigan, the honor system as attempted (with great success) by Thomas Mott Osborne.

There is no profession which clings more tenaciously to old forms and old practices than the legal profession. Prominent members of the Bar Association recognize that court procedure is antiquated and often the cause of the defeat of justice. Probably the rank and file of the profession recognize it, too, but improvement has not come. If the medical profession were as slow to cast off outworn methods as the lawyers humanity would indeed suffer. And is not humanity suffering from the inertia of the lawyers? Is it not just as much the duty and responsibility of the legal profession to discover the

causes and check the volume of crime, as it is for the doctors to prevent and cure disease? Increased crime cannot be attributed altogether to the deficiencies of law and court procedure, but it is not unfair to place some of the responsibility there. It is time for some bold experiments in criminal procedure and penology.

CRIMINAL PROCEDURE

At a recent meeting of the American Bar Association the principal theme of discussion was the need of sweeping reforms in judicial procedure to enable the courts to cope more effectively with crime. Edwin R. Sunderland, of Ann Arbor, Michigan, one of the delegates, declared: "The administration of justice continues to be the one outstanding political failure in American popular government." Of the half-dozen speakers, leaders in the legal profession, not one approved of this country's criminal jurisprudence, while several declared the present system archaic. One of the speakers, Judge Oscar Hallam, of St. Paul, chairman of the Association's section on criminal law, said, in part:

"The remedy lies more in administration than in statutes. The administrators of the law can tighten or loosen the processes of the law. Publicity of facts is one of the surest guaranties of efficiency. Many a germ is killed by blazing sunlight. Every step, from detection to ultimate release after fulfillment of sentence, should be open and the public should be kept advised. The facts should be arrayed not by sensational methods of the police reporter, but by those of the careful investigator.

"Yet there are definite lines of wholesome procedure that may be established by statutes or rules of courts.

"We can eliminate straw ball.

"We can simplify indictments and permit their amendment.

"We can eliminate unnecessary continuances.

"We can simplify the drawing of juries and improve their personnel by limiting the number of challenges and placing greater power of control in the Court.

"We can permit comment on the failure of the accused to testify in his own behalf.

"We can require a plea of insanity to be made on arraignment, require the commitment of such a defendant for observation by experts, and permit the calling of experts by the Court.

"We can shorten the time to appeal; require appeals to be more promptly heard.

"We can provide increased punishment, where the crime is committed by one in the possession of a gun.

"We can permit paroles to be made only after judicial investigation and notice to the trial judge and prosecutor.

"We can revise procedure in other ways, speeding trials and eliminating technicalities."—Adapted from Literary Digest.

MEASURING FARM INCOME

At its last meeting of the year the North Carolina Club, at the University, was privileged to have as its speaker Dr. G. W. Forster of State College, who discussed Farm Income and Farm Taxes.

Dr. Forster was the director of the farm survey recently completed for the State Tax Commission. This was the most comprehensive study of the relation of farm taxes to farm income ever completed in the United States. The United States Department of Agriculture sent an expert investigator to North Carolina to assist in the study. The field workers were carefully selected students, mainly graduate students, from State College and the University. The objectives of the survey were three: (1) To determine the percent of farm income absorbed by taxes; (2) To determine the ratio of assessed value of farm land to true value; (3) To determine the aggregate amount of taxes borne by agriculture and to what extent the taxes are burdensome.

Before going into the field, Dr. Forster explained, it was necessary to determine exactly what kind of information would be necessary in order to throw light on the situation. It was also nec-

MORNING TONIC

To sin by silence when we should protest, makes cowards out of men.

The human race
Has climbed on protest.
Had no voice been raised
Against injustice,
Ignorance and lust,
The inquisition yet would serve the law,
And guillotines decide our least disputes.
The few who dare must speak, and speak again,
To right the wrongs of many.
—John W. Davis.

Essary to analyze hypothetical data and work out various tabulations and correlations before going after the real data. This was to prevent the omission of any pertinent information. It was also necessary to instruct the field workers very carefully and agree on definition of terms so that each schedule would be comparable with the others. Finally, it was necessary to work out a calendar and a budget and keep within them both.

