

AN IMPORTANT BILL HASTILY
PASSED.

It is difficult to find a respectable excuse for the action of the House of Representatives on Monday of last week, in rushing through, under a suspension of the rules, a bill of extremely important character affecting the entire penal system of the United States. Mr. Parker of New Jersey, chairman of the Committee on the Judiciary, moved "to suspend the rules and pass the bill (§ 870) to parole United States prisoners, and for other purposes, as amended." Strong objection to the railroading of the bill was at once raised by Mr. Mann of Illinois. The report on the bill, he stated, had been made only on Saturday, and it had reached him and other members only on Monday. He had not had time to look at it. "Does not the gentleman from New Jersey," he asked, "think it is rushing business to try and pass an important matter like this without an opportunity to read the report and consider it?" Mr. Parker replied that the bill had been most carefully considered in committee, that there had been ample and thorough hearings, and that it had been unanimously reported by the committee. After a haphazard debate, in which a total of twenty minutes was allowed to each side, the bill was passed. The division, which was called for by Mr. Mann, showed 56 ayes and 18 noes, a total of 74 votes, the full membership of the House being 391. Thus after a random debate of forty minutes, and a vote in which less than one-fifth of its membership took part, this great change in the penal system of the United States was adopted by the House of Representatives.

The bill provides—

That every prisoner who has been or may hereafter be convicted of any offence against the United States, and is confined, in execution of the judgment of such conviction, in any United States or State penitentiary or prison for a term of more than one year, other than for life, except when convicted of murder in the first degree, rape, or incest, and except those who have previously served a term of imprisonment of at least one year in any penal institution in the United States, may be released on parole as hereafter provided.

Application for parole can be made only after one-third of the term of the sentence has been served; the board of parole is to be composed of three persons—"the superintendent of prisons of the Department of Justice, the United States district judge for, and a citizen

living in, the district in which the penitentiary is located, the latter to be appointed by the Attorney-General." The members of the board are to serve without compensation; a majority of the board (*i. e.*, two members) are to be a quorum sufficient for the transaction of business. The board is to meet at stated times to consider applications for parole. At such meetings, it "shall receive and consider recommendations, and if it shall appear to the board that there is reasonable probability that any prisoner who applies for his parole, if the same is granted, will not violate any law, and if in the opinion of the board such release is not incompatible with the welfare of society, then the board may authorize the release of said applicant upon parole." And the nature and effect of the paroling, when granted, are set forth in detail in the bill.

Now we are far from saying that the bill is without merit. The parole system is eminently desirable in the case of all minor offences, and in a large proportion of all first offences, even of a more serious character. But there is grave doubt whether it ought to be made to apply, as does this bill, to all crimes except the three specifically named as exceptions; and, apart from this fundamental question, the plan upon which the system should be administered in the case of the Federal Government, as distinguished from local jurisdictions, raises questions that demand careful consideration and discussion. Instead of such discussion, all that the House heard from the advocates of the bill were some vague generalities as to its mercy and humanity, some broad assertions of the benefit of the parole system in general, and—strangely incongruous with these—a plea for the bill on the score of the saving of government money that would result from the freeing of the prisoners. Mr. Mann put the case plainly when he said:

Here is a very important proposition—two bills relating to the same subject, both reported back by the Judiciary Committee, striking out all after the enacting clause and inserting a new provision, and then they propose to pass the bill through the House without consideration under suspension of the rules, when certainly this bill is of a character that ought to be considered under the privilege of amendment.

Mr. Hughes of New Jersey, protesting against the railroading of the bill, asserted his entire approval of the New Jersey parole system, but declared that

the bill under consideration was of a very different character from the New Jersey law. "There has been nothing in this discussion," he said, "and there is nothing that any man of ordinary intelligence can discover by a hasty examination, which would appeal to him to cause him to resolve his doubts in favor of passing this important legislation at this time. I propose to vote against the bill because I have not had sufficient time to examine it."

Among the crimes with which the penal laws of the United States deal, there is one class to which the usual arguments in favor of the indeterminate sentence and the parole system are singularly inapplicable. Such crimes as bank-wrecking, systematic defrauding of the government, or criminal financial operations generally, are committed by men not because they have never had an opportunity for self-development, nor because they have never acquired habits of order or of regular work. And when these men are put in prison, the object of the law is not at all—certainly not in any significant degree—to prevent a repetition of the same or a similar crime by the same person. Such a man finds no difficulty in being the most exemplary of prisoners; he needs no prison discipline to make him polite, neat in his person, punctual in his daily tasks, efficient in the dispatch of work. Whether his sentence should be a year or six years or twenty years is a question the true answer to which depends not on the facts developed during his prison life, but on the facts brought before judge and jury at his trial. He suffers in prison for one purpose, and one purpose only—that knowledge of the dire punishment which society thinks it necessary to impose for his crime may prevent others from committing it. To confuse his case with that of the shiftless or hopeless fellow who falls into the clutches of the law through the commission of some petty crime is to lose sight of the sole weighty purpose of the law in this most important domain. And before deciding upon so radical a change, it were well that the House of Representatives should devote to its consideration something more than can be got out of forty minutes of impromptu debate.

ENGLAND AND THE PEACE OF EUROPE.

Strong insistence has been laid upon the services of Edward VII in the cause of peace, and speculation will now be asking whether a new reign in England may be expected to bring about a change for the worse. The question must have presented itself with dramatic force to a great many people when George V and William II knelt beside the coffin of Edward the Peacemaker. But probably not many of these reflected that, in the sharpest menace to the peace of the world, the services of the late King are not as irreplaceable as may appear at first thought. The case is rather paradoxical. It is admitted that Edward VII was zealous in behalf of European peace. It is admitted that in the hostility between Great Britain and Germany lies the greatest danger of a European conflict. And it is a matter of record that during Edward's reign, Anglo-German relations grew in bitterness with the years. If Edward, ascending the throne when England was still under the cloud of the Boer war, had asked himself, What must I do to insure peace for England and for Europe? the answer must have been, Bring England and Germany into friendship. This solution he did not attain.

Apart from Germany, England's relations with the Continent during the reign of Edward VII took the form of an extraordinary succession of friendships and ententes, of which the cornerstone was the understanding with France, later expanded into a Triple Entente by the adhesion of Russia. With France virtually an ally, with Russia as the ally of an ally and a pledged friend, with Italy and Spain won over to closer friendship than ever, here was indeed an imposing record for the monarch who was understood to have taken a very active part in the framing of British foreign policy. And yet it should seem at first that for all those generous new bonds of amity, the cause of peace had not been measurably advanced. At no time was England in danger of going to war with France or Spain or Italy or even with Russia. If England made friends, it was with those who were already inclined to be friendly or, in any case, in no near danger of becoming enemies. Whereas, by rousing German fears or German anger, this policy of friendships and alliances may be said

actually to have accentuated the perils of the general European situation. It was to test the strength of the Anglo-French understanding that Germany brought on the Morocco crisis. It was as a reply to the Triple Entente of Great Britain, France, and Russia that Austria and Germany broke with the Treaty of Berlin by the seizure of Bosnia and Herzegovina.

The Moroccan incident illustrates the difficulty of apportioning precisely the rights and wrongs in a complicated situation. Coming within a year after the conclusion of the Anglo-French entente, it was cited as a justification on both sides. Frenchmen congratulated themselves on the possession, in England, of an ally whose pledge of support saved the Third Republic from humiliation at the hands of Germany. But Germany argued that if France had refrained from entering into a menacing alliance with England, there would have been no occasion for the rattling of the German sabre. Common sense decides that France was right in seeking to insure her safety by means of powerful friendships abroad, instead of depending upon the forbearance of Germany. Common-sense, that is, agrees that on the whole the Anglo-French understanding has worked for the peace of Europe. And Edward VII, as one of the authors of that understanding, merited the reputation of peacemaker he enjoyed.

Yet it would be misjudging the proportion of things to overlook the fact that the final cause behind the Anglo-French entente was to be found in France rather than in England. For years the Frenchman Delcassé had been at work on his scheme of a great anti-German alliance. Its motive may have been the impossible one of revenge for 1870-71, but in principle it recognized that, single-handed, France could not hope to hold her own against Germany. The same principle was recognized by those who were opposed to Delcassé's adventurous policy. Whether war with Germany was to be risked or not, Frenchmen had grown reconciled to the fact that their country must henceforth play a secondary rôle in the politics of Europe, that her prestige and her safety demanded an ally. The question then was who that ally should be—Germany or England. The question had only to be asked to be answered.

The year 1870-71 is still a bitter memory in France. In spite of Fashoda, it was England to whom the French people turned.

Prominent, therefore, though the late King's share undeniably was in the cementing of England's recent friendships, the prime impelling force lay outside himself, in the general condition of European politics. His pacific disposition, his tact, his wide knowledge of men, his geniality of temper, supplied an added impetus, but, after all, a subsidiary one. But since the forces that ultimately shaped British foreign policy lay outside the personality of the monarch, it follows that no great changes are likely to occur with the succession of George V. France needs English friendship now as she did five years ago, and English interests point to a good understanding with France as they did five years ago. There is no reason why George should be less a monarch of peace than his father was. And if he succeeds in bringing about a better understanding between England and Germany, he will have done a greater work than his father did.

PHYSICAL TRAINING IN COLLEGE.

In a recent report on physical development among undergraduates, by the director of the Yale University gymnasium, the apologetic note is distinctly present. Athletic directors have been on the defensive before this, but they have seldom been called upon to prove that physical training is good for the body. Yet that is what the elaborate report in the *Yale Alumni Weekly* sets out to do. It attempts to explain the striking fact, as most people will find it, that, between his freshman year and his senior year, the undergraduate shows no appreciable improvement so far as may be judged by outward physical manifestations. The records show that in height, weight, and muscular development the freshman average and the senior average are virtually the same; in lung development there is a slight increase after four years. On the whole, the Yale figures indicate a sharp lack of correlation between physical exercise and physical growth, and all the more when it is recalled that 88 per cent. of Yale men are reported as taking part in some form of major athletics in addition to their gymnasium work.

The explanation brought forward by