

CHAPTER LIX

A WEEK later I was present in the Senate chamber at Sacramento when Clarence Darrow made his impassioned plea for the abolition of the death penalty. In substance, he said: "If terrorism is the object aimed at, the kettle of boiling oil should be heated with its victim inside, out upon the commons, where all eyes could see and all ears could hear. This was once the case, not so many years ago, and pickpockets used to infest the morbid crowds that came to see and hear a pickpocket tortured.

"To-day, with the fallacy of deterrentism as an excuse, many States have provided that executions shall be inside the penitentiary walls, that the victim shall be awakened, if perchance he is asleep, in the darkness and dead of night; that he shall be led to the ghostly scaffold, or still more horrifying electric chair, and hastily put to death, with a doctor and a few friends of the jailer present to duly witness the cold-blooded deed."

He said a lot more — not in a declamatory or inflamed manner, but intensely deliberately and honestly. I wish I could have gathered and retained every word. Not a sound broke the stillness of the gilded chamber, though there were many present who believed in murder for murder. The chairman of the meeting — a Senator — vented an occasional sarcastic smile and pretended to be sleepy. I venture the assertion that he subsequently voted for the retention of the death penalty. Yet, to me, it was impossible to conceive how any one could listen to Darrow's soul and remain unconvinced that it was a part

of the Creator. Of course, every soul is a part of the Creator, but some souls express more of the Creator than others.

But Darrow was preceded and followed by a number of other speakers, all earnest and sincere. And yet, after the addresses were over and I listened to comments in the corridors, I heard more than one legislator say: "Oh, he defended the McNamaras; of course he's against capital punishment."

Again I marvelled that these men, selected or supposedly selected by the people, should be unable to even separate a salient, solemn and momentous question of Christianity from an event in the life of the man whom they had heard speak. Lay minds, so called, are expected not to be able to make such separations, but the minds of the legislators, the representative, the chosen few, one would surely have thought could have ignored personalities.

The anti-capital-punishment bill was defeated by a narrow margin and human beings are to-day being taken out in the dark and sent crashing into eternity on that narrow margin.

While at Sacramento I succeeded in having one of the Assemblymen introduce a measure designed to save impecunious misdemeanants from going to jail for non-payment of fine. During my work at the police court I had seen minor delinquents, men with steady positions and families to support, sent to jail because they couldn't pay a fine of \$10, imposed because of being drunk (referring to the "delinquent," not the judge) on Saturday night, thereby losing steady work and taking support from the family. The bill provided that under such circumstances the offender should be allowed to go back to his work and family and pay his fine in instalments. The

measure was defeated, thereby clinching the fact (to me) that commercialism, not humanitarianism and the best interests of society, is at the bottom of most of our so-called laws. Another bill, which a San Francisco Senator introduced for me and got through the Senate, provided that when a prisoner had been on parole two years, and had complied with all requirements, he should become free automatically. I knew several men, some of whom had been on parole for five and even six years and who desired to marry and settle down, or to engage in business for themselves, who were unable to do so, due to the fact that they were still technically prisoners and not free agents legally. This bill was also defeated.

On the other hand, many vital measures, such as the mother's pension bill and the workman's compensation act, were passed, after all stamping the 1918 Legislature as really progressive, as consisting of men who were for the people in heart but couldn't bring themselves to venture too far all at once.

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