1,300 Farms Studied

The investigation covered 1,300 farms in 13 representative areas of the state. Actually the farms were located in twenty-five counties. The farms within each area were chosen at random. Dr. Forster said he believed the 1,300 farms were as fair a sample as could have been selected. They were all owner-operated farms, with and without croppers. Tenant farmers were not considered, since the investigation was concerned mainly with taxation. A separate study of 600 landlord incomes was made in order to determine what percent of the return on capital in land is taken by taxes.

The 1,300 farm schedules which were filled out contain careful estimates of value of farm, investment in machinery and livestock, crop acreages, crop yields, produce sold, produce consumed on farm, inventory at beginning and end of year, family labor used, value of fuel produced on farm, value of house rent, etc. With this information it is possible to determine the farmer's real income in 1927. Then it is necessary to determine how closely 1927 represented a normal year. To do this it is necessary to work out price indices and yield indices.

Mr. Forster pointed out that any effort to measure farm income, only part of which is a money income, necessitates many estimates. What is the cost equivalent of house rent, firewood, and produce raised and consumed on the farm? Shall food consumed be estimated at selling price or buying price? What is the amount of milk, eggs and vegetables consumed on the farm?

Having arrived at net income of the farm family how much shall be allowed for family labor and how much allowed for return on capital investment? What is the capital investment and what rate of return shall be allowed? All of these complications make it exceedingly difficult to measure the farmer's income on a basis comparable with that of employed labor. There are so many variables in the picture, said Mr. Forster, that it will probably be best to work out income with each of several values assigned to these variables. However unsatisfactory the results, it is eminently worth while to make this scientific effort to determine farm income in North Carolina and the ratio of taxes to income.

SOCIAL OBJECTIVES

A law requiring two weeks' notice before marriage, and legislation for the abolishment of capital punishment were set forth as major objectives of the North Carolina Conference for Social Work, which closed a two-day session in Winston-Salem recently.

Other objectives adopted by the conference were:

The Australian ballot system, an eight-hour work day for children between 14 and 16 engaged in industrial and mercantile occupations, a reduction of the legal work day from 11 hours to at most 10, a survey of women in industry,

a change in the compulsory school attendance law to include all to the age of 16 who have not completed the fourth grade, an eight-months compulsory school term, a workmen's accident and compensation act. Other resolutions and recommendations follow.

That the conference urge the superintendents of public welfare and public instruction to sponsor a physical education and recreation director in every school in the county, either upon a full or part time or volunteer leadership basis.

That the conference urge municipalities to sponsor wholesome play through the development of commissions and recreation as an official part of municipal government.

That the conference express its approval of the act providing a small appropriation for a farm colony for delinquent women, and request the next general assembly to continue and increase its support.

That the conference petition the general assembly to make the Efland school for delinquent negro girls a state institution and assume entire responsibility for its maintenance and necessary expansion.

The conference thoroughly approves the system of mothers' aid as now administered in North Carolina and urges the next general assembly to generally increase the appropriation for this work.

Whereas the facilities providing for the mentally defective of both races in North Carolina are woefully inadequate, and whereas, such condition seriously endangers the future citizenship of this state, the conference urges the general assembly to make adequate appropriations covering this deficiency.

Finally, the conference recommended that all able-bodied prisoners should be employed at some form of useful occupation.

CROPS IN WHICH WE LEAD

According to the estimates of the United States Department of Agriculture, North Carolina has stood in each of the last five years among the five states leading in the production of three important crops—tobacco, peanuts, and sweet potatoes. Taking the average production for the five years 1923-1927, the state's rank has been first in tobacco (with Kentucky second), first in peanuts (with Georgia second), and second in sweet potatoes (with Georgia first).

In the five-year period 1923-27 North Carolina produced 28.9 percent of the entire tobacco crop of the United States, and 36.3 percent of the amount raised in the five leading states (which produced four-fifths of the total crop of the United States). Of the peanut crop North Carolina produced in the five-year period 25.7 percent of the entire United States crop, and 29.4 of the amount raised in the five leading states (producing nine-tenths of the United States crop). Of sweet potatoes, whose production is more widespread, North Carolina produced in the five-year period only 10.9 percent of the entire United States crop, but 21.4 percent of the amount raised in the leading five states (which produced a little over half of the United States crop).

