

THE UNIVERSITY OF MINNESOTA
GRADUATE SCHOOL

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Committee on Examination

This is to certify that we the
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Master of Arts.

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Date Sept. 1, 1923

THE UNIVERSITY OF MINNESOTA

GRADUATE SCHOOL

Report
of
Committee on Thesis

The undersigned, acting as a Committee of the Graduate School, have read the accompanying thesis submitted by Leslie Lutz Anderson for the degree of Master of Arts. They approve it as a thesis meeting the requirements of the Graduate School of the University of Minnesota, and recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Arts.

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Date Sept 1, 1923

"STATE POLICE SYSTEMS IN THE UNITED STATES"

A Thesis

Submitted to the Graduate Faculty

of the

University of Minnesota

by

Leslie L. Anderson

In partial fulfillment of the requirements

for the

degree of

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PREFACE.

The average individual does not seem to realize the actual extent of the changes that discovery and science are bringing to governmental institutions. While men are clamoring for local home rule, local self-government, the new highway systems which science has built are drawing the interests of the rest of the state in upon them. There is bound, of course, to be a great degree of local self-government so long as municipalities exist. But in a democratic country, the local interest always must be subordinated to the general welfare of the entire state.

More than perhaps any other single contributing factor, the building of state highways has made crime of general state interest. Good roads have made escape easier for the clever criminal. When he escapes from the local police authorities, he is quite free to ply his activities again in other communities. The general public interest of the entire state is then affected. Police who are supplementary to the local authorities are felt to be needed. Hence, the agitation for state police systems.

It is these systems with which this paper deals.

Any study of state police systems is necessarily difficult, however, because of the practical impossibility of obtaining much satisfactory published material concerning them. The printed material appears to be biased and highly-colored. Much that people read concerning the police is pure fiction. Especial difficulty in the writing of this paper has been the inability of the writer to visit the various organizations personally.

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Fair ideas concerning state police systems can be obtained, tho, from research by a wide reading of printed publications. This, in fact, has been the method by which this paper has been written. The writer has made research into the laws and official police reports of the various states; and he has communicated extensively with various governors, secretaries of states, heads of state police systems, chambers of commerce officers, and labor leaders of this country in regard to the state police problem.

The writer feels that certain state police systems have operated to the detriment of labor; and he has given over an entire chapter, as will be seen, to a discussion of labor's opposition to the police. Tho he admits membership in the American Federation of Labor, he believes that he has presented the attitude of labor in as unbiased a manner as the available facts have permitted. He believes that the recognition of the mistakes that have been made in the past will serve as a lesson to state police leaders so that similar mistakes need not be repeated in the future.

He is especially obligated to Professors William Anderson and Robert E. Cushman of the University of Minnesota Political Science Department for their discriminating and helpful suggestions concerning this paper. He is also deeply indebted to Professors C. D. Allin, Morris B. Lambie, Quincy Wright, and Jeremiah S. Young, all of the University of Minnesota Political Science Department, and to his friend, Emerson G. Wulling, for their assistance.

Opinions given in this paper are the writer's own, however, as are the possible errors or omissions.

Leslie L. Anderson,
The University of Minnesota.
1923.

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CHAPTER ONE."The Present Status of Local Police"

It is true that legal theory generally holds local policemen to be state officers. Fact, however, shows that they are state officers only in a limited sense. They really are answerable to the local majority; and it is local prejudices that dictate to them just how far they should go in the enforcement of state and federal laws.

According to legal theory, police officers of municipalities are to be regarded not as municipal officers but, rather, as agents of the state. (1) Protection has been held to be a public, governmental, or state, rather than a "private" or municipal, function. (2) Those who detect and prevent crime in municipalities are felt to be acting as agents of the people of the entire state. (3) It is a debatable question, moreover, whether there is even implied authority in the charter of a city to permit that city to enforce state criminal laws. (4) It is only by an express legislative grant to that effect that it can go so far as to offer rewards for the apprehension of criminals. (5) It is because police work is largely a matter of enforcing state laws (6) that state legislatures require the appointment of policemen "as a convenient mode of exercising a function of government." (7) There have been exceptions to this legal rule, it is true, in which policemen are held to be local officers. (8) These exceptions rest very largely on the nature of official's duties. (9) The manner of appointment, of the source of it, make very little difference, according to

those who hold this view; for one may be a municipal officer who has been appointed even by the governor. (10) But it should be kept in mind that this decision is only a rare exception.

The court decisions in regard to sheriffs have been much the same. Those employed by counties, they have been held to be state officers. (11) Counties are mere creations of legislative will and possess only the powers and duties which that will expresses. (12) They generally are held to be quasi corporations; and the chief functions of their governments, if they may be so called, "are the administration of justice and the maintenance of avenues of travel." (13) Now sheriffs are the supervisors of that administration; (14) but their jurisdictions, in the absence of state legislative grant to the contrary, do not extend beyond the borders of their respective counties. (15)

A sheriff may act only thru proper warrant or express grant or by obvious implication of some legislative statute. It seems only logical to conclude, therefore, that his control over local police is practically nil in the absence of some state authorization. (16) He does have power, however, to command all of the male population of a county to become his deputies, form a posse commitatus, and assist him in making arrests under certain conditions. (17) It seems that this would imply a latent power, in turn, to call out municipal policemen when they are not already on actual duty within their respective cities; but the local authorities would then be called out in their status as citizens, rather than as policemen. It is significant that both county sher-

iffs and city policemen are liable to anyone injured as a result of what can be proved to be a wilful breach of the duties of their office. (18)

But all this is pure legal theory. As a matter of fact, the municipal police force and the county sheriff are only as much a state police force as the state legislature chooses to make them. "The line of progress has led toward concentrated responsibility under local, rather than state, supervision." (19) The authority "can not be conferred upon a city to suspend state laws," (20) yet defiance practically to the extent of leading to nullification of the laws has very frequently taken place. (21) Legislatures have neglected too frequently to put "teeth" in the laws they passed, have overlooked provisions for the means of their enforcement. (22) Governors, tho theoretically the chief executives of the state, have been reduced, in general, to menial positions in which they frequently find it necessary to beg the local officers in a humble manner to enforce the state laws as they have sworn to do. (23) It is true that some states (24) permit removal of local policemen by the governors. There is little to indicate that much use has been made of this power, however; for it is inconceivable that the average governor is willing to offend the voters of any city or county by interfering with their policies of law enforcement when the very tenure of his office is dependent upon their political support.

There does seem to exist a tendency to swing a certain amount of police control into the hands of our higher state officials,

however. Penalties in the form of impeachments or fines to be imposed on local police authorities who fail to fulfill their sworn duties have come to be provided for in many places. (25) Legislatures have passed laws making counties pay a portion of the expenses of police administration by municipal forces in cities within their boundaries. (26) The Baltimore, Boston, Fall River, Kansas City, Lewiston, St. Joseph, and St. Louis police departments have been placed under direct state control; and the power of appointing their commissioners has been placed in the hands of the governors of their respective states. In Alabama, the Montgomery force is in control of a board of public safety which the Alabama state senate elects. (27)

It is argued that state control of local police systems removes police administration from the control of local politics. Authorities tend to agree, however, that, while it may remove them from the control of local politics, there is no assurance that state politics will be kept out by this change. State control has proved to be a failure in certain instances because of the influence that state politics have played. There are instances on the other hand, however, where this control has actually raised the standard of local police administration materially. (28)

Twenty-one states have gone a step farther and have established police systems of various types but distinct from the local forces. These forces are supplementary to the local organizations. They do not supersede them. They frequently are engaged in a sphere of law enforcement which is beyond their control. It is these distinctly

state police systems with which this paper aims especially to concern itself.

FOOT-NOTES

(1) Ruling Case Law, volume xix, page 911; Cleveland v. Payne, 72 Ohio State, 327; Norristown v. Fitzpatrick, 94 Pennsylvania State, 121; Burch v. Harwicke, 30 Grat. (Virginia), 24.

(2) Ruling Case Law, volume xix, page 760.

(3) *ibid*, page 794.

(4) Some even argue that Judge Dillon's rule of strict construction precludes a city from having just enough police to enforce its own more important laws without express legislative grant. This may be carrying the law farther than is necessary. It is a moot question.

(5) Ruling Case Law, volume xix, page 794; Murphy v. Jacksonville, 18 Florida, 318; Hanger v. Des Moines, 52 Iowa, 193; Winchester v. Redmond, 93 Va., 711.

(6) Munro, William Bennett, "Principles and Methods of Municipal Administration," page 268; Buttrick v. Lowell, 1 Allen (Massachusetts), 172.

(7) Buttrick v. Lowell, 1 Allen (Mass.), 172.

(8) Annotated Cases, 1914D, 1235; Speed v. Crawford, 3 Metc. (Kentucky), 207.

(9) Denver v. Spencer, 34 Colorado, 270.

(10) Barnes v. District of Columbia, 91 United States, 540. This was held to be true even tho the President of the United States made the appointment.

(11) State v. Finn, 8 Mo. App., 589; Annotated Cases, 1914D, page 1237.

(12) State v. Hartt, 144 Indiana, 107; State v. Goldthait, 172 Indiana, 210; Jefferson County v. Grafton, 74 Mississippi, 435; Schweiss v. First Judicial District Court, 23 Nevada, 226; Williamsport v. Commissioners, 84 Pa. St., 487; Chester County v. Brower, 117 Pa. St., 647; Burnett v. Maloney, 97 Tennessee, 697; Heigle v. Wichita County, 84 Texas, 392; R. C. L., volume vii, page 925.

(13) R. C. L., volume xix, page 692; 109 U. S., 735; Askew v. Hale County, 54 Alabama, 639; People v. McFadden, 81 Calif., 489; Kalm v. Sutro, 114 Calif., 316; Hollenbeck v. Winnebago County, 95 Illinois, 148; State v. Tyler, 14 Washington, 495.

(14) R. C. L. volume xxiv, page 917; Randolph v. Ringold, 10 Arkansas, 279; Cooney v. Wade, 4 Humph. (Tenn.), 444.

(15) R. C. L., volume xxiv, page 918; Jones v. Baxter, 146 Ala., 620; Shirley v. State, 100 Miss., 799; Jones v. State, 26 Texas App., 1; Alfred v. Montague, 26 Tex., 732; Bromley v. Hutchinson, 8 Vermont, 194.

(16) Fairlie, John A., "Local Government in Counties, Towns, and Villages," page 110.

(17) R. C. L., volume xxiv, page 923; Turner v. Holzman, 54 Maryland, 148; State v. Reichman, 135 Tenn., 653; Hooker v. Smith, 19 Vt., 151.

(18) R. C. L., volume xxiv, page 932.

(19) Fosdick, Raymond B., "American Police Systems," page 118.

(20) Davis V. Holland, 168 Southwestern, 11.

(21) Mathews, John Mabry, "Principles of American State Admin-

istration," pages 421 and 422.

(22) Ibid, page 424, "Each local officer enforces the law or fails to do so, in accordance with whichever course of action will best further his political interests."

(23) Ibid, pages 427-429, 434, and 435; Proceedings and Debates of the New York Constitutional Convention of 1821, page 387; Special message of Governor Hooper of Tennessee on the Four-Mile law, 1913; Proceedings of Governors' Conference, held at Washington, January, 1910, page 216; Mathews also suggests turning to the Annual Message of Governor Claude Matthews of Indiana which was made before the legislature of that state, and which has been printed in the Indiana Senate Journal of 1895, pages 39-42.

(24) Minnesota, for instance.

(25) Mathews, pages 425-426; he also suggests the "Journal of Criminal Law and Criminology," volume iii, page 927, and the Proceedings and Debates of the New York Constitutional Convention of 1821, page 342.

(26) Dillon's "Municipal Corporations," section 104; State v. St. Louis County Court, 34 Mo., 546; Nashville v. Towns, 5 Sneed (Tenn.), 186; St. Louis v. Shields, 52 Mo., 351; People v. Morris, 13 Wend., 325; Sangamon County v. Springfield, 63 Ill., 66; Weymouth, etc., Fire District v. County Commissioners, 108 Mass., 142; Stiltz v. Indianapolis, 55 Ind., 515.

(27) Fosdick, "American Police Systems," page 119.

(28) The Baltimore and Boston departments have been looked upon as striking examples of success in state control. Yet, the blame for many unhappy results has been attributed to state control of the St. Louis and St. Joseph forces in Missouri. See Fosdick, "American Police Systems," pages 119-127.

CHAPTER TWO."The State Police Movement"

An actual movement for the establishment of state police systems in the United States can not be said to have begun until about 1905. And it was hardly until about 1917 that the movement began to be nation-wide in character. A few experiments with state police had been made here long before, however. Other countries have experimented, also, and have resorted to various forms of state supervision and control of their police organizations.

State Control in Other Countries.

All indications, for instance, led the British Parliament of 1829 to acknowledge that hanging of criminals had not been sufficiently successful as a deterrent of crime. Parliament, therefore, passed the Peel act for the creation of a police organization to patrol the metropolitan district which comprises certain counties including and surrounding the city of London. (1) This organization, created upon the recommendation of Sir Robert Peel, met with much opposition at first. It was claimed that police directed by government would only be an instrument of the king for making the people within his jurisdiction slaves to him. And the new organization became known as "Peel's bloody gang." It has risen in the estimation of the English people since that time, however, and is known today as the famous "London police," or as the "Peel police," or, better perhaps, as "New Scotland Yards." It is under national control, under supervision of the English Home Office.

The Peel act set a precedent for the rest of Great Britain. Thru pecuniary grants in aid, the English central government today exercises a power of supervision and some control over all the police forces of England and Wales. (2) There is, moreover, a centrally-controlled force known as the "Royal Irish Constabulary," which consisted of some 10,500 men in 1908, which has jurisdiction over all Ireland except the metropolitan district of Dublin. It is true that the police of England and Wales do not have general nation-wide jurisdiction. They do have certain characteristics, however, which have been seized upon favorably by proponents of the state police movement in the United States and are significant here because of that fact.

The general principle of centralized police administration in England is a liberal one, probably because local home rule is not so controlling a factor in politics there as it is in America. Centralize administration so far as necessary, says the Englishman, but decentralize it so far as possible. Unlike many Americans, the English willingly permit the control of administrative agencies to be centralized to the degree that existing conditions seem to demand that it be centralized.

In Italy, Germany, and France, administration is centralized to the extent that police are national, rather than local officers, and are generally under direct national control. (3) Stories are told frequently of how enlisted soldiers are employed as police there to make it appear to other peoples that those countries are reducing their military armaments.

The Russian government was confronted by an insurrection in 1865. It was for that reason that the Czar ordered the creation of a body of secret-service men and a force of gray-garbed mounted officers to police all Russia and to guard against any repetition of that uprising. The mounted police acquired fame for the despotic manner in which they carried on their work and became known as "Russian cossacks." (4)

There is also a constabulary system with wide jurisdiction operating in Australia. In 1770, a load of convicts arrived there from England. Australia became a convict colony for a number of years. By 1810, the shipping of convicts to Australia was stopped. Life and property, however, proved still to be in danger as a consequence of the fact that convicts would hide behind bushes and kill and rob passersby. These criminals came to be known as "bushrangers" because of that fact. In 1825, it became necessary to create a somewhat military body of mounted police to curb their activities. And this organization has existed up to the present day, with broader jurisdiction than was formerly necessary, split up into a number of forces to permit of more efficient policing of all the territory to which men in Australia have ventured, and in many respects resembling the constabulary system which exists in Pennsylvania today. (5)

Finally, there is the famous constabulary of Canada, the Royal Canadian Mounted Police. It was created in 1873, and its duties were to be the enforcement of law and order in the unorganized territories of western Canada. At that time, however, it was known as the Royal Northwest Mounted Police. An act of the Canadian Par-

liament merged it with the Dominion Police in 1920. It was then that it assumed the name it now has and acquired jurisdiction over all Canada in both organized and unorganized districts. Except for the fact that its organization is slightly military in character, it has met with much support and but little opposition among law-abiding Canadians. An attempt to limit its jurisdiction again to unorganized districts of the west failed in the Parliament of 1923 by the overwhelming majority of 156 to 23. (6)

Early American Experiments.

All the systems established in the United States up thru 1901 were established to meet some special problem. When the problem disappeared, the police were abolished or reorganized. The purpose of one of the early systems was to protect rural districts where conditions arising after the Civil war demanded that protection. That of another was to provide protection for the unorganized parts of the state and to protect the people against border troubles. That of three of the systems was to provide means for enforcing the liquor laws. None of them were full-fledged systems of state police in the broad sense that "state police" is commonly used, but were merely forerunners of the present organizations.

Here in the United States, the captain of the Texas Rangers claims that his "Texas Ranger Force is the oldest organization of its kind in the world and dates from the days of the Republic." (7) It would be more accurate, however, to say that the Republic of Texas provided for a small body of mounted policemen in an act of 1838. (8) The work of these policemen was especially to patrol the north-

ern frontier and the Republic's border line. After the admission of Texas into the union in 1845, there appears to be no further trace of this organization. It was an entirely new one that was created in 1874 and called "Texas Rangers." (9) This system later passed out of existence. Texas state police forces have existed only at the discretion of the Texas governors; and whenever a governor would feel disinclined to exercise that discretion, it is obvious that the organization would disappear. In 1901, Texas recreated the ranger system for the better protection of the people against border troubles; (10) and in 1919, it reorganized the force. (11) The Texas Ranger system seems to be an inevitable consequence of the very geographical, topographical, economic, and political attributes of its state. With her Mexican boundary line, with the elements that are attracted to her oil fields, and with the shirking of duty that has been evidenced among the sheriffs of the state, (12) it is difficult to see how Texas could get along without some such system. The principal problems the Rangers have to deal with there at present are the liquor question, especially smuggling across the border by armed bands, and handling perplexing labor situations. (13)

The force that Massachusetts maintains today was created back in 1865. (14) It is a system of district police and originally was confined to detective functions for the most part. The members of the early Massachusetts force "were appointed and removable by the governor and council. Altho created primarily for the purpose of enforcing the state prohibitory liquor law, the force

was charged with the enforcement of all state laws." (15) The governor of Massachusetts vetoed a bill passed in 1868 which provided for the abolition of the state police. He presented as a reason for his action the need for the maintenance of a police which was not controlled by the prejudices of any local body. (16) A new tendency began, tho, in 1879. A very elastic law which leaves much to the discretion of the governor and commissioner (17) reorganized the Massachusetts system. It broadened the scope of the state police activities, as well; and it set in motion a gradual process of evolution by which the district police are found today as a part of the Massachusetts Department of Safety. The Department of Safety, in turn, appears to have been buried under a flood of added functions till actual policing is felt by many to have become almost its mere avocation.

Louisiana provided for reserve constables in 1876 which the governor could appoint on emergency occasions, and which could be commissioned to any parish of the state at times when violence or disturbance of the peace was threatened. The principal object of the system was to provide rural protection, primarily, perhaps, because of distressing negro problems which had to be met at that time. (19) It is interesting to notice that the Louisiana constabulary idea still exists, unaltered even since its creation.

(20)

Rhode Island also claims to have had one of the earliest of American state police systems. (21) That state adopted a constitutional amendment prohibiting the manufacture and sale of liquors

within its border lines, and it created what it called "state police" in 1881 for the purpose of enforcing this law. Prohibition at that time proved a failure and the amendment later was repealed by the people; but the state police idea was continued so far as the regulation of the sale of liquors is concerned. (21) The original state police provision did not increase in general the number of policemen on duty in Rhode Island beyond the number that existed before the law was passed. What actually took place was Rhode Island's taking cognizance of the fact that common law makes all local policemen agents of the state, rather than of the locality. Rather than create a supplementary state system, the legislature decreed expressly that all city and county police were to be considered "state police" so far as the enforcement of the liquor law was concerned. It did not increase the jurisdiction of the officers, but it did provide for penalties to be laid against them in case they did not enforce the liquor law as they were directed. (23) In 1917, Rhode Island created an emergency system which existed only during the period of the war. The aim of the force was to "provide for the better defence of the state and for the discharge of its duties toward the national defence.....Under a general act of protection and public welfare of the state, the governor was authorized to appoint state constables who had no power to serve process." (24)

In 1892, South Carolina permitted its governor to create an organization of state constables whose aim was to enforce "the liquor laws in connection with the dispensary system." (25) Stu-

dents of history will recall how the South Carolina state government took over the control of liquor dispensing from private hands in that year and engaged, itself, in an industry which the courts decreed was subject to the same federal regulations as was any similar private business. (26) The dispensary law gave any policeman of the state power to detain for inspection packages on a common carrier which were suspected of containing liquors. It gave the governor power to suspend any police officer not performing the duties required by the act. And it contained an elastic provision permitting the governor to appoint a supplementary force of state constables and state detectives. The state policemen were empowered to act anywhere within the state, but their activities were limited to the enforcement of the dispensary law. (27) The state dispensary idea was abandoned in 1907. (28)

Need for the better protection of individuals in country districts led to a new movement in South Carolina in 1906. It was in that year that South Carolina established what is known as "a system of Rural Policemen and State Constables" for a portion of Charleston county. (29) Since that time, that principle of protection has been extended to other counties of the state, as well. (30) This system may hardly come within the general conception of state police, however; for, tho the governor appoints many of the policemen, yet none of them have jurisdiction beyond the bounds of the county to which they have been directed. "They are paid by the counties and are under the instructions of the sheriff. There is a different law for each of the counties that have the rural police. The work of the policemen in all the counties is regular rural

patrol." (31)

Systems for General Police Protection.

In 1903, however, a new tendency began. That tendency was the preliminary formation of a movement to establish systems for general police protection of the state as a whole rather than for meeting ~~meeting~~ mere special needs. Two systems were established, the Connecticut Department of State Police (32) and the Arizona Rangers. (33) The Connecticut organization was primarily one of detective functions. It is now engaged especially in the work of patrolling rural and suburban districts. (34)

The Arizona system was a constabulary force and was abolished in 1909. While it existed, a platoon of from 12 to 26 men were employed. Concerning the system, Jasper H. McClintock, the Arizona state historian, writes, "Its activities were aimed especially against horse and cattle thieves.....Political quarrels and the opposition of sheriffs caused the abolition of the Ranger force by the legislature of 1909. I do not believe the Ranger force ever was opposed by labor or the farmers, but there were frequent conflicts with the county sheriffs. Efforts have failed for the re-establishment of the force, especially to deal with the prohibition and stolen automobile features." (35)

The Movement for Genuine State Police Organizations.

The state police movement proper may be said to have begun positively in 1905, just two years after the Arizona and Connecticut forces began their operations. The increase of crime in American mining states seemed to demand state action there. A tremen-

dous influx of immigrants had come into their jurisdiction; for operators of those states had spread the news of employment for non-union men at wages, seemingly high, but lacking in buying units. Almost invariably have the American mining districts been outside the jurisdiction of the city police, while the activities of the sheriffs there have been far too limited. As authorities have said, poor policing combined with the concentration of illiterate heterogeneous individuals encourages crime. (36) Lord James Bryce claimed back in 1888 that the establishment of a proper mounted police with a wide jurisdiction would help to better those undesirable criminal conditions in and about the mines. (37) The importance given to Bryce's ideas by the various states can hardly be calculated; but it can not be doubted that they did play a considerable part in the state police movement. It was partly because of them that the year 1905 witnessed the establishment of the Department of State Police of Pennsylvania.

Pennsylvania, 1905.

When the Pennsylvania department was created, it was felt to be needed for riot service. Strikes about the Pennsylvania mines frequently resulted in riots which were felt to demand state action. (38) The National Guard had been called into frequent service, consequently. In 1902 alone, the total cost to the state for keeping the National Guard active in mining strike service was some \$995,000. (39)

The constant recurrence of industrial violence, moreover, had led the legislature to provide for private persons to be chosen by

the corporations and paid by them but who were to be commissioned by the governor for police action within the state. Those persons commissioned for mine patrol were known as "coal and iron police." (40)

It appears, however, that neither private detectives who were frequently hired, nor the National Guard, nor the coal and iron police were satisfactory to either the mine owners or the labor leaders. A supplementary force was felt by many to be needed, some type of military police, in fact. As a result of the necessity, a mounted constabulary was created. (41)

The new organization was to be based on the existing needs of the state. What was a good system for other states was not necessarily the best force for Pennsylvania. Before taking charge of the organization, the first superintendent investigated the police systems of Italy and Germany, the Canadian Northwest Mounted Police, and the Royal Irish Constabulary. It was his opinion that industrial and topographical conditions in Ireland were very closely analogous to those of Pennsylvania. (42) It was on the Irish organization that the Pennsylvania constabulary was based for the most part. The Pennsylvania system, in turn, has been more or less of a standard to which constabulary systems of the United States which have been established since that time have very generally conformed.

New Mexico, 1905.

In the same year that the Pennsylvania force was created, New Mexico established a force of rangers. The New Mexico organiza-

tion aimed to pay particular attention to frontier difficulties and to search out criminals who headed for sparsely-settled parts of the state. (43) Disbandment of the rangers took place in 1913. The act creating the force had been "modeled after the Arizona statute.....The fate of the system in New Mexico as in Arizona was due to political complications. The force was abolished not by repealing the statute but by cutting off its appropriation. In 1912 the governor recommended an increase in the number of privates but the matter was tabled, and the following year the whole force was overturned." (44)

The Nevada State Police, 1908.

The Nevada State Police force was created in 1908. This force has been especially busy with collecting criminal statistics and in operating a bureau of criminal identification. The tendency is for it to place more and more emphasis on enforcing liquor laws and on protecting the people against I. W. W. activities and reported consequential strikes in the Nevada mines. A semimilitary organization of as many as 280 men is permitted by the act creating the force. Only a very small number have actually been employed, however. This number amounted to only six in 1914. In 1920, the superintendent petitioned the governor for as many as 24 men. (45)

Forces Established During War Period.

In 1917, the state police movement progressed with great strides. The progress, without a doubt, was caused partially by a desire of states to co-operate with the federal government during the World war. Systems were established in California, Colo-

rado, Delaware, Maine, New York, Rhode Island, and South Dakota.

California.

The California system is a state bureau of criminal identification and investigation. It is the purpose of the bureau to collect all available data concerning criminals and crime and to file it systematically in order to facilitate speedy apprehension of criminals. The bureau aims to co-operate not only with the California police but also with federal officials and with the police of every other state in the union. (46)

Colorado.

It was a constabulary organization of the Pennsylvania plan that Colorado established. (47) One of the officers of the constabulary of Pennsylvania helped, in fact, to organize that of Colorado. (48) While it lasted, the force was especially active by being present at strikes and by aiding sufferers whose homes had been washed away by Colorado floods. As a result, the state did not find it necessary to call out the state militia once for such work during the period of the force's existence. (49)

Delaware.

What Delaware claims to be state police is really a very small force existing under the direction of the State Highway Department. Its work is confined to the one function of patrolling the highways; and for this reason, it is better to call this type of system "highway police." There are indications that this force will be enlarged into a constabulary in the near future. (50)

Maine.

The organization of Maine, like that of Rhode Island, was an

emergency system and existed only during the period of the World war. Aims of the Maine legislature were especially to "protect bridges, water powers, factories and other structures which might be made the especial objects of attack" during war times. The governor of Maine was given general power to appoint as many special constables and to provide as much equipment and as much compensation as he felt to be necessary for them, whenever it became expedient to do so for the general protection of the people of the state. The appointed constables were to have state-wide jurisdiction in exercising all the powers of regular police officers. By limitation, this provision was not to hold after the first of March, 1919. (51) In 1921, Maine passed a rather general act providing for as many police as the state highway department felt to be necessary for its needs. The officers appointed have only to do with the enforcement of laws relative to motor vehicles. It is not probable that the department will be turned into a state constabulary for some time to come in spite of existing agitation. (52)

New York.

The New York organization, again, is of the Pennsylvania type. (53) In New York, the state troopers may be stationed permanently in villages where the village authorities pay for their maintenance. The department pays especial attention to traffic problems; about 20 men patrol the state roads with loadometers to see that vehicles weighing more than a certain amount keep off those roads. The New York superintendent boasts that his is the only state police organization in America today that labor does not oppose, and the only

one that labor has called to its aid when it thought it was not receiving fair treatment. (54)

South Dakota.

The plan that South Dakota established is what one may term a "state sheriff system." (55) A single state sheriff is appointed by the governor to serve during his pleasure. The regular county sheriffs and deputies are constituted a state constabulary to act under his direction. They are to assist the state sheriff at the expense of the state whenever he requests them to do so. The state sheriff may order them to action in any part of the state he desires. (56)

Progress in 1919.

Six states established state police systems in 1919. These states are Alabama, Idaho, Michigan, Nebraska, Tennessee, and West Virginia.

Alabama.

Alabama created a Law Enforcement Department to "co-operate so far as practicable with" the local peace officers of the state. The especial purpose of the department was to help enforce the liquor laws. (57) The force is relatively small and consists of not more than 30 men. (58)

Idaho.

The Law Enforcement Department that Idaho created in that year resembles the state sheriff system of South Dakota. (59) The department has been concerned especially with activities of liquor law violators and I. W. W. propagandists. (60) The power to en-

force the liquor laws has since been taken from it, however.

Michigan.

The Michigan Department of State Police is a constabulary organization, much as are the forces of Tennessee and West Virginia. (61) Michigan really did have a constabulary back in 1917. It was on the order of the war emergency forces Maine and Rhode Island had at that time. It particularly protected railroads and railway terminals, industries of importance to the federal government, bridges of importance, and elevators. It was active in maintaining order during labor disturbances. (62) But it was purely temporary then. It grew into the permanently established constabulary of 1919.

Nebraska.

The State Law Enforcement Bureau of Nebraska is a criminal identification bureau. (63) Enforcement of the liquor laws (64) and the return of stolen automobiles (65) are the principal duties of the force. Attention is given to all types of crimes committed within the state, however.

Tennessee.

In turning to the Tennessee law, one finds existent what seems to have been a sectional point of view when the Tennessee State Police Force was created. By the law, a district officer is chosen from each of the ten Congressional districts of the state, and a county officer from each of the 96 counties. (66) This leads one to feel that there must have been a clever play of "log-rolling" so that each section of the state could be assured in advance of a definite number of political jobs to offer its constituents. This

criticism ought not be taken too severely, tho. There may have been in part a recognition of the idea that a man known in the locality may have public confidence to a greater degree than a stranger.

West Virginia.

West Virginia law-makers no doubt realized that there had been grievances against constabulary members of other states and that the undesirable members had not been expelled by the heads of the forces. West Virginia provided machinery for trying its constabulary members, therefore. When the commissioner of the new patrol might fail to dismiss or suspend a member for cause, an appeal may be made to the State Board of Commissioners for review. The senate elects the four members of that board. Not more than two of them may be members of the two dominant political parties of the state. If the board should divide equally in the rendering of its decision, the governor is to appoint a fifth member to sit in on a rehearing.

(67)

Iowa, 1921.

Legislatures established another six systems in 1921. State police departments were created in Iowa, Maine, Maryland, New Jersey, Washington, and Wyoming that year. Iowa provided for a bureau of criminal identification and investigation. The bureau is a part of the state Department of Justice. The attorney general of Iowa is in charge of it. (68)

Maryland, 1921.

Maryland created a small organization whose activities regularly are confined to the enforcement of the state road laws. (69)

The Maryland organization differs from other state police systems in this regard: It has state-wide jurisdiction with one exception. If the local authorities of any county object to them, the state police no longer may operate in that county. (70)

New Jersey, 1921.

New Jersey established a constabulary system. That state is situated between New York and Pennsylvania. Its people came to feel that fugitives from justice were using it as a haven of escape from the constabularies of those two states. (71) In spite of New Jersey's unfavorable geographical position, areas outside of municipalities were found to have practically no police patrol. (72) For protection, they often had to depend entirely upon a broken-down sheriff-constable system. (73) The law that finally created the force was unique in permitting the state police to operate within city limits only when called upon by the mayor of that specific city. (74) The primary purpose of the law was to provide for rural patrol. (75)

Washington, 1921.

Washington organized a small platoon of motorcycle police whose sole function is to patrol the highways. The platoon is a part of the state Department of Efficiency. The director of the department may appoint as many policemen as he feels to be necessary for enforcing the motor vehicle laws. (76)

Wyoming, 1921.

Wyoming created a Department of Law Enforcement whose officers have all the powers common to regular police except the power to

serve civil process. (77) It was intended that the department should co-operate with local authorities when it was called upon. The local police called on the Wyoming department for aid on only a few occasions the first year. But when a series of serious strikes later took place in Wyoming, the state police were kept busy assisting the local officers. (78)

Organized Propaganda for State Police.

That the state police movement has been a conscious one, there can be but little doubt. Propaganda in its favor has been spread from coast to coast. State police auxiliary committees have been incorporated in eleven states where success had not been already realized. The work of these organizations has been to collect and disseminate all the material obtainable on the subject. And, in turn, they have co-operated to make the movement nation-wide in scope. Their aim has been to work for the creation of constabularies of the New York or Pennsylvania type in all states. Frequent public meetings have been held, and moving pictures showing forces already in existence have been shown there. (79)

Lobbies have been organized in many state legislatures. The superintendents of certain of the forces have made it a special duty to advertise state police activities whenever possible. They have sent out large numbers of their annual reports all over the nation at the expense of their respective states. And they have appeared before legislative bodies to explain to them the value of state police.

It is really a matter of speculation as to just who, in general, is behind the movement. From what data is available, it seems

that those behind it include lawyers, business men, manufacturers, educators, militia officers, and a few labor leaders. (80) There is nothing concrete from which one can conclude logically that the movement is one which has the end in mind of destroying trade unionism. That there are some behind the movement who may wish for that end, is only to be expected.

Present Status of the Movement for State Police.

It is difficult to tell, at present, just how rapidly the movement will progress in the future. The present administration of Missouri favors the creation of a state police system in that state especially to aid the public in times of strikes. (81) In Illinois, a state police bill was defeated in the 1921 legislature by only two votes. (82) Tho it is probable that the people of Minnesota are prepared to take some state action on the police problem before long, it is inconceivable that Minnesota will resort to creating a constabulary of the Pennsylvania type. (83) There seems to be no apparent need for such a system there.

Aside from these three doubtful instances, indications seem to show that the movement will proceed more slowly from now on. States having the police do not seem to be inclined favorably toward increasing the scope of their activities at this time.

The governors of Arizona, Kansas, Mississippi, and New Mexico appear to be opposed to state police forces. (84) The North Carolina Historical Commission boasts of its state's having the "smallest percentage of foreign-born element of any state in the Union" and hence not needing supplementary police protection. There is

some agitation for a constabulary in Florida, but it does not seem to have a great deal of effect on the general public mind. The state department of Maine says that "the present administration has no intention of taking any action toward the creation of" a constabulary force. The governor of Utah feels that the "National Guard is sufficient to give the necessary protection" and that there is no need for a state police system within his jurisdiction. "The creation of a state police system in Vermont is not being considered at the present time." (85) Governor Clifford Walker of Georgia feels that his "people are suffering great hardships financially since the war," and this precludes agitation for such a police in his state.

Besides this, the year 1923 witnessed three reactions in the movement which ought not be ignored. First, Governor C. C. Moore of Idaho recommended the disbandment of the Idaho state police to the Idaho legislature. He claimed that the people of a county or city should be able to decide for themselves whether they wish a law to be enforced or not. He proved to be satisfied, however, when the act that created the system was so amended that state police officers could take no part in the enforcement of the liquor laws. With this amendment, the force was allowed to continue in existence. (86)

A second reaction in 1923 was a similar step taken by Governor Alfred E. Smith of New York. (87) Governor Smith signed a bill which took the enforcement of federal liquor laws out of the jurisdiction of his trooper force, and hence limited the activities of

the New York state police to certain fields of crime only. (88)

Finally, the Colorado Rangers were disbanded. The political party in power lost an election largely on the state police issue. It was argued that the Colorado Rangers were too militaristic to be good policemen, and evidence was collected to show that the members of the Ranger force themselves had frequently indulged in lawless activities. When Governor William E. Sweet entered upon the duties of his new office, one of his first moves was to disband the force. (89)

For the present, at least, a general state police movement as such apparently seems to be gaining but little headway. This conclusion is pure speculation, however. The happenings of any six months might wholly change the situation.

FOOT-NOTES

- (1) "Police Forces of England and Wales", the official history issued from the Home Office at London, January, 1900.
- (2) Ibid.
- (3) Fosdick, Raymond B., "European Police Systems"
- (4) A very good, tho brief, discussion of state control in other countries is given in the "Encyclopaedia Britannica", volume VI, 11th edition, pages 978-981.
- (5) Haydon, A. L., "The Trooper Police of Australia"
- (6) Canadian House of Commons Debates, volume LVIII, number 30, March 14, 1923. A resume of the constabulary can be found in Mr. A. L. Haydon's "The Riders of the Plains; a Record of the Royal Northwest Mounted Police of Canada, 1873-1910"
- (7) Letter from Captain R. W. Aldrich.
- (8) Laws of the Republic of Texas, 1838, volume I, page 274.
- (9) Roberts, Captain Dan W., "Rangers and Sovereignty"
- (10) "Digest of Statutes Relative to State Police", compiled in 1922 by the Indiana Legislative Reference Bureau, page 1.
- (11) Texas Session Laws, 1919, pages 263.
- (12) Roberts, Dan W., "Rangers and Sovereignty", passim.
- (13) Letter from Captain R. W. Aldrich.
- (14) "Digest of Statutes Relative to State Police"
- (15) Mathews, John Mabry, "Principles of American State Administration", page 445.
- (16) Ibid. The governor said, "It is apparent that public decency and order and public justice require the maintenance of an executive body which shall not be controlled by the public sentiment of any locality; which shall be competent in its spirit, its discipline and its numbers to a reasonable and judicious but just and impartial enforcement of the statutes of the commonwealth"
- (17) General Laws of Massachusetts, 1921, chapter 22.
- (18) It divided the Massachusetts Department of Safety into three divisions: 1. state police, 2. inspections, and 3. fire prevention. It specified three state boards that must be maintained in connection with the department: 1. Board of Boiler Rules, 2. Board of Elevator Regulations, and 3. State Boxing Commission.
- (19) Digest of Statutes of Louisiana, 1870, volume I, pages 327-329.
- (20) Marr's Annotated Revised Statutes of Louisiana, 1915, volume I, sections 1341-1357.
- (21) Letter from the secretary of state of Rhode Island.
- (22) Public Laws of Rhode Island; 1906-1907, chapter 1356.
- (23) 1881 Public Laws, Rhode Island, chapter 889.
- (24) According to the secretary of state of Rhode Island.
- (25) Conover, Milton, "Legislative Notes and Reviews", in "The American Political Science Review", volume XV, number 1, February, 1921, page 82.
- (26) South Carolina v. United States, 1905, 199 U. S., 437.
- (27) Acts of South Carolina, 1892, number 28; 1894, number 518; 1896, number 61; 1900, number 243, section 7; 1903, number 12; 1907, number 226, section 38.
- (28) Ibid, 1907, number 226, section 47.
- (29) Ibid, 1906, number 22.
- (30) Ibid, 1909, numbers 78 and 240; 1910, number 432; 1911,

numbers 126-131 inclusive.

(31) The New Jersey "State Research" book, January, 1917, page 3. The "State Research" is a compilation of data quite scientifically collected by the New Jersey State Chamber of Commerce.

(32) Public Acts of Connecticut, 1903, page 100.

(33) "State Research", January, 1917, page 43.

(34) According to a letter from Superintendent Robert T. Hurley. Also see Public Acts of Connecticut, 1919, chapter 297; and 1921, chapters 171 and 273.

(35) According to a letter from Mr. McClintock. Some material on this subject is given in McClintock's "History of Arizona."

(36) Bryce, Lord James, "The American Commonwealth", volume I, page 567, foot-note; Munro, William Bennett, "Government of American Cities", pages 33-37; Commons, John R., "Trade Unionism and Labor Problems", pages 126-127 and 508-511; Fosdick, Raymond B., "Crime in America and the Police"

(37) Bryce, "The American Commonwealth", volume I, pages 567-569.

(38) Governor Samuel W. Pennypacker had been a leader in the agitation for the system. He argued "first, that in case of industrial disturbances the law must be enforced; second, that the police power should not be delegated, especially not to one of the two parties to the controversy; and third, that the state itself should assert its police power by means of a state-wide police system"--New Jersey "State Research", January, 1917.

(39) This is brought out by Adjutant-General F. D. Beary of the National Guard in Pennsylvania in his letter of July 20, 1921, to the State Police Auxiliary Committee of Illinois. The letter has been published for public scrutiny.

(40) Discussed by James H. Maurer in the Report of the United States Commission on Industrial Relations of May, 1915. There is also a very interesting discussion by Captain George F. Lumb of the Pennsylvania Constabulary on page 43 of "Arguments Before Ohio Senate Committee on State Constabulary Bill", as issued by the Ohio State Federation of Labor. It is significant that, the one purpose of the new police was to help abolish the system of coal and iron police, the coal and iron police have not been abandoned even yet.

(41) Laws of the General Assembly, Pennsylvania, 1905, number 227.

(42) Major John C. Groome's statement made before the United States Commission on Industrial Relations, May, 1915.

(43) "State Research", January, 1917, pages 4 and 47.

(44) Ibid.

(45) Biennial Report of the Nevada State Police, 1919-1920.

(46) California Statutes, 1917, page 1391; 1921, page 1662.

(47) Laws of the Special Session, Colorado, 1917, page 27.

(48) Committee on State Police, New York. "The Governors Speak", page 21.

(49) Message of Governor Oliver H. Shoup to the Colorado legislature in 1921; letter from the secretary of the Colorado State Federation of Labor; 1921 Report of the New York Committee for State Police, page 12.

(50) According to the chief engineer of the Delaware State Highway Department.

- (51) Maine Public Laws, 1917, chapter 284.
- (52) According to a letter from the director of the enforcement of the Maine Motor Vehicle Laws.
- (53) New York Laws, 1917, chapter 161; 1921, page 1073.
- (54) According to a letter from Captain Adjutant George P. Dutton of the New York force; also from an article headed "Department of State Police", as officially issued from the New York state police headquarters.
- (55) Revised Code, South Dakota, 1917, page 757; 1919, chapter 3; and 1921, page 520.
- (56) Ray, P. O., "Metropolitan and State Police", page 11.
- (57) Alabama General Laws, 1919, act 551.
- (58) Alabama General Laws, 1920, act 12.
- (59) Idaho Session Laws, 1919, chapter 103; 1921, page 126.
- (60) First Biennial Report of the Bureau of Constabulary, 1919-1920.
- (61) Michigan Public Acts, 1919, number 26; Tennessee, Laws, 1919, 231; West Virginia Laws of the Special Session, 1919, page 30.
- (62) Letter from Commissioner Roy C. Vandercook.
- (63) Laws of Nebraska, 1919-1921, chapter 207.
- (64) Nebraska Prohibitory Law and Amendments.
- (65) "List of Stolen Automobiles", issued in 1920 by Nebraska State Law Enforcement Division.
- (66) Tennessee, Laws, 1919, page 231.
- (67) West Virginia Laws of the Special Session, 1919, page 30.
- (68) Acts of 1921, Iowa, chapter 186.
- (69) Maryland Laws of 1921, article 56, section 137.
- (70) "We succeeded in killing the bill in the last session of the legislature that would have legalized them on the state-wide basis, and we are anticipating the same fight in the coming January!" --Secretary Henry F. Broening, Maryland State and District of Columbia Federation of Labor, July, 1923.
- (71) "The New Jersey" magazine, volume VII, number 10; also volume IV, number 12.
- (72) "State Research", supplement, volume V, section 4, number 3, December, 1917.
- (73) In making investigations, the New Jersey State Chamber of Commerce found that 16 of the 21 sheriffs of the state in 1917 actually admitted that they did not take the duty of apprehending criminals seriously. It was found that some sheriffs actually registered surprise in being expected to do so. The sheriff of one of the largest counties of the state wrote, "In all my experience with the sheriff's office for the past twelve years, the sheriff has never been called upon to apprehend criminals!"
- Another sheriff wrote, "How can you expect me to apprehend criminals and take care of this jail at the same time? It would be a joke for one sheriff to attempt to handle the crime in so large a county!"
- Still another said, "The sheriff is not supposed to perform police work except in case of a riot!"--Page iv, "State Research" book, volume IV, number 4, January, 1917.
- (74) Laws of New Jersey, 1921, chapter 102.
- (75) "The State Police shall be employed primarily in the furnishing of adequate police protection to the inhabitants of the Rural Sections of the State!"--Ibid.

(76) Washington Laws of 1921, chapter 108, section 17.

(77) Wyoming Public Acts, 1921, chapter 18.

(78) Letter from Commissioner A. S. Roach.

(79) Perhaps the best evidence of these facts is brought out in the miniature "State Police Book" which was issued by the Minnesota division of the State Police Auxiliary Committee and the "State Police Book" which was issued by the Information Bureau of American Municipalities from May, 1919, to March, 1922, from its Illinois division.

(80) This was the conclusion of the Massachusetts special commission on constabulary and state police, House Document Number 539, page 16, January, 1917. The backing seemed to be about the same in New Jersey when the state police system was being established there. Eighteen state-wide organizations and 298 county organizations were behind the movement to create the New Jersey system. Among the supporters, there was not one association of manufacturers, unless that classification could be given to the occasional board of trade or chamber of commerce that officially announced its support. Instead, there were numerous women's clubs, teachers' or students' associations, granges, automobile clubs, defense organizations, and research and literary clubs. The support of agricultural organizations appeared to be most marked. See "State Research" supplement, volume V, number 3, December, 1917, pages 7-11.

(81) "Personally Governor Hyde feels that a state constabulary would be invaluable if surrounded by the provisions of law. There are numerous reasons for such a constabulary, some of which were brought forcibly to the public attention during the recent strike situation"

(82) The Illinois "State Police Book" for March, 1922, volume 4, number 1, frontispiece.

(83) Governor J. A. O. Preus of Minnesota formerly had expressed himself as being favorable toward the creation of a state police system in Minnesota. His address to the Minnesota legislature on January 3, 1923, however, so emphasized measures of economy that he entirely neglected to suggest that the legislators establish such a system.

(84) "I do not think that we shall go back to any system of that kind as it was repealed some years ago"--Governor J. F. Hinkle, New Mexico, in a letter of January 3, 1923.

"The present administration will, under no circumstances, advocate or support the re-establishment of a state police system in Arizona. These organizations are a cause of dissension and breed strife and hatred instead of contributing toward the maintenance of public peace"--Governor of Arizona, in a letter of January 6, 1923.

"I am against the establishment of a state police system in Kansas"--Governor Jonathan M. Davis, Kansas, in a letter of January 9, 1923.

"Our state has never seen any good in establishing a State Police System.....Our taxes are so very high owing to the progressive things we have placed in operation that it would be almost impossible to establish any new officers"--Governor Lee M. Russell, Mississippi, in a letter of January 2, 1923.

(85) According to the secretary to Governor Redfield Proctor of Vermont.

(86) "Each county and city should enforce its own laws. They have elected officers to do so and if public sentiment is strong enough they can either force their officers to enforce the law or compel them to resign. In one particular county...a large majority of the people have desired to 'wink' at the law and by their vote have elected a sheriff and other officