

Scientist of Parry-Ellerby Debate

H. T. ELLERBY SAYS

H. T. Ellerby, (Negative) These supporters of capital punishment can be divided into two distinct classes. There is first, the scientist, who should pluck out from society the individual who commits a first degree murder, and send him to his Maker. These are inconsistent because it is hard to see why they should pick on a first degree murderer, and kill him, and let other criminals go on in other crime. Hascall and I both take guns to go out and kill a man. Hascall kills his gun, shoots, and kills his man. It is the duty of the state to hang him. I'm a poor shot, miss my man, and they give me 10 years. If capital punishment for Hascall consistent, why not give the greater harm to society? Is there any difference? The theorist says there is.

Then there is the public, that great mob, misunderstanding, uneducated and not so informed on matters of penal problems. Their first idea and thought with any great information, is to take the dog out and hang him. Then there are the politicians, coming a group who are afraid of their jobs, of that same misunderstanding public opinion, who are willing to see the man hanged. These are the Law Makers.

Let me give all credit to the lawmakers of the State of Michigan who have been dodging the issue because they know perfectly well that it is wrong, and unnecessary. They are dodging because of that unthinking public, to submit that matter to the public.

The fourth group is made up of political judges, officers, and police, and these are dependent upon the public for their jobs. Snap judgment, in a local murder in this community would demand for the moment, capital punishment, but upon further information and thought, I don't believe there's a single man among you who would be willing to pull the switch and not to your mind, not to the fare of a moment, but to your sound, safe, calm reason. I'm appealing to your mind, not to the fare of a moment, but to your sound, safe, calm reason.

Traces History An old Chinese philosopher 500 years B. C. said, "If people don't fear death, they will not be frightened by death."

In England in the time of George II. they used to hang men for cutting down trees in parks, (and it's a good thing they didn't have that law in Birmingham last spring) stealing a goose, cultivating tobacco, and in 1819 for burglars.

We have capital punishment in Michigan for treason. Do you think that because we have the law, treason in Michigan is not a common crime? Capital punishment was abolished in Michigan in 1846. First degree murders have continually decreased since that time, newspapers are devoted to the contrary notwithstanding, if you will just consider our rapidly increasing population. There are eight states at the present time without capital punishment. They have the lowest homicide ratio of any in the Union. There are only seven states who strictly enforce capital punishment. Others have made attempts at it, but for the most part have passed it up. One fact stands out clearly, as civilization has advanced, the resort to capital punishment has diminished.

I read last night that there were 399 murders committed in the city of New York, representing an increase of seven percent over 1927, and New York is a leading capital punishment state.

Merely Wrong Capital punishment is morally wrong. I must be careful not to spend too much time upholding the moral side, or I shall be accused of being old-fashioned, and a sol sister. You can't sustain the teachings of Jesus Christ and boast capital punishment. The eyes for an eye, and tooth for a tooth, theory cannot be reconciled with the teachings of Jesus. "Thou shalt not kill," means, thou shalt not kill the individual. The death penalty reverts to the people making up that state that inflicts it. Shall Michigan recede from the teachings of the lowly Nazarene, and adopt the savage teachings of men of a desert two thousand years ago, most of which laws have long since been abolished? Are you willing to ask the State of Michigan to inflict capital punishment? Capital punishment cannot be sustained unless you are willing to overthrow all of the teachings of Jesus, and the very foundation of the Christian religion, and adopt this old barbaric practice.

Good knows we have desperate social conditions. We have murders, plenty of them, but will two wrongs make a right? The killing of a murderer is only committing a second murder. No one can show that a second murder will correct the first.

Organized Mob Spirit Capital punishment is the gratification of a spirit of revenge of primitive man, an easy way to escape the responsibility for diseased social conditions. It is the mob spirit organized and legalized.

Capital punishment is fundamentally wrong. It might have

The Question: Resolved: That a law inflicting capital punishment for first degree murderers would be detrimental to the best interests of this country.

Here is the text of the debate on capital punishment held Friday at the First Methodist Church between James W. Parry and H. T. Ellerby.

It was a social expedient among the uncivilized races, but it is a confession of inability to understand our responsibilities in this age. A man was convicted of first degree murder in Howell and sentenced to Jackson prison. At the end of five years, he was given his freedom because of good behavior. Today he is employed at the Ford Motor Works, an honorable and respectable citizen, a producer in society. I ask you, has the state of Michigan profited more by letting him go back into the society or would it have been better that he go down into the ground a hunk of rotten clay?

Figures Given Don't be alarmed over the number of first degree murders. On Jan. 1, the population of Jackson prison was 3900, of which only 130 were first degree murderers.

Capital punishment makes too many mistakes. You cannot correct legal mistakes. Thomas Mott Osburn, the second preceding warden of Sing Sing of New York, during the two years he held the job, executed 26 men, four of whom he says he knew absolutely and finally to be innocent of the crime for which they died.

There are many such instances. Warden Lawes, of Sing Sing, who has held that job for nine years, and prior to that spent 24 years in service in penal institutions and probably knows more about criminology than any other man in the world, is strongly against capital punishment.

Capital punishment does not administer justice. Juries are becoming increasingly loath to convict, and bring intense suffering to innocent friends or money he would

JAMES W. PARRY SAYS

I'm very glad this engagement is a matter of words, and not a mortal combat. I should hesitate to engage in a mortal combat with a gentleman of the likes of my worthy opponent, but if it were to be a mortal combat, it would be a comfort to know that his scrapes would prevent him from taking human life, and if I should be the victor, the most would be a few years in prison. I believe in the inflicting of capital punishment in cases of first degree murders. On this broad subject I shall attempt to show you why I favor it.

It is the duty of society to protect innocent citizens by inflicting the death penalty, and it is also recognized that society has this right, and that the death penalty is the strongest deterrent ever developed.

Has it Prevented? Did capital punishment in New York deter Ruth Snyder and Gray in the murder of Snyder? Did it deter Harry Thaw who successfully beat the electric chair?

Did it deter Leopold and Loeb in Chicago? Did it deter Hickman in California?

And it caused a man in Flint to do the same thing from the effect of all the newspaper advertising Hickman got. Hotelling was soon laid away in Marquette prison, and Hickman went on in the newspapers of the country until his money ran out, and the state of California finally hanged him. Are you able to name a single man in the state prison of Michigan who was sent there for life? It is the publicity given to these crimes that influences others.

Freedom of the press cannot be stopped, but there is atrocious publicity given to hangings and electrocutions in the newspapers throughout the country. Think of the effect it is having on your children and mine. Think of the effect it is having on the weak minded who read of the advertisement crime brings. Do you want it to go on?

ed. It embraces a few aspects that I want to sketch briefly. The first aspect is that the infliction of the death penalty is not a matter of punishment, but a matter of penalty, and society so looks upon it. It is enacted by the State. As soon as you get into the question of punishment, I don't believe that any man can determine with any accuracy what degree of punishment is proper for society to exact from a criminal.

Gives State Right The second aspect is that the state has the right to take human life. If an officer of the law encounters a man about to shoot, he has the right to shoot that man, and society applauds him for it. A woman assassinates the despoiler of a home, and the unwritten law exonerates her. These are cases of capital punishment. It is the same thing. Society has the same right. A soldier in war loses his life to the State without question. We recognize the deficiencies of the existing law and of the criminal code through the technicalities and delays and efforts made to save the guilty from their penalty. It is also recognized that society has this right, and that the death penalty is the strongest deterrent ever developed.

Those against capital punishment base nearly all of their arguments on sympathy with the crook. Sympathy is given to the murderer, not to the thousands of orphans and widows of these murderers. In the state of Michigan in the nine years from 1918 to 1927 there were 1143 murders that many homes despoiled, that women widowed, children orphaned. Why is this sentimentality brought out for the benefit of the criminal? Why not spread some of this sentiment to the poor victims of the criminal? The sentimentalist concerns himself with

country, having exactly the same criminal laws as ours, they would not have become murderers. These poor people became assassins because, before the commission of their crime, the criminal laws of their country had not been enforced. These guilty creatures in a way were the piteous victims of a vicious administration of laws intended for their protection. I realized that the laws have even a more sacred function than the protection of life and property, that in their higher province they work to prevent innocent human beings from turning into criminals.

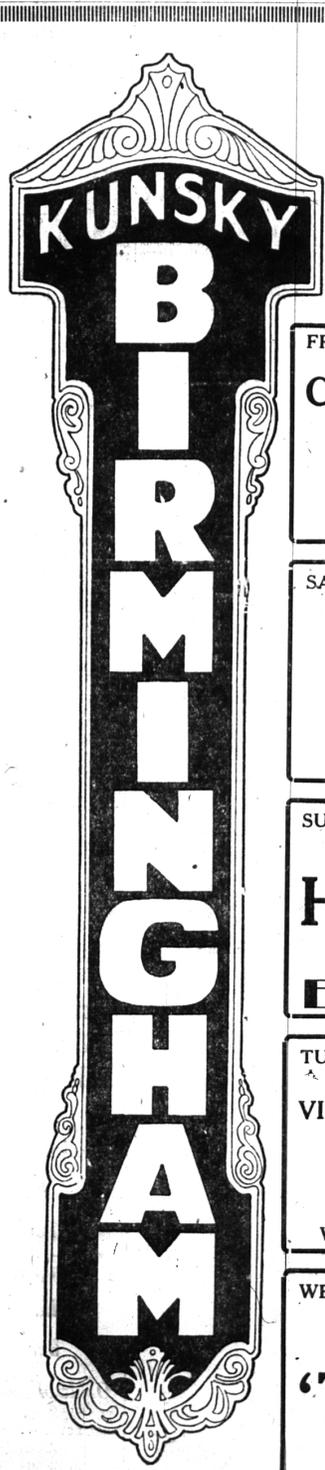
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the condition of the accused, insisting that the first concern is not for the law abiding citizen. A Chicago lad convicted of several robberies was sent to St. Charles School instead of a juvenile prison by the kind Judge. The warden was warned by the prosecutor that the lad would jump the fence within a month. But the prosecutor was wrong. He waited two months. With another boy he committed 10 highway robberies, and in an encounter with the law shot a policeman. The officer died two days later. In visiting the wounded man, the judge said, "You're going to get well, John." He answered, "I just got to get well for the kiddies." He stopped breathing within an hour.

Pleads For Society The sentimentalist in this case concerns himself over the fate of the crook. The practicalist thinks of the fate of the women and the kiddies. The life of that one officer was of greater value to society than a penitentiary full of robbers. The protection of society is paramount. The state is justified in protecting the life, welfare, and moral well-being of the law abiding citizen to the

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