March. 1918.

Editor of the Herald,

May I extend my remarks on the S.B.Anthony so-called suffrage amendment which appeared in the Herald Febr.16th? My meaning has been so misunderstood by as careful a reader as Mrs.Breckinridge, as shown in her letter of Febr.22nd, that I would like to speak further upon a subject so generally interesting and at this time political juncture.

I object to the Anthony Amendment because it involves a political principle other than woman suffrage, and one antagonistic to the liberties of all the people it has gained many advocates, in my opinion, because that other provision is not set forth in the popular demands which have been made for the amendment. That other provision principle is to authorize federal infringement of the states of the right of supervising their own state elections. I pointed out that this same provision was expressed in the 15th amendment, but that by heroic efforts of its opponents, this denial had never been put into effect, largely because it related to a minor fraction of the people, interesting therefore only to a few of the states. But when it should apply to women, one-half of the people, found in evry voting pr4cinct of every state, it was hopeless to suppose that this provision would not be established in the laws. I never have supposed the evils of the law would be felt only if states attempted to deny suffrage to women, but I consider Federal supervision of state elections the establishment of an instrument of tyranny ready to the hand of any party or group of states which gains the supremacy in Congress and cares to use it. There is not a representative government on earth which would believe its liberties were secure if a foreign nation however friendly and united in interests how authority to place election officers at its polls. Equally there is nothing in our political history or in the daily course of politics to justify the belief

[Mar. 1919]

that a group of states or a political party which is in supremacy in Congress would always refrain from using such a power to further its own selfish purposes. To indulge in ~~such confidence~~ a confidence that ~~they~~ will always do so is to my mind merely to lull ourselves into a delusive ~~security~~ somnolence; ~~while we only~~ "it remains forever true that". ~~But~~ "Eternal vigilance is the price of liberty". The Anthony amendment offers ~~a the~~ to righti~~ng of~~ the wrong of denying suffrage to ~~women~~ a fraction ~~to a fraction of the~~ population by taking away a guarantee of liberty from the whole people. For though this Federal supervision of state elections in the two amendments would ~~only~~ apply technically only to ~~those to enter~~ colored people and white women, yet in practice ~~the effect~~ the effect would be difficult to keep from applying to white men as well. If the suffragists really must have a Federal Amendment to secure suffrage to women, ~~it requires a very little knowledge of constitutions to devise~~ an amendment should be presented which meets ~~to meet that~~ requirement without interfering injuring the ~~with a right~~ the rights already secured to the people. I think ~~many of the~~ the ardor of many ~~ardent~~ advocates of the Anthony amendment would cool ~~off~~ if they ~~took~~ caught the view that I have,- that Federal supervision is a sword which cuts in all directions, and that is is quite in the range of possibility that the South with its race problem would not be the first or the only one to feel its edge.

I do not think that ~~the fact that~~ because the 15th Amendment has never been ~~had its legality~~ legality denied by the Supreme Court is a reason why we should repeat its false principle in another amendment. The world would have little ground to complain of injustice anywhere if there were no injustices which ~~the courts were competent did not take cognizance of and correct~~ did not come within the cognizance of the courts and which they courts did not rectify.

This country has never felt the whole force of the 15th amendment, as it has never been put into effect ~~as I have pointed out~~; and yet, after ~~a half century~~ nearly a half-century of experience, still leaves its rightfulness and its usefulness are very questionable. If suffragists must have a federal amendment for woman suffrage they should propose one which would effect their object without in-

Editor of The Her ald;-

[April 1919]

After my return from St.Louis where I was a delegate to the convention of the National American Woman Suffrage Convention, I observed in your issue of March 26th that I am reported as objecting to renewed efforts in Congress for the passage of the Anthony suffrage amendment "with particular reference to those parts that would permit enfranchisement of negro women of the south". I wish to disclaim ~~anysuchx~~ any such mistaken report. for I never said then or at any othe time anything different from what has been my position always, that I stand for equal rights with men for women of every race and section.

I objected to renewing work for the Anthony amendment, which is no longer before Congress, because it could re-open the saddest page of American history. That amendment is a repetition of the Fifteenth Amendment, with the exchange of the word "sex" for "race, color, or previous condition of servitude"; and I pointed out to the convention that it should take warning from the history of the enforcing clause of the Fifteenth Amendment which resulted in Federal interference with State elections inaugurated ostensibly for the protection of the freedmen but was used practically as an instrument for partisan advantage, and was the cause of a disastrous lowering of the public conscience towards the sacred right of the franchise. Its revival in a woman suffrage amendmentwould in some respects be even more dangerous to the general good because women are distributed in every state and section, and not limited to one section, as in great measure the freedmen were, the injurious effects of its un-American enforcing clause could not be confined to one section nor to the partisan use of any one party, but that it could be perverted with equal facility by any party which attained predominance in Congress~~andcouldbedirectedx~~ ~~againstx~~ equally disastrously against any section.

 April 5, 1919.

Editor of the Leader:-

I observe in your issue of March 26th that in the report from the Suffrage Convention held in St.Louis, to which I went as a delegate, in the account of the discussion about renewing the effort for the passage of the Anthony amendment by Congress I am said to have objected," with particular reference to those parts that would permit enfrachisement of negro women of the south".I wish to disclaim that report. My remarks were necessarily extemporaneous, but I should be ashamed of myself if even in the impulsiveness of such remarks I had abandoned my consistent stand for equal rights with men for women of every race and section. But I did not. It was a mere assumption of the reporter because I objected to a repetition of the enforcement provision of the Fifteenth Amendment by the enforcement provision of the Anthony amendment, which is a duplicate of the principle of the Fifteenth Amendment, with a new application to women.

In fact, I fancy the importance of "three votes" against the Congressional attitude of the Association grew out of a perception by the keen-witted newspaper men that there was a certain xxxb doubt existing among many delegates , whether expressed at the National suffrage convention or not, that the regular method of extending suffrage by State amendments is safer, less exposed to unexpected evils, and on the whole more rapidthan trusting to the vicissitudes of a Federal Amendment , with its long-drawn- out struggle in Congress and its dubious way through 36 legislative ratifications. They are beginning to turn with hope to the declarations of the great parties in the National platforms of 1916, endorsing and virtually promising to extend suffrage by the State

 [Apr. 5, 1919]

method.

Since that time, women have served faithfully with men in all the heavy trials of the war. They have done their part as excellently as men; in thousands of instances they have been called to as dangerous service as men. Now more than ever they are averse to adding to all their sacrifices efforts to obtain political rights which are the conservors of all rights; and in this new reconstructive period to be withheld from the instrument which alone can give them the power to exert their proper influence in securing the greatest benefits from the sacrifices of the war in which they have borne an equivalent share with men.

Women have been attracted to the Federal amendment because it seems to promise relief from the arduous and expensive process of S State campaigns. Women are not fitted by political training nor by their customary avocations to undertake such campaigns. It may seem to men no extraordinary effort, but it does not appear in that light wo women; and after the declarations of the political national platforms of 1916 it ought not to be required of them.

In these new times, then, many women are depending even more than they did in 1916, prior to the war, upon the good faith of men who by their chosen delegates promised in the great conventions of Chicago and St.Louis their adherence to the principle of woman suffrage by the state process. It should be borne in mind that these promises were made to the people of the united States, and not to any suffrage organization. Therefore, the people and the women in particular have a right to claim that promise, whatever may be the policy of State or national suffrage associations. It should not be overlooked that only a small portion of the people who desire woman suffrage are enrolled in suffrage organizations. The vast mass of them speak their views

[Apr 5, 1919]

on this question through other channels, because they do not base their demand so much upon the abstract right of women to vote as upon concrete advantages which they expect from the exercise of this right by women. The Labor organizations for many years have been advocates of woman suffrage because they see it is a necessary instrument to guard the interests of industrial women, and incidentally those of industrial men. It is the same way with the temperance advocates; the same with sober lovers of peaceful settlements of international quarrels; the same with advocates of other social reforms. And now there is growing up an expressed conviction among such men as Governor Cox, of Ohio, that suffrage in the hands of women, the conservative half of the people, is the strongest bulwark against Bolshevisk and all forms of social disorder. In short, men who have various special interests in woman suffrage far outnumber those who have ever enrolled in suffrage associations. And it is their vote, largely independent of any party, which will exact from the parties a strict and faithful compliance with their platform promises to the people.

Therefore, in spite of all the cheap wit about the uncertainty of political promises, many women of Kentucky will rather trust their speedy enfranchisement by the state method to the good faith of Kentucky men than to the uncertain fortunes of a Federal amendment.

