

New York Wages Bitter War on Crime

Burt M. McConnell in Dearborn Independent.

Most of us have been aware at some period or other within the last five years of a crime wave, particularly in our large centers of population. We have more criminal courts and less results to show for them than any other nation. Crime is no longer merely an occupation; it is an industry, highly organized and directed with extraordinary cunning. Therefore no function of organized government is of greater importance to the people than the protection of life and property and the preservation of law and order.

The honest citizen will be glad to learn that the state in which much of the crime of the past five years has occurred—New York—has some new laws which went into effect July 1st. They tighten the screws on some of our most desperate criminals. Their effect, it is believed, will be to expedite, strengthen and simplify the administration of criminal justice; to increase the terms of imprisonment in state prisons; to restrict the indiscriminate release of second offenders on bail; and to permit the state-wide collection and dissemination of criminal records and information. An appropriation of \$50,000 has been made for the latter purpose.

The first result was a great stampede of criminals to get into prison before the longer sentences may be imposed.

New York has set an example for the rest of the states to follow. With the evidence of the existence of organized gangs of gunmen, bandits, and murderers all over the East, the New York legislature forgot for the moment its political squabbles and adopted the most drastic program for the elimination of crime in the history of the country.

Of course, there were objections to the proposed changes in criminal procedure on the part of some lawyers who specialize in criminal practice, both in and out of the legislature. Despite this opposition, however, several important amendments were approved by Governor Smith. These may be summarized as follows:

The new laws provide for a state-wide collection of criminal records, such as finger prints, Bertillon measurements, et cetera, by police officers and prison wardens, and the interchange of such information with the federal authorities and police officers of other states and countries.

The absence or existence of a criminal record must be established before a person charged with a felony or any one of seven specified misdemeanors can be admitted to bail. The court may also use its discretion in refusing bail to a person charged with any one of these misdemeanors.

District attorneys, except in New York county, are required to proceed against the surety on criminal bail bonds within sixty days after the adjournment of the court directing the forfeiture of the bonds, instead of "at any time" as heretofore.

Persons jointly accused may hereafter be tried separately or jointly at the discretion of the court.

A defendant in a criminal case must now appeal within thirty days, instead of within one year, as formerly, and appeals must be argued within ninety days. And except in instances where the appellate court is overruled, there can be but one appeal.

The sentences of judges will hereafter be carried out as imposed. This amendment, by abolishing compensation and reducing the time granted for commutation, through the substitution of a new form of commutation limited to five days a month, will have the effect of increasing definite sentences from sixteen to sixty per cent. Commutation and compensation in the case of life sentences will hereafter be abolished.

The actual term of imprisonment in a state prison will in future be not less than one year, and this term may not be reduced.

The statutory sentence for felony shall be increased, when committed by an armed person, from five years, in the case of a first offender, to twenty-five years or even life in the case of a fourth offender. And such armed persons, even when first offenders, may not be released on probation or otherwise have their sentences shortened.

The penalty for burglary in the first degree shall be not less than fifteen years for robbery in the first degree, from fifteen to twenty years. A life sentence, in future, will not mean a minimum of ten years or an indeterminate sentence; it will mean a life sentence.

Persons convicted for the fourth time of felony must hereafter serve a life sentence. Persons originally sentenced as first offenders may be re-sentenced on the discovery of previous conviction.

The receiving of stolen property in any amount is now a felony, with the maximum penalty increased to twenty years' imprisonment.

These new measures resulted from a year's survey of the crime situation by the New York legislature. Other states have undertaken crime surveys, but most of the commissions have merely piled up reams of evidence and volumes of testimony. In the majority of states, under existing laws, a criminal sent to prison for a long sentence rarely serves more than one-third of his time; hundreds of criminals are freed on bail every week, and many of these undoubtedly commit new crimes to pay their bondsmen, and then "jump" their bail. "Fences," who form the backbone of much of the crime industry, are virtually immune from effective punishment in most of our states. A large number of old offenders escape charges against them because of the lack of adequate means of identifying them. Their plunder enables them to engage shrewd lawyers.

It is these handicaps that the New York legislature, despite the protests

of lawyers with criminal practice, both in and out of the legislature, has overcome.

There is no doubt that a large percentage of the crimes committed in New York City during the past five years were planned and carried out by criminals who were out on bail. Here is one of the large loopholes in our administration of justice. With the old offender, crime is a business. He does not worry about being arrested and held for the grand jury if he can be released immediately on bail. Given his liberty, he can at once begin planning another crime. The system that permits this condition is a scandal. There can be no appreciable lessening of crime until this practice of freeing criminals on easily procured bail is ended. New York State has taken the first step. Under the new law, second offenders are not entitled to bail as a constitutional right.