While North Carolina has gained in production of tobacco in recent years, our runner-up, Kentucky, has steadily declined. As a producer of peanuts, Georgia is a formidable rival to North Carolina, and its 1927 peanut crop surpassed that of North Carolina very considerably. Georgia has also forged ahead with sweet potatoes, in which crop it now leads; and Texas also is gaining steadily in sweet potatoes, of which it has had a larger production than North Carolina in each of the last two years.

The average value of these crops in North Carolina for the five-year period 1923-27 has been: tobacco \$95,767,000, peanuts \$9,610,000, sweet potatoes \$8,414,000.

PRISONERS IN STATE AND FEDERAL PRISONS

Number on January 1, 1923, and on January 1, 1927

The following table showing the ratio of prisoners in federal and state prisons to general population in 1923 and in 1927 reveals a steady increase in prison-population.

In the 44 states which were reported for 1927, there were 92 state prisons and reformatories with 89,294 inmates, compared with 83,721 in 1926 and 72,474 in 1923. The number of prisoners in confinement in these institutions for each 100,000 of population was 68.3 in 1923, 75.3 in 1926, and 79.2 in 1927. The census was taken each year on January 1. There has also been a marked increase in the number of prisoners in the four federal penal institutions. Three states, Alabama, Florida and Idaho, failed to furnish census reports. Delaware has neither a state prison nor a reformatory.

The exceptionally high ratios of prisoners to population for Maryland are largely due to the fact that a considerable number of petty offenders are sentenced to the State House of Correction, whereas such prisoners are as a rule committed in other states to county or city jails. The ratios for Nevada are increased by the presence in the Nevada State Penitentiary of many federal prisoners drawn from neighboring states.

These figures are based on a preliminary report of the United States Department of Commerce.

Department of Rural Social-Economics, University of North Carolina

Rank	State	Number of prisoners per 100,000 of general population		Rank	State	Number of prisoners per 100,000 of general population	
		Jan. 1, 1923	Jan. 1, 1927			Jan. 1, 1923	Jan. 1, 1927
1	Nevada	224.8	299.7	25	Virginia	81.6	78.2
2	Kansas	87.7	146.7	26	Arkansas	77.5	72.3
3	California	100.5	134.0	27	Nebraska	59.1	71.8
4	Maryland	98.4	121.0	28	South Dakota	49.2	67.7
5	Indiana	76.4	115.2	29	Oregon	49.2	64.7
6	Michigan	91.3	115.1	30	New York	68.4	64.2
7	Oklahoma	83.1	113.3	31	New Jersey	66.5	64.1
8	Wyoming	167.3	110.9	32	Montana	54.0	62.0
9	Vermont	89.7	110.1	33	Texas	72.3	58.8
10	West Virginia	104.8	106.9	34	Connecticut	62.0	56.8
11	Colorado	102.3	105.5	35	Rhode Island	72.0	55.5
12	Washington	70.3	99.9	36	North Carolina	38.9	54.9
13	Arizona	82.9	98.2	37	Maine	48.7	52.1
14	Missouri	64.0	98.2	38	Wisconsin	42.2	51.6
15	Georgia	124.5	93.3	39	North Dakota	37.9	48.2
16	Ohio	69.1	93.3	40	Massachusetts	36.0	45.6
17	New Mexico	64.1	91.8	41	Pennsylvania	47.2	43.1
18	Kentucky	84.4	88.8	42	Utah	41.8	40.5
19	Louisiana	86.1	87.5	43	New Hampshire	30.8	29.3
20	Mississippi	90.5	87.3	44	South Carolina	30.2	27.5
21	Iowa	74.3	87.0	—	Delaware	—	—
22	Minnesota	65.3	83.9	—	Alabama	130.6	—
23	Illinois	64.9	83.3	—	Florida	119.9	—
24	Tennessee	68.1	81.7	—	Idaho	60.3	—