[Feb. 16 1919?]

Editor of the Herald:-

Will the Herald permit a woman to join in the very interesting discussion by the editor and John T. Shelby, Esq. of the Susan B. Anthony Federal Amendment?

I am willing to leave the constitutional points in the very able hands of the gentlemen, and merely give a woman's view of that amendment as a woman suffrage measure.

The Anthony amendment contains two provisions- In sec. Ist; The right of citizens of the United States shall not be denied or abridged by the United States or by any state on account of sex;

Sec. 2nd; The Congress shall have power by appropriate legislation to enforce the provisions of this article;- that is, in plain words, Federal supervision of State elections. This same provision is written in the Fifteenth Amendment; but by one of the hardest forensic battles ever fought in Congress the effort to pass laws to put it into effect was defeated, so that it is still in abeyance. But that amendment related only to a minor fraction of the population and interest in it was confined to a few states. Not so the Anthony Amendment; it relates to women, equal to men in numbers, intelligence and social influence in all the states. It is past hope that it would lie dormant with so many conflicting interests centered in it. Its adoption would mean Federal supervision of every election in every state.

This objectionable feature was palliated in 1878 when Miss Anthony had it introduced in Congress because the grant of suffrage to women was at least co-extensive with this Federal supervision; for then there was no state which gave women full suffrage and only a few which gave partial suffrage. But from 1890 when Wyoming entered the union as a suffrage there has been a divergence in the extension of the two provisions increased by every triumph of suffrage. ~~At the~~

 [Feb 16 1919]?

Even now the amendment might be more properly called one to provide Federal supervision of state elections than a suffrage amendment; for Federal supervision would apply to all the states, whereas there are fifteen states where suffrage would not come within its scope, as it is already in the state constitutions; twenty-two others which have partial suffrage conferred by constitutional or legislative enactments, leaving only eleven states where this amendment would initiate woman suffrage. If progress in passing state amendments continues at the rate attained in 1918, in eleven years more every state will have full suffrage without any Federal interference.

When any amendment is proposed to the National constitution it is plainly the duty of Congress to regard the rights of all the people in the form of the amendment submitted. Whatever may be said of the importance of the right of women to vote, it is also to be remembered that state control of state elections is a right cherished by multitudes of citizens. It should not be sacrificed needlessly. The plea is sometimes made that state constitutions throw insuperable obstacles oj the way of state amendments. The fact that all but eleven states have granted full or partial suffrage by constitutional or legislative enactment completely refutes this plea. What is also said most truly is that women have had to conduct very hard and expensive campaigns to secure rights which are plainly theirs by every principle of free government. This has been the case hitherto. It ought not to be so any longer since the National platforms of all parties in 1916 declared their adherence to the principle of equal suffrage. The Republican and Democratic parties declared for it by the state amendment method. Senator Beckham is loyal to the rights of all the people in refusing to vote for the Anthony amendment; and he is entitled to and receives the hearty thanks of many suffragists for his firm stand. What the people of Kentucky have the right now to

[Feb. 16 1919] ?

ask of Senator Beckham and every other political leader is whole-heartedly to carry out ~~theirx~~ the pledges of ~~theirx~~ the political national platforms. We all know that if the leaders of the Democratic and Republican parties give their honest support to initiate and carry state amendments the women will not need to bear the burden of arduous and expensive campaigns. This is the only fair way to deal with woman suffrage. Will the men of Kentucky adopt it?

 Printed in Herald Febr. 25, 1919

Editor of The Herald:-

May I extend my remarks on the Anthony Federal so-called suffrage amendment which appeared in the Herald Febr.16th? My meaning has been so misunderstood by as careful a reader as Mrs.Breckinridge, as shown in her letter of Febr.22nd, that I would like to speak further upon a subject as generally interesting as this at the present political juncture.

I object to the Anthony amendment because it incorporates a political provision besides woman suffrage, and which is antagonistic to the liberties of all the people. It has gained many advocates, in my opinion, because that other provision is not commented upon in the popular demands made for the amendment. That other provision authorizes Federal supervision of State elections. I pointed out that this provision is expressed in the 15th Amendment; but that by heroic efforts of its opponents, it had never been put into effect, largely because it related to a minor fraction of the people and interested only a few of the states. But when it should apply to women, one half of the people, found in every voting precinct of every state, it was hopeless to suppose that this provision would be allowed to remain a dead letter. I never supposed the evils of such laws would be felt only if states attempted to deny suffrage to women; but I consider the establishment of Federal supervision of State elections as instrument of tyranny ready to the hand of any party or group of states which gains the supremacy in Congress and cares to use it.

There is not a representative government on earth which would believe its liberties were secure if a foreign nation, however friendly, had authority to place election officers at its polls. In the same way, there is nothing in our political history or the current course of politics to justify the belief that a group of states or a political party which might hold the supremacy in Congress would always refrain from using such a power to further its own selfish purposes. To indulge in such a confi-

[Feb 25, 1919]

dence when we know to what extremes party passion and fanaticism will carry the people at times is to my mind merely to lull ourselves into a delusive somnolence, while it will remain forever true that "Eternal vigilance is the price of liberty".

The Anthony amendment proposes to right the wrong of denying suffrage to a fraction of the women by taking away a guarantee of liberty from the whole people. For though the Federal supervision of state elections in the two amendments would apply technically only to colored people and white women in practice it would be difficult to keep it from having an effect on white men. I think the ardor of many advocates of the Anthony amendment would cool if they caught the view I have,- that Federal supervision is a sword which cuts in all directions, and that it is quite in the range of possibility that the South with its race problem would not be the first or the only section to feel its edge.

I do not think it is a sound contention that because the legality of the 15th amendment has never been denied by the Supreme Court there is an argument for repeating its false or at least doubtfulprinciple in another amendment. The world would have little ground to complain of injustice anywhere it there were no injustices which did not come within the cognizance of the courts or which the courts did not rectity. This country has never felt the whole force of the 15th amendment, as Federal supervision has never been put into effect; and yet, after nearly a half-century of experience of it, its rightfulness and usefulness are constantly denied by impartial people. If suffragists must have a federal amendment for woman suffrage they should propose one which would accomplish their object without injuring the rights already secured to the people. But as to the Anthony amendment no suffragist has a right to blame Congress for not submitting it when under the cover of suffrage for women it really demands a more extensive political provision which probably never could have obteined even a hearing if it had been presented only on its own merits.

[Feb 25, 1919]

Since the declaration of all parties for the principle of woman suffrage in 1916 there is no cause to say the people of the United States are indifferent to the rights of women. After those platforms were adopted a greater number of women have been enfranchised by state action than in all the previous years of agitation; for while the number of states have not been more the population of them is greater. There is no reason to fear that when the electors are appealed to through their proper political leaders every state in the union will respond to the call upon their loyalty support to their national platforms. Our own beloved Kentucky is no exception. It is well known that our last legislature could have been won easily to submit a state amendment if the organized suffragists had asked it. But the counsels prevailed of those who wished not to divert any sentiment from the Anthony amendment. in the great drive to force it through Congress. Now the Senate, in its wisdom, has defeated that amendment, and the way is clear for action along the state lines indicated by the people through their delegates to the national Republican and Democratic conventions of 1916. Will Mrs. Breckinridge unswervingly use her great abilities and wide influence to secure from the incoming legislature the submission of a state suffrage amendment and give the people of Kentucky an opportunity to decide this question for themselves?

[early 1920]

Since the woman suffrage State amendment has been placed on the calendar of the Senate it seems timely to consider a few of the reasons why it should be submitted to the people even though the Anthony Federal amendment has been ratified by the General Assembly.

The second section of the Anthony amendment confers upon Congress the power to legislate upon State elections where women are concerned. It is impossible to foretell what Congress may consider "appropriate legislation" to enforce the provisions of the amendment;but in the light of history of similar legislation under the similar I5th amendment , it can be predicted with considerable certainty that the laws enacted will be formulated with a view to the benefit of the dominant party in Congress just as far as the power conferred upon Congress will permit, and that those States will fare best where those laws are least in evidence.

The elections in which women take part will be under Federal law to the exclusion of State law just to the extent Congress finds its interest to enact, as far as the powers conferred will permit. The women will not have equal force in modifying the election laws under which they vote that men have, if they choose to do so. Their recourse will be not to the State legislature but to Congress; and Washington is a long way from Kentucky. Women's personal influence will be practically nothing; and the thirteen members from Kentucky for whom they may vote are a small fraction of the 53I members of Congress.

The ratification of the Anthony amendment will make the word "male" a dead letter in the election clause of the State constitution, just as the I5th amendment made the word "white" a dead letter; but neither can be removed without State constitutional action, and until that is done political equality is not achieved.

Though the I5th amendment was effective in I870 the negro men in Kentucky tried in vain to have the word "white " removed; but it was

never done until the constitutional convention of 1890; and in Ohio, after it had been a dead letter more than forty years, a proposed constitutional amendment to strike it out which the negro men succeeded in having submitted was defeated at the polls and still stands.

It cannot rightly be charged to negro men that they have idle sentimentality over the distinction of their right to vote from that of white men, or that they were seeking unnecessary work in trying to have it removed. But they have found the consequences of this distinction to be irksome and disadvantageous to the degree that after long years during which the word that marked it had been a dead letter, they made the requisite effort to have it obliterated as far as possible.

The women of Kentucky have manifold the reason of negro men to object to having their electoral rights depend solely upon Federal authority, because there are many times more women in Kentucky than there are negro men, and their importance to the State is in proportion. They should not endure this discrimination in right a day after it can be removed. Hence, now, when both Republicans and Democrats are committed to the State method of granting them the franchise by their national platforms, and are pledged to the people by their State platforms to have a State suffrage amendment submitted by this General Assembly, now is the time for the people to claim their promise to make women the real political peers of men.

Laura Clay.

Can a Fundamental State power be destroyed by Federal Amendment? [Apr 20, 1920]

The first ten amendments were limitations upon Federal power for the protection of individual rightseither directly or through the states by the application of the Home-Rule Principle of the 10th amendment. The 11th protects the States against suit in the Federal Courts. The 12th changed the machinery for electing the President and did not affect State power.

The 13th, 14th and 15th amendments were products of revolution, although adopted in form as Constitutiohal amendments, they were in fact terms of peace and conditions of reconstruction imposed upon the States in rebellion by force of arms.

The 13th recognizes the existing fact of the abolition of slavery which the triumph of the Northern arms had already achieved. In itself it effect4d nothing new. The police power of the States over the institution of slavery, to which its terms referred, were already non-existent.

The 14th amendment established the Freedman's Bill of ~~Right~~ Civil ~~Rig~~ Rights. It extended for his benefit, as against the States, guarantees of individual and property rights. It made no invasion of State powwr nor transferred the same to the Federal government.

The 15th Amendment related to suffrage,- suffrage however which, by the fiat of the military reconstruction governments, had already been conferred upon the negro. It made no new voters in the South as does the proposed 19th. This with its adoption by force, and with the acquiescence in its legality by all the States for fifty years avoids the 15th amendment as a legal precedent.

The States in rebellion, as a condition to their re-admission with full sovereignty and Congressional representation , were required to record their affirmative assent and formal ratification of the three war amendments, as they are therefore appropriately called. Without such forced assent and ratification the necessary three fourths could not have been recorded.

The Income Tax Amendment re-asserted a Federal right existing from the foundation of the government and not affecting State power. The 17th required the popular election of Senators, diminishing in noway the States' power over such elections, the regulation of which had always been ultimately Federal.

In the strictly historical sense, then, it can be truthfully said that this is the first attampt by means of a Federal amendment to limit <u>an existing State power</u> reserved by the 10th Article of the Bill of Rights, <u>or to transfer the same</u> to the Federal government, or to infringe on individual rights protected by our Home Rule plan.

Whether in the light of a perpetual union of equally perpetual States that can be legally done is the question the Supreme Court must determine:- whether the perpetual scheme of our government contemplated the right of the citizen of Nevada, 3000 miles away, along with 35 other States of varying distance, to affirmatively legislate upon the dining tables and personal morals of a citizen of Rhode Island or to prescribe by perpetual mandate the conditions of suffrage in South Carolina.

[Apr 20, 1920]

With these distant peoples the citizen of Nevada, except in the election of a president and Congress, has no political or mutual political responsibilities; with them he has, by necessity, no social relations, Except as to the limited few engaged in long distance interstate trade, he has with them no actual business.

The legal question then is: "Was such long distance interference with local, personal customs, or racial conditions as affected by suffrage, unknown to the stranger legislator, and therefore utterly irresponsible and tyrannous, beyond the power given by the amending clause as completely destructive of Home Rule plan of government?

Our form of government contemplates regulation of our intimate personal and local affairs by a responsible political agency- the State legislature- within reasonable reach of the anger of an outraged people. It contemplates government in such intimate personal affairs by those who we can punish and reward by our votes; who must look us in the eye and be subject to social ostracism and the door of fellowship being closed in their faces if by their legislation they have committed an act of tyranny upon their fellows, their neighbors.

That is the philosophy of the Home Rule plan of the Constitution of the United States. That is the corner-stone without which it falls.

That and that alone is States Rights and local self-government.

If these amendments can be legally enacted, all our liberties can be taken from us by irresponsible, long distance political action. The entire Bill of Rights, including its IOth Article, can be wiped out by this new legislative method.

If the entire Bill of Rights should be held to be indestructible and beyond the reach of amendment, this would not involve a rigid constitution, but merely a permanent protection to the individual in his person and property and to his right to government by his neighbors in all things intimate, personal and local.

As the I8th amendment was the first amendment, properly so called which invaded the States' reserved power fromerly inviolable; so the I9th is the first which will attempt to change many State constitutions without the referendum required therein.

The legal question at once arises whether a State legislature whose power is limited by its State constitution can amend its own limitations therein by ratifying a Federal amendment.

If so, not only can the State destroy itself, but its mere agent, the State legislature (with concurrence of 35 others) can destroy the State constitution and with it the State itself as a political entity.

This is not to say that the State itself by an explicit act of its whole people could not cede away a State power to the Federal government, but only to say that its legislature, by this extraneous method, could not surrender the rights of the people who created it, in defiance of the instrument which expressly limits its powers, nor invade the internal affairs of a dissenting sister State and forcibly denude its people of their State power.

It is palinly as much the duty of the Court to preserve the States as indestructible political units for local purposes as it is its duty to preserve their indestructible union for Federal purposes and to declare

[Apr 20, 1920]

ultra vires a measure of direct legislation presented in the disguise of a Federal amendment if it wholly or in partly destroys the State. The limitation of power is as clear as in the ordinary case of an unconstitutional statute.

To what purpose are both Federal and State powers so limited as to preserve an indestructible union of indestructible States if the right and duty does not remain in the Federal judiciary to declare those limitations, simply because the form of the obnoxious act conforms to that of an orthodox Federal amendment?

The matter is clearly justiciable. It begs the question to say that, under our dual form of government, there is no such thing as an unconstitutional amendment. When such proposed amendment destroys the Federal form of our government in whole or in part, or violates the letter of many of the individual State constitutions, whose legislatures attempted to ratify, theremust be judicial power to declare such amendment void.

Otherwise, it must be held that we can commit governmental suicide without an actual physical revolution, by simply invoking the forms of the amending clause.

These amendments establish form rules , practically permanent in character, which the people of no State can hereafter change by any action of their own.

When before in history was such a voluntary surrender of the power of local self-government attempted to be made by a free people?

Both the 18th amendment and the proposed 19th amendment destroy fundamental State power. Both impose by force a distasteful policy upon the people of unwilling sections. The people of four States are coerced by the former and of at least seven by the latter.

If the question of legality is held not to be justiciable, or if the Supreme Court, in its wisdom, feels it must sustain them as legal acts of government, then a revolution has happened, not only in our form of government, but in our political thought, which foredooms our continued existence as the Federal republic under whose Home Rule plan we have become great and until now remained free.

It will doubtles be admitted as a legal proposition that it would be ultra vires and within the power of the Supreme Court to so declare, for two-thirds of a quorum of Congress , backed by 36 State legislatures, to impose upon the people of 12 dissenting States the so-called nationalization of women; to abolish the freedom of the press; to establish polygamy; to cede all State power; to abolish property; to prescribe a particular religion; or to set up a monarchy in place of ou Federal union.

Yet if the question of the power to pass the so-called 18th and 19th amendments is not a subject for judicial determination, neither could the Supreme Court declare any such acts void in law, provided they were clothed in the prescribed form of, and adopted as Constitutional amendments. As long as we remain the United States of America that can not be.

It should be further noted in reference to the legality of the suffrage amendment:

(I) That the Missouri State Constitution provides:

Art.II.Section 3. We declare, that Missouri is a free and independent State, subject only to the Constitution of the United States; and

as the preservation of the States and the maintenance of their governments are necessary to an indestructible Union, and were intended to co-exist with it, the Legislature is not authorized to adopt nor will the people of this State ever consent to any amendment or change to the Constitution of the United States which may in any wise impair the right of local self-government, belonging to the people of this State."

(2) That the Ohio Supreme Court has held the people of Ohio are part of its Legislature, which of course prevents the vote of that State from being cast for or against the Amendment until the popular referendum thereon in November, unless the Supreme Court reverses the Supreme Court in Ihio.

(3) That litigation is supposed to be in progress in West Virginia to contest the legality of the unseating of a State senator upon the claim that he had resigned, in order to count a majority for the Amendment.

Yet it is announced and re-iterated every day that in case one more Legislature votes to ratify the Suffrage Amendment , it will be at once proclaimed by counting Missouri, Ohio, West Virginia in the affirmative, notwithstanding the Missouri Constitution, the West Virginia litigation, and the pending of the Ohio Referendum case before the Supreme Court and without waiting for an authoritative ruling therein.

But does any body care? If the presidential election should thereby be thrown in legal confusion and a contest resulted, the heat of which might throw us into an actual revolution, would we care then? In the present state of the public mind it is difficult to say.

[1921?]

It was not contemplated in the law that the Board members would give all of their time to the service of the State. It was the purpose that they should be the governing and controlling influence, acting upon and through an experienced and trained Commissioner of Public Institutions and a staff of competent assistants. Such a Commissioner the Board secured in the person of Mr. Joseph P. Byers, who had had a wide experience in all matters pertaining to state policies in the organization and management of public institutions, and such a staff the Board is endeavoring to provide as fast as means available will permit.

Mr. Byers came to Kentucky at the request of citizens of the State interested in the improvement of our public institutions, some of them prominent in both political parties, to advise in drawing the new law. He came without compensation, and at his own expense. He was later asked by the Board appointed under the law he had helped to frame, to accept the office of Commissioner of Public Institutions. He accepted that position at great personal sacrifice. He had been for years the Secretary of the Ohio Board of State Charities, and later at the head of state institutions in Indiana (Jeffersonville Reformatory); Pennsylvania; (Eastern State Penitentiary at Philadelphia); and State Training School for Boys, Randalls Island, New York City. He was appointed by then Governor Wilson Commissioner of Charities and Corrections of New Jersey. He was for four years the executive head of the National Committee on Provision for the Feeble-Minded, in which work he was of great service to the State of Kentucky, through the State Commission on the Feeble-Minded appointed by Governor Stanley. He brought to the State a wide experience in institution super-

vision and management, and in the development of state policies in the care and treatment of all classes of State wards .

The Board has recognized the futility of undertaking to rehabilitate the several institutions, both physically and in the care and treatment of their inmates, without having at the head of each institution a qualified, capable and experienced superintendent. The number of men outside the State competent for these positions is limited,and, unfortunately for the Commonwealth, the system under which the institutions have been conducted has not trained men within the State for these positions. Another difficulty hasbeen the inability of the Board to offer compensation at the rate paid for similar services in other states. It did increase the salaries of the superintendents from $2,000 to $3,000 per annum, and later at the Central State Hospital and State Reformatory to $3,600. In spite of these handicaps, we have succeeded in securing Superintendents, where changes have been made, under whose direction these institutions have, within the past six or eight months, shown great improvement. Where the superintendents in charge seem to give promise of fulfilling the responsibilities imposed upon them in carrying out the policies of the Board, they have been retained. Where they fail to meet the expectations of the Board, they will be replaced when, and as soon as, successors better qualified can be secured. At four of the institutions, the Central State Hospital, the Feeble-Minded Institute, the State Reformatory and the Houses of Reform, new superintendents have been installed during the past year.

Under the law the Board is authorized to call upon the other State Departments for special services. This service has made it possible to secure the assistance of the State Board of Health, whose experts

have been of service to the Board in matters pertaining to medical treatment, especially for venereal diseases, sewage disposal, and general sanitation, and examination of water supplies; also the use of the State laboratories for blood, sputum, and other tests. The State University has contributed valuable assistance in matters pertaining to the management of the farms, dairy herds and other livestock, analyses of food and other products used in the institutions, and in the study of institution dietetics, the latter resulting in the appointment of a competent dietitian who is now engaged in a revision of all our institution dietaries, placing them on a scientific basis. The services of the State Geologist have been utilized in matters pertaining to increased water supplies. The Superintendent of Public Instruction has been consulted in the matter of educational work now being carried on and developed at three of the institutions. The Bureau of Fire Prevention and Rates, at the request of the Board, made a thorough examination of all the public institutions with the view to eliminating fire hazard. At all times these, and other, departments of the State government have responded cheerfully and promptly to any and all requests we have made, and their services have been of extreme value in assisting the Board with its work. We have thus been enabled to avoid the necessity of employing experts in many departments where, except for the cooperation above noted, such employment would have been necessary.

The power plants of the institutions were in deplorable condition. The Board employed a Consulting Engineer who, after making a thorough examination of these plants and reporting on same with recommendations, was retained by the Board for periodical inspections and

reports.

Four parole officers were employed. A State Dietitian, before referred to, was appointed. An experienced field worker was secured. The latter is now engaged in investigating the pauper idiot claims, aggregating approximately $160,000 a year, which the State has been paying out without investigation. This agent has also investigated the private institutions in the State caring for cases of mental disease or deficiency. In this work she had had previous experience. The law imposes upon the Board the duty of such investigation before the issue of a license by the Board for their operation.

The above are some of the things the Board has been able to set on foot. There are other departments that should be organized as soon as means are provided. Probably first among these is that of a State Psychiatrist, who shall have oversight of the organization of the medical work in our state hospitals, the organization of training schools for nurses, outside clinics, out-patient departments, and who can act as an adviser to the Board in cases of all paroles where there is any question or suspicion that the person to be paroled is mentally unstable or deficient to a degree that would make his or her parole inadvisable.

The bookkeeping of the institutions has been centralized in the office of the Board.

The Board has adopted as its standard of food products purchased the specifications of the War Department, insuring uniformity in quality of all goods. Contracts are awarded every three months on competitive bids, and all bidders are required to quote upon, and deliver, if contracts are awarded them, goods of the standard required by the

Board. Supplemental or emergency purchases are handled upon requisitions approved by the Commissioner of Public Institutions, after the prices obtained by the institutions have been verified in the office of the Board, and other quotations received, if the prices quoted by the institutions appear out of line.

Fire Hazard.

One of the first acts of the Board and the Commissioner was to request the State Fire Marshall's Department to make a full investigation of fire hazard in our institutions. That was done, and a report with recommendations covering each institution received, and these recommendations were carried out. Additional fire apparatus was purchased and installed. Two new fire escapes were erected at the Feeble-Minded Institute, and many improvements made elsewhere looking to the elimination of fire hazard and the greater protection of lives of inmates and officers. All of this entailed considerable expense. In addition, all of the Superintendents were instructed to inaugurate regular fire drills in order that their inmates might be habituated to rapid evacuation of buildings. This has been done.

Fire Insurance.

As to the method adopted by the Board in the placing and handling of the fire insurance on the property under its control, we feel that the public should know the facts as well as what actuated the Board in its decision.

When the Board took charge it found the fire insurance in a chaotic condition, some buildings and items were over-insured, others under-insured, based on 1917 valuations, some policies concurrent, and others

non-concurrent, and the business largely in the hands of agents with political pull enough to get it.

The first act of the Board was to have all of the property appraised and inventoried, which brought to light the fact that these properties are worth approximately $6,000,000.00 . Insurance to the extent of $2,800,00.00 was being carried, subject to the co-insurance clause, and upon that basis, if a fire had occurred partially destroying the property, the State could only have collected a little over half of its loss.

With the idea of putting the placing of insurance on an automatic basis, thus eliminating favoritism, a letter was addressed to every Stock Fire Insurance Company, legally authorized to do business in the State, explaining to them the purposes of the Board, and asking them if they would cooperate with the Board in its desire to take the State's insurance out of politics, and if they would assume their equal proportion of the risk, with the understanding that they would divide the commissions among all of their agents in the State. One hundred and thirteen companies responded favorably and many commended the plan. This resulted in each of the one hundred and thirteen companies being given a policy of $45,000.00, all of which was written by agents of this State, making a total of $5,085,000.00 placed under a blanket form, which covers all of the property under the control of this Board under one item "Buildings and Contents" for a term of three years, with every company and every agent sharing equitably in the distribution.

All of the insurance was cancelled on a pro rata basis, excepting in the instance of a few companies which had more than their $45,000.00 proportion, in such cases only the excess was cancelled on a short rate basis. This, however, was many times made up by the Board'sbeing able

to have the companies change their rule so as to allow term policies on penal institutions.

The statement has been made that the method adopted cost the State $20,000.00. The facts are that the State now has adequate insurance (which the law requires) on all of the institutions under its control; it has a form which properly covers it; it has taken insurance out of the realm of favoritism and politics. It has actually saved the State much money and the Board feels that it has in this way established a system of really constructive precedent.

Paroles.

No work of the Board has required, or received, more time and careful attention than that of the granting of paroles. Until April of last year those to be paroled were not seen personally by the Parole Board. No records of any value had been kept, either in the institution or of histories previous to commitment. There were approximately three hundred and fifty men at Eddyville and Frankfort who were entitled to a parole hearing that had never been granted. Some of them had been eligible for consideration for eight and ten years, and more. Prisoners who were unable to command the services of attorneys or friends were simply lost in the institutions.

The Board at once adopted the plan of refusing to permit outside influences, political and other, to play any part in securing paroles. The records available at the institution covering conduct, previous convictions, crime, length of sentence, etc., were, and are, being supplemented as rapidly as possible with information secured from Judges, Prosecuting Attorneys and others able to give important facts as to the previous character, habits, home life and the criminal history

of prisoners who are being considered for parole. This information is supplemented by a personal interview with each prisoner for the purpose of giving him an opportunity to speak in his own behalf, and to the Parole Committee an opportunity to question him. The whole process is to enable the Committee to form its own judgment as to the purpose and ability of the prisoner to live at liberty, under parole supervision, without further violation of law. The action of the Parole Committee is subject to the approval of the whole Board and the Governor. This method of parole work was new in Kentucky. It was designed to safeguard the public and the prisoner. Much remains to be done in improving institution records, securing more competent or reliable personal histories, closer parole supervision, a closer cooperation on the part of employers, and a better understanding of this important work on the part of the public. From present available statistics, at least one fourth of the inmates of our two prisons are illiterate. The Board has adopted a rule that no prisoner who is capable of learning shall be paroled until he, or she, can read and write. But before this could be enforced, it was necessary to organize in both institutions schools where they should have at least the opportunity for learning. This has been done.

We do not believe that the State should leave undone anything that can be done for the physical and mental and moral rehabilitation of its wards. It must always be kept in mind that, as far as may be made possible, our institutions must be remediable and not merely custodial; that practically all of those convicted of crime will, some day, under our present laws, be returned to free life. It is the business of the State to return them as fit as possible in every way for honest self maintenance. More and more has the Board been requiring the

keeping of daily records showing the institution life of prisoners, conduct, school-work and obedience to, and respect for, the rules governing the institutions.

We have recognized that without a sufficient number of competent parole officers, the work of the institutions will be of little avail. We have now three men and one woman devoting all of their time to this work. They are visiting paroled men, their employers, their homes; finding employment, getting at first hand any and all the information as to their conduct and progress. As fast as the work can be organized, these parole officers will be required to visit the homes of prisoners as soon as possible after they are sentenced in order to secure for the later use of the Parole Committee full information as to their home and community life, previous conduct, and such facts relating to their crime as may prove of value in guiding these committees in their work. Much of this information might, and ought to be contained in their commitment papers, but it is not. It would be a great aid if committing judges were required to give it while the facts are fresh in their minds. They are unable to do so years later as has been abundantly proven by the hundreds of letters addressed to them and the county and district attorneys from the office of the Board.

The force of parole officers should be doubled and would be if funds were available. The records of the office are full of reports from paroled prisoners, attested by employers and confirmed by personal visitation of parole officers, that show satisfactory results.

The men who go out and make good on parole are not in the public eye, and should not be. But the paroled man who fails, who commits another crime, generally appears in the public press, generously advertised as a paroled man. The result of all of this is that the public inevitably forms its judgment of the parole system by the comparatively few failures it reads about and not from the very much larger number of successes it does not, and cannot in justice to the men, hear about. Mistakes have been, and will be, made in the granting of paroles. To expect anything else is to expect from fallible human beings perfection of judgment.

Two cases have been recently mentioned in the press of the State of paroled men who committed further crime -- one of these was Kelly Robinson, received at the State Reformatory December 8, 1912, from Morgan County, on a life sentence. Among the papers bearing on this case was a letter from a former Attorney General of the State, Hon. Chas. H. Morris, in which he stated that he had "occasion to look over the papers and to discuss the facts of the case with his (Robinson's) father, and from such examination and such discussion as I have had, I am frank to say the offense committed by this young man was justifiable". The Parole Committee considered the case, as it has all others, carefully, and gave to it it's best judgment.

Robinson was paroled November 4, 1920, to his father, Daniel G. Robinson, living in Ohio, who had agreed to employ his son. His monthly reports, certified by his father, were received up to February 1, 1921. He was killed by a deputy sheriff in Perry County, in a gun fight, on February 27, 1921.

The other case was that of Leck Montgomery, received at the

Reformatory September 10, 1918, from Wolfe County, for a term of from six years to six years and one day, later commuted to four years, for manslaughter. He was paroled October 16, 1920. He would have been discharged, with good time earned, in August of 1921. In this, as in many other cases, the Parole Committee felt that it would be better for the man to go out under parole supervision, during the remainder of his full maximum sentence, than to remain the nine months in the Reformatory, and be definitely discharged without any parole restraint.

The return for parole violation carries with it the loss of all good time earned, and, in Montgomery's case would have subjected him to detention in the Reformatory for the full unearned portion of his sentence, viz: one year and eleven months.

Montgomery's prison record was clear. He was paroled to his brother. His parole reports, certified by this brother, were received up to and including January 1921. He was returned to the Reformatory March 4, 1921, having been convicted at the February 1921 term of the Wolfe Circuit Court for the murder of his wife, and sentenced to life imprisonment.

Out of 347 prisoners under parole supervision by this Board since the beginning of its work, from the Reformatory and Eddyville, three have died, three have been pardoned, and sentences expired in the case of two; a total of eight who have gone out from under supervision, leaving a total to be accounted for of 339. Four parole violators have been returned to Eddyville and ten to the Reformatory at Frankfort, a total of fourteen, only one of whom was returned on a re-sentence. To this number should be added forty five who have left their places of employment and are out of touch with the Parole Board,

their present whereabouts unknown, but who, because they are out of touch and their conduct a matter of conjecture, have been posted as parole violators. These forty five, with the fourteen returned, give a total of parole violators of fifty nine, or a total of seventeen percent of the whole number paroled. But among the forty five whose present whereabouts are unknown, there are undoubtedly some who have violated their parole only in that they have left their employment without permission, and who, as soon as we have located them, will be found to be working and behaving themselves; but until these facts are established they are carried as parole violators. It has been impossible to convince many of these paroled men that the old custom of requiring only six months parole reports has been discontinued, and there have been a number of cases where men have left their employment because of this misconception on their part.

This parole work covers too short a period to warrant any conclusive statement as to what percent of those paroled finally make good but, so far as we have gone, the results indicated are that our Kentucky paroles show as low a percentage of real parole violations as in other states. Certainly the result to date would more than justify the parole principle. We are sending the description and photograph of parole violators to sheriffs and other officials in order to secure their arrest and detention until investigation can be made, or their return to prison ordered. There are 169 boys and 51 girls on parole from Greendale. Four boys and four girls have been returned for parole violation and 6 girls are posted as parole violators.

Venereal Disease and Medical Treatment.

A condition in all of the institutions that received early attention was the utter lack of medical examination of patients and inmates, immediately following their reception at the several institutions. There was no proper or complete record of such examination

in any of the institutions. It was recognized that one of the serious ailments afflicting a large number of inmates of all the institutions was venereal disease. With the cooperation of the State Board of Health, the plan of making a Wasserman test of all of the inmates of the institutions was adopted and where results of that test show the necessity for special medical treatment, adequate treatment is given. This work is still in progress. It has been completed at the State Houses of Reform, at Greendale, and at Eddyville and the Frankfort Reformatory. As fast as the facilities of the laboratories of the State Board of Health permit, Wasserman tests are being sent from the Central State Hospital, and as soon as that institution is covered, the other institutions will follow. The size and importance of this work is shown by the medical reports at the Reformatory where forty seven and six tenths percent of the prison population showed by Wasserman test the presence of syphilis. The treatment of these men has entailed an immense amount of labor, and required the employment of specialists. It has also entailed considerable expense for services and salvarsan, but the Board now has the satisfaction of knowing, and it will be, we trust, of equal satisfaction to the citizens of the State, to learn, that for some months past, no venereally diseased boy or girl has been discharged from Greendale, or any prisoner from Frankfort or Eddyville, even though they have had to be detained beyond their parole or discharge periods, until they have received treatment and have been discharged by the medical departments. Research in the past few years indicates that this disease has played a hitherto unrecognized part in criminal acts and mental diseases. Other states have provided experts and laboratory equipment for special studies in this, and other, lines. In all of this work, Kentucky has lagged behind.

It is, of course, a part of the policy of this Board to place our institutions in this respect on an equal footing with the best of similar institutions elsewhere, but this, too, will require not only time, but large additional expenditures. It will be part of our policy, and necessarily so, to place all of these facts in an intelligible way before the people of the State. We shall do so in the firm belief that the people of Kentucky will not deny to the inmates of our public institutions any material or other treatment, that shall make it possible to return to free life those who, for their own protection and the protection of the Commonwealth, have had tobe committed to these institutions. The citizens of the State have a perfect right to know the facts and whys and wherefores, and thus knowing, to insist that the Legislature make proper and adequate provision for these, their fellow citizens.

Another condition growing out of the lack of intelligent administration and adequate equipment was found at the Feeble-Minded Institute, where, again, the State Board of Health has cooperated. Here, after examining all of the children, it was discovered that about one half of the boys, and a small percent of the girls, were afflicted with trachoma. Steps are being taken to treat and eradicate this disease from that institution. The practice of the Parole Committees in bringing before them the inmates of the penal and reformatory institutions for parole consideration called attention to the fact that there had been an almost total lack of attention to the eyes, teeth, and other physical ailments, requiring the attention of specialists. The result of this was that arrangements were made and put into effect whereby the inmates of these institutions are now receiving at the hands of specialists, expert treatment for physical deficiencies and

deformities. Here again, as in all other improvements that we have been able to make, the cost has been considerable, and this cost has been met from the budget appropriation, which did not contemplate, because these conditions were then unknown, these unusual expenditures; but whenever the Board has acted, it has done so impelled by the belief that these were matters that could not, with justice to these inmates and to the State at large, be further neglected or postponed.

Feeble-Minded Institute.

At the Feeble-Minded Institute, in addition to physical improvements, including the heating plant, a tuberculosis hospital is now nearing completion; the colony for males has been opened with twenty five of the older boys; a classification based on the mental age has been made of the children; kindergarten instruction and school work in the lower grades inaugurated; adequate and individual clothing provided; the diet of the children improved and regulated; and other improvements made, all of which have enabled the institution to begin to fulfill its real mission. A recent official report that these improvements have increased the per capita cost of running the institution was well founded. They have; but the feeble minded children, wards of the Commonwealth, have been the beneficiaries, and they have ceased as result of these expenditures to suffer because of the criminal neglect from which they were suffering when the present superintendent, Dr. Taylor, took charge March 1, 1920.

The restricted capacity of the institution is a serious matter in that children who ought to be in the State's care and custody are denied admission. This inability to receive new cases, except upon

the death or discharge of present inmates is subjecting the State to the natural and inevitable increase of defective citizens. This situation cannot be remedied until appropriations are available for new buildings that shall increase the capacity and give futher opportunity for industrial training.

The employment of an experienced field worker to investigate the condition of so-called pauper idiots now drawing pensions from the State has already been mentioned.

State Hospitals.

These institutions have, in the past, been mere receptacles. Practically nothing was being done for the medical treatment of the inmates beyond administering to their physical ills. The plants were run down. Practically no attention had been given to the employment of patients as a part of their treatment. At the Central and Western Hospitals, particularly, marked improvement has been made in their physical condition, and in the care and treatment, feeding and clothing, and medical service, and in so-called occupational therapy. A marked change has been made in the atmosphere at both of these institutions, due to the constantly increasing number of patients who have been given occupation or employment. Nothing could be more distressing than to see the hopeless condition of these sick people due to the State's indifference and neglect; nothing has been more encouraging than the results already beginning to show through an awakened interest and more intelligent and capable administration.

At all of the hospitals great difficulty has been encountered in securing competent men for the medical staffs and this difficulty is not yet overcome. It is the purpose of the Board to bring to

the service of these institutions qualified men and women, both as physicians and nurses, in order that individual study of cases may be made, and modern, up to date scientific treatment given to these mentally sick people. An aid to this end will be the employment of a State Psychiatrist, elsewhere mentioned.

At the request of the Board, the following consulting and advisory staff of physicians accepted service without compensation several months ago: Surgery, Dr. Irvin Abell; Medicine, Dr. Sidney Myers; Eye, Dr. A. L. Bass; Ear, Nose and Throat, Dr. S. S. Watkins; Neurology, Dr. John Moren; Laboratory, Dr. Stuart Graves; Preventative Medicine, Dr. Arthur McCormack; Urology and Syphilis, Dr. George H. Day; all of Louisville. It is the hope of the Board that through the medium of this central staff, visiting staffs of experts will be appointed for each institution.

Our hospitals are overcrowded, and are caring for several classes of patients who ought to be provided for in separate institutions, namely, the epileptic and the feeble-minded. There is also need for a separate institution for the criminal insane, either as a separate department at one of the hospitals, or as a separate institution. The failure of the State to provide for this classification has complicated, and will continue to complicate, the management of these institutions, and work harm to those committed to their care and treatment. The commitment law needs revision, and should contain a provision for voluntary commitment. The records of patients committed, as they now reach the hospitals, are of practically no value from a medical standpoint. Each institution should have one or more visiting nurses who can keep in touch with paroled patients,

and when this service is provided, a very much larger number of patients can be paroled, and the State relieved of their immediate care.

Delinquent Girls.
Houses of Reform.

The Houses of Reform at Greendale, so far as the girls were concerned, was conceived and executed in error. The experience of every other State that had tried the combination of the two sexes in one institution, had already shown the unwisdom of such a course. The result has been that during the years since the school was opened there has been constant and serious difficulties of many kinds encountered because of the proximity of the two departments. There is only one solution possible for this situation and that is a separate and distinct, and so far as the present institution is concerned, far removed, State Training School for Girls.

Soon after the new law became operative, a site of 288 acres at Pine Bluff, near Pewee Valley in Shelby County, was turned over to the Board. This site had been secured and paid for largely by the club women of the State who were instrumental in raising $30,000 for the purpose under the promise of an equal amount from the Federal Government, which amount was received and used for the erection of a two story frame stucco building, containing forty single rooms, dining room, kitchen, laundry, etc., but not including plumbing fixtures, heating and lighting. About twenty girls had been transferred from Greendale, all of them venereally diseased, and placed under medical treatment, for which purpose Dr. Della Hertzsch of Louisville had been

employed. But these girls need hospital care. Proper hospital facilities were lacking, and the isolation of the girls made it almost impossible to bring the treatment to them. In fact, it was necessary for many of the girls to be taken from Pine Bluff to Louisville for treatment.

Pine Bluff is located about twenty miles from Louisville, and two and a half miles from the nearest railroad or trolley station and the roads leading to it are almost impassable during the winter and after heavy rains. The site was an unfortunate one, because of its location. The inauguration of a new institution which should eventually become a State Training School for Girls by beginning its organization as a venereal disease hospital, attached to it a stigma which would continue for all time so far as a real training school for girls was concerned. The isolation of the site made it impossible to secure and retain competent officers, or, as experience later proved, officers of any sort. The water supply was found to be contaminated, and was condemned by the State Board of Health. The history of the securing and development of this site, so far as that development had gone, was most unfortunate in that the women of the State particularly had been lead to believe that it was the forerunner of the separation of the two schools at Greendale, and the beginning of a reform that they, and other citizens of the State, had long sought. It was not until the Board had given the matter long and serious consideration, and sought expert advice from without the State, that it was finally concluded that to go on with the development of a new institution on that site would be unwise. Any extensive building operations, as well as the future upkeep of the institution, because

of the situation of the site and its distance from rail and trolley service, would have entailed unwarranted expense. The foregoing, and other considerations, prompted the Board to inaugurate a more or less temporary improvement, and a general rearrangement at the Greendale school by which complete separation of the girls from the boys has been provided, medical and hospital treatment inaugurated, and more competent and better supervision furnished.

Insofar as it is possible to do so under present conditions, it is the purpose of the Board to go on with these improvements and to develop a system of domestic and other training. But in doing these things it is with the announced purpose of asking the next Legislature to provide funds with which to secure a more suitable site and to begin at once the erection of suitable buildings for a State Training School for Girls. This is one of the crying needs of the State, and too much cannot be said to bring these conditions before the people; in the hope that the disgraceful conditions that have existed at Greendale for so many years, and which have been a reproach to the State, may cease.

The boys at the institution are now under military training. Their physical condition during the past four or five months, due to systematic exercise, better feeding and better discipline, have made an unbelievable improvement in the physical appearance of these boys, and there is a pronounced improvement in their spirit and morale.

The Board last fall annulled what was in effect a prison labor contract at this institution. This contract was using a building that had been originally erected as a manual training department, but manual training had long ceased. This building is now being re-

modeled for use as general dining rooms for boys and officers, and for trade schools, for shoemaking, printing, tailoring, machinists, carpentry and laundry, all now organized, and with competent instructors in charge. It will also contain a disciplinary department which will make it possible to dispense with the use of the unsanitary so-called dungeons, that have been used for the punishment and custody of boys who could not be otherwise controlled.

Band instruments have been purchased and a band organized. It is doing fine and provides another valuable trade school.

The schools, (scholastic), have been reorganized. The daily life of the boys at the institution is now so ordered that they have half a day at school and half a day at work, with reasonable recreation and drill periods. A marking system has been introduced, whereby the boys, (and this applies to the girls also), may, with effort on their part, earn their paroles in a minimum period of fifteen months. This marking system is interfered with greatly by a custom that has long been in force in the State of sending boys and girls to this institution on definite sentences, ranging from six months to life. We need an amendment to the law which shall provide for commitment and supervision during minority.

Woman's Prison.

Another crying need of the State is a Woman's Prison. The same difficulty exists at the Reformatory as at Greendale, due to the proximity of the women to the male prisoners. Kentucky will be in no position to pride herself on having established an up to date and adequate prison system until the Commonwealth has made provision for a distinct and separate Woman's Prison, to which all women of the State

convicted of crimes and misdemeanors, may be sent.

Road Work of the Prisoners.

The law of the State demands the employment of prisoners in the construction of roads. We have adopted rules and regulations for the control and government of these camps, a copy of which is attached hereto.

Prisoner's Compensation.

The law also provides for the adoption of a compensation plan for prisoners. This plan was put into effect on January 3, 1921, with a maximum of fifteen cents per day, subject to such fines as may be imposed for misconduct or bad work. Prisoners who destroy property, or who escape, or in other ways subject the State to expense on their account, are charged the full amount against their compensation.

The operation of the plan is too new to warrant any final conclusions as to the ultimate effect upon the prisoners in stimulating them to better conduct, and better work. If it fails to do this, it will have failed in one of its prime purposes, and will be reduced to the minimum or withheld entirely.

Penal Institutions.

Some of the improvements at these institutions have already been indicated in the sections of this article dealing with venereal disease, compensation for prisoners, and paroles.

The Reformatory at Frankfort has been in the public eye more than any other institution in the State. During all of 1920 this institution was in a state of considerable unrest due to the changes that had occurred in the office of Superintendent, and the fact that until Mr. Moyer took charge in August there was no man of any exper-

ience in charge of, or employed at that institution. The inevitable consequence was an utter letting down of discipline, which was reflected in the labor of the men, escapes, and in general unsatisfactory conditions.

The innumane methods of punishment that had been in vogue at this institution in the punishment of prisoners were abolished under Warden Davis. That one change, in itself, was sufficient to cause much unrest among the prisoners, as any sudden change always does; particularly when it is accompanied by a false impression that a change in disciplinary methods means a relaxation of discipline itself. This situation was further aggravated by the fact that a large number of inexperienced guards and officers were appointed, not one of whom had any conception of prison administration, or their duties. In an attempt to remedy this situation, the Board secured the services of a distinguished and successful prison administrator, Mr. W. H. Moyer, of New York. He came to Kentucky in August, first of all handicapped by the fact that in the press and elsewhere there was criticism that the Board had not selected a citizen of Kentucky, a public attitude that deprived him of the loyal support of his subordinates. The subordinates were untrained. He had to grapple with a situation single handed that would have been serious and difficult enough had he had a corps of experienced, capable and loyal officers. He came to the State on a leave of absence from other work, in the hope that he would be able to remain a sufficient length of time to enable him to train some one for the office of Superintendent. In spite of

the fact that he worked in a hostile atmosphere he accomplished much in the rehabilitation of the institutions, the improvement of the conditions of the prisoners, and their discipline.

The new Superintendent, Mr. Gastin, has entered upon his duties under more auspicious circumstances. He has a capable deputy who had been employed by Mr. Moyer a month before his resignation took effect. He found a better spirit and higher morale among both prisoners and guards, than had existed at any time during the preceding year, and he has entered upon his duties with an earnest and intelligent purpose to bring this institution up to the standard it ought to occupy.

The Editor of the Herald has asked that we state the facts bearing on the appointment, and subsequent removal, of Mr. Davis as Superintendent of the State Reformatory, and the appointment to that position of Mr. Bastin. Mr. Davis was appointed because he seemed to be the best man in sight at a time when conditions at the Reformatory demanded an immediate change. These conditions were revealed by the report of a committee of the Legislature of 1920. He was removed after five months' service had demonstrated that his management of that institution did not conform to the Board's forward-looking and non-partisan purposes and standards.

Mr. Bastin was not an applicant for the superintendency, nor was any application made in his behalf by any one else. For several months Mr. Byers, the Commissioner, and the members of the Board had been seeking the right man for this big and difficult job. Mr. Byers, whose duty it is under the law to name the administrative heads of the institutions, subject to confirmation by the Board, on his own initiative, searched out the men in the State whom it might be

worth while for him and the Board to consider. Among them was Mr. Bastin. After a careful personal conference with, and observation of, him, he was appointed. Mr. Bastin had attended the University of Kentucky, and graduated from Purdue University as an electrical engineer. He was head of the public utilities of Lancaster, and a successful business man of considerable executive ability. He was also interested in educational work, having served as a member and president of the Lancaster Board of Education. Any man who will go to Frankfort and inquire, will find that he, Superintendent Bastin, is justifying theBoard's judgment.

Conferences.

The Commissioner of Public Institutions calls from time to time conferences of the superintendents of the institutions, and also of the receivers. These conferences are for the purpose of discussing special institution problems, as well as general policies of the Board, to the end that there shall be established a proper degree of coordination, standardization and uniformity of supplies, and a general systematizing of the work.

Personnel - Officers and Employes.

Tenure of office during efficiency, and opportunity for promotion to higher grade and better paid positions in the service, are two essentials for securing and retaining intelligent and competent employes. Each superintendent is the administrative head of his institution, has full authority, and is responsible for the proper administration of same. Each has been advised that service is the one essential thing, and that any personal or political motives that may appear in the discharge of his duties as superintendent will subject him to removal. It is the policy of the Board to recognize

faithful and efficient service by promotion, whenever the opportunity for such promotion presents itself. This recognition will, we believe, tend to secure a higher grade of service, longer tenure of office, and will increase the efforts of employes to excel in the performance of duties imposed upon them.

It was evidently in the minds of those who framed the Act of 1920, that citizens of repute, successful in professional and business life, and in whose singleness of purpose, integrity and ability, the people of the State would have confidence, could and would be found by the appointive power; and that these citizens would undertake without compensation, and solely from a sense of public duty, the responsibility of putting that law into effect.

The members of the Board appointed under the Act have given ungrudgingly of their time and energy in an effort to rehabilitate the long neglected and politically misused public institutions of the State. It is a work that will require not only the expenditure of large sums of money, the selection of competent and, when they can be found, trained officials, and legislation, remedial and constructive, but the sympathetic cooperation of the people of the State, to whom these institutions belong, and for whose benefit they were created. They had too long been directed and dominated by partisan politics.

Since its organization neither the Board, nor the Commissioner has, in any of their appointments or acts, been controlled or influenced by politics, partisan or personal. The Board has not hesitated, and will not in the future, hesitate to remove from office any of its employes, or any officer or employe of any of the institutions in its charge, whose official acts or duties are so controlled or influenced. In all of its decisions, the Board has been of one

mind, seeking only what, in the judgment of its members, is the welfare of the wards committed to its charge.

That the Board has at times blundered is no doubt true. It has not been unconscious of its mistakes; but knowing that such faults as it has manifested were faults of judgment and not of purpose or intent, it has something of a serenity of conscience about it all. It does not believe that the average business man can escape the making of blunders in whatever field his talents may be employed - whether at the bar, in manufacturing, merchandising, journalism, or any of the manifold callings of the state. No doubt it will make mistakes in the future - it can hardly hope that it will not. And yet it has a sort of pure faith in its cause, in the work it is trying to do, and in the feeling that its ultimate accomplishments will override an error of judgment now and then. It has as well a pretty firm faith that the unprejudiced people of the state and its great newspapers will, as they learn more and more of what has been done, of what is being done, and what the Board is trying to do, be all instinctively inclined to try to help it in the great burden that it has undertaken, without acclaim and without reward, on behalf of the unfortunate citizens of Kentucky.

The Board, as a Board, has not any brief to offer defending the legislation under which it is acting. It merely submits to the consideration of the thinking people of Kentucky, and those editorial writers who do so much to shape public opinion, whether the same ideals would probably be held and the same results achieved by a board whose selection rested, as in the old days, on politics and not on personal fitness, on the care of the unfortunates of the state by job-hunters - from the Board members themselves down through the guards, rather than by a board which has not an axe to grind, and could not grind it if it

would. Possibly in the future better plans will be devised. Possibly there will grow up in the state a group of men trained in this character of work. They are not here now. The old scheme of conducting these institutions has made it impossible to develop them. But if the Eutopian day should come when such people may be found to run the institutions, they will at least find that the present board will have turned the institutions and their unfortunate dwellers over clean in administration, clean in buildings, clean in bodies, clean of disease - all as far as may be, and clean of the miserably reprehensible old conception that these poor wards of the state were to be the subject of political barter and exploitation.

The Board needs the support of the people of the state. It needs the intelligent interest, the intelligent understanding and the intelligent criticism of all those disinterested citizens of the state whose judgment is worth while, and whose public attitude goes to make for public thought, public opinion and reformation where reformation is needed. The public has not known, it has not understood. But when it does, things will come all right.

Very truly yours,

THE STATE BOARD OF CHARITIES AND CORRECTIONS,

By:_________________________________

Oct., 1923

Pari-mutuel machines.

One of the issues injected into the recent primary contest was whether or not the use of the pari-mutuel machines should be allowed on horse racing tracks. The present law was attacked because it was asserted that gambling was morally wrong, and that the State should not legalize it under any circumstances. Now here is a point of morals which I think the law is not entitled to decide. Certainly placing a sum of money in a registering machine under certain regulations has no moral significance whatever in itself. Its moral significance, if any, must be found in its motive, or in its necessary or usual effects. Now into the question of motive, human law has neither the power nor the authority to inquire. That, in the very nature of things, must be left between a man's conscience and his God. Any attempt to do so by civil government is a usurpation of the rights of conscience abhorrent to all our governmental principles; and perhaps would not avowedly be advocated by the strongest opponents of the law. There remains therefore, only the question whether its necessary or usual effects are injurious to the public good. Now here is where the line must be plainly drawn between the restraints imposed by the moral or religious teacher

and the restraints imposed by ~~the~~ human government. Moral or religious teaching aims to reform the evil doer; the province of temporal government is limited to the restraint of evil doing, so that the evil doer may not overtly injure his fellows. The opponents of the pari-mutuel ~~law~~ lay great stress upon the fact that the Ky. law is very stringent against all other forms of gambling, without giving due weight to the fact that one form of evil doing may threaten the welfare of society, and another may not do so, or not to a degree demanding the restraint of the law. Ordinary gambling by long experience has been proved to be so uniformly united with cheating that it has brought itself ~~under~~ within the limits where it is recognized as injurious to society. The use of the pari-mutuel gambling is mechanical ~~machines~~ is under the supervision of the police power, ~~and~~ makes it as nearly as humanly possible fair to all parties. Outside of the race-track fence gambling is not under police guardianship; on the other side of the fence, it is. As to the tax which the state receives from the license to run them, it is the aim of legislators to place taxation upon the ~~luxuries~~ unnecessary expenses or the luxuries of the people; and betting in pari-mutuel machines certainly comes under this

head. The taking of license fees does not either sanction gambling; it simply recognizes it as one of that large class of things with which law is not required to interfere until it is proved that the rights of others are endangered. I think a parallel may be drawn between our gambling and our vagrancy laws. We all know that habitual idleness is wrong in any person, whether rich or poor. The Mosaic law thousands of years ago declared, Six days shalt thou labor. Yet our law punishes idleness only when the idler has no visible means of support. Then he is called a vagrant, and is liable to feel the heavy hand of the law; because society has learned to fear that he will take to stealing. But let this idler have tangible property, and he can be idle free from any fear of the law, though the state will levy a tax on his property, just like it levies a tax on the amusements of the pari-mutuel gamblers. But the objectors insist that pari-mutuel gambling does threaten the good of society sufficiently to fall under the ban of the law. Well, that is a matter of opinion, and is open to debate in every man's mind. They say that it leads to all sorts of crimes.

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and the destruction of the happiness of families.
Possibly ~~instances~~ of such ~~terrible~~ consequences
may be produced; but the same thing can be
proved of many human failings. They may
be proved of ~~laziness~~; ~~they may be proved~~
of extravagance; the love of money is a root of
all evil; lives have been wrecked by falsehoods
which were not libels; by gluttony, by meddling
with other people's business. All of these, and
more; and yet it is not public policy to
place them under the ban of human law.

X. Their slogan seemed to be "Vote as you pray."
But this phrase is liable to be very misleading
unless certain differences between voting and
praying are carefully studied. ~~The right way to pray is clear.~~ We derive our right to pray direct-
ly from God, and are taught by our religion how
to use it. But under God we derive our right to vote from
the Constitutions of the U. S. and of Kentucky,
and we must exercise it for the purposes
prescribed in ~~these const~~ principles and laws.
American voters have very different duties to per-
form from voters in Russia or Turkey, because
our principles of government are different
from theirs. There are even grave differences
between those of other great democracies, like
England and France, because our government-
al principles differ in some material points.

Some of us may approve of certain of those ~~differences~~ principles more than those of our own government, but our duty is to sustain the principles of our own government and no other. Every law to which we give the support of our vote ought to be clearly in accord with the principles of our government. In our case, it is clearly pronounced that governments are not instituted to make men good, but to secure rights, among which are those of life, liberty and the pursuit of happiness, and derive their just powers from the consent of the governed.

The subject of the repeal of the law licensing the use of pari-mutuel machines on race-tracks was injected into the recent campaign ~~and~~ it may come up ~~next~~ winter in the legislature. As I am opposed to the repeal, it may be proper to define ~~the reas~~ my position. The advocates of the repeal seem to argue that every voter may vote for a law forbidding betting on a horse race if he wants to; and if he happens to be one of those who think such betting is wrong, he ought to exert himself to have the pari-mutuel machines forbidden by passage of the law. Now just here it seems to me there is a misconception of a ~~voter's right to~~ the purposes for which a voter may use his votes.

Certainly a man is a law unto himself whether or not he will bet on a horse race. But in using his vote to make laws to control other people he must regard the limitations imposed upon him by the which entrusted him with the privilege of voting, — that is the principles of the government of which, under God, he is a citizen. The principles which should guide an American citizen have differences of other countries, Russia or Turkey. are even differences of the great democracies of England and France. Whenever a native of those countries wants to become a citizen this country, he must take an oath transferring his allegiance from the principles of government of of his native and accept the principles of the government of the United States. Thus neither he or a native born American is left free to decide what principles of government he shall use his vote to sustain, but is bound by the obligations of a solemn trust to obey the princip- of the U. S.

[For a Jeffersonian Democrat ... Same] ~~these principles are clearly~~ defined in the Declaration of Independence, that ~~the~~ governments [among men] are instituted to secure unalienable rights ~~to men~~ including those of life, liberty and the pursuit of happiness, and derive their just powers from the consent of the governed. [The people may not be restricted in their pursuit of happiness] ~~No liberty~~ can be taken from men by the wishes or consciences of ~~other~~ [voters] ~~men~~, unless it can be proved that they are infringing on the rights of others; and in my judgment this cannot be proved ~~in~~ ~~that~~ against the law permitting the use of the pari-mutuels. It is true that gambling [its ... forms] is forbidden in ~~ordinary~~ cases, but taking [placing something of value on] a ~~chance~~ on an uncertain event [which is the essence of gambling] is so intertwined with the very necessities of human activity, that there must be some ~~other~~ circumstance combined with it be- [the] fore it becomes a proper ~~subject~~ for out- [law to proscribe] lawry. This circumstance is the almost universal ~~accompaniment~~ of ~~cheating~~ as [of cheating] connected with any systematic gambling.