In New York City alone there are said to be over five hundred bonding agents ready to put up bail that will free the criminal. The bandit always has a bondsmen. Many bonding companies are willing to take a risk when the crook can pay the premium. Once he regains his freedom on bail, the criminal often commits another robbery to get money to pay his bondsmen.

According to a New York City magistrate, some bonding houses hire agents who are in close touch with the criminal world, if they are not criminals themselves, and who know when a crime is to be committed. The bonding agent, in many instances, is looked upon by crooks as a friend, and he often is ready to go the bail of the arrested criminal up to any amount before the ink is dry on the commitment papers. Many bonding houses accept stolen property as collateral. In some cases they take no collateral against their bonds, but accept the promise of other crooks that the criminal will be produced upon request.

Under the new law, district attorneys, except in New York county, are required to proceed against the bonds-

man in the case of forfeited bail within two months. Heretofore no limit has been fixed. Under another provision, the bondsmen who accept stolen collateral may be sent to prison for perjury.

One of the reasons for the prevalence of crime in the United States is the long delay between the crime and the punishment, due to the opportunities to appeal from one court to another. It will be impossible hereafter in New York State to postpone indefinitely to one appeal after another at intervals of ten months or a year. Furthermore, in cases where the appellate court is overruled, but one appeal will be granted.

The habitus criminalis regards a prison sentence with comparative indifference. He knows that if he can get the rules of the institution, he will get the benefit of "good behavior" allowances—and be able to return to his chosen profession in a few months. Heretofore, the phrase "life sentence" has meant little to the inmates of a New York State prison, but in future the sentences of judges will be carried out as imposed. There will be no commutation in the case of a "lifer."

Dangerous criminals are often paroled after serving part of their sentence. There are many cases on record in the larger cities of hardened gangsters committing murder. In future, prisoners sentenced to New York State prison must serve at least one full year. There will be no parole, nor will the actual time served be reduced through "good behavior."

Additional punishment will hereafter be inflicted on the person convicted of a felony committed while armed with a pistol or other dangerous weapon. Nor will the prisoners be released on probation, or otherwise have their sentence shortened.

Under the old New York State law, a life sentence could be converted into an indeterminate sentence, with a maximum of ten years. Under the new law, effective September first, a life sentence becomes exactly that. And it may be imposed even for first-

degree robbery.

Formerly the New York State law provided that to sentence a criminal as an old offender it was necessary to indict him as such, and to prove him to be an old offender at the trial. Under one of the new amendments, it is not necessary to indict a person and convict him as a previous offender in order that he shall receive the increased punishment provided. And persons convicted for the fourth time of felony must serve a life sentence.

No longer may an arbitrary distinction be made between receiving stolen property of a value of less or more than \$50. Under the new law, the receiver of stolen property, no matter what the amount, is a felon. Moreover, the maximum penalty has been increased from five years to twenty years, although the court still retains the right to impose a fine in lieu of, or in addition to a prison sentence.

There has been too much twaddle about the criminal. As a result, ours is the most lawless of civilized countries. Murder, banditry, robbery and violence of every description are more common here than anywhere else in the world. What are the causes of the astounding prevalence of crime among a people enjoying the widest benefits of liberty, education and self-government? Unemployment might have been advanced as a reason for the crime wave in 1922, but it would not be a sound explanation today. Some say that one of the contributing causes is the loose laws in various states permitting the sale and distribution of firearms.

Carrie—But suppose you didn't. What would you do?
 Marian—I wouldn't.
 Carrie—But you might, even if you didn't.
 Marian—But I couldn't, even if I had to.

A scale so delicate that it will weigh a dot over an eye was recently tested at the Marquette University School of Medicine.

Have You Heard This One?

Good Stories That Are Going the Rounds

Minister (to hostess' little daughter)—Wouldn't you like to come to Sunday school and hear about heaven and beautiful golden streets?
 Little Lola—Yes, sir, but it will take away the surprise when I get there.

Prospective Ford buyer, to agent—Why don't they put speedometers on Fords?
 Agent—It isn't necessary. Fords are always passing other cars and all the driver of a Ford has to do is to give a glance at the other fellow's speedometer and add five or ten miles to it. Then he knows how fast he is going.

"I can't understand how Caesar and Shakespeare and Napoleon ever got to be great."
 "Haven't you read the histories of their times?"
 "Yes; that's what makes it so puzzling. Nobody seemed to teach anything by mail in those days."

Observing a young lady standing alone, the young man stepped up to her and said, "Pardon me. You look like Helen Black."
 "Yes," she replied, "I know I do, but I look far worse in white."

After the church service little Jackie was introduced to the minister and said politely: "Mr. Longwind, I sure am thankful to you for that sermon."
 "And how is that, my boy?" asked the gratified pastor, while mamma beamed.
 "Cause brother Jimmie bet your sermon wouldn't last more'n three-quarters of an hour, an' you let it last 48 minutes. So I won his knife and I'm awful grateful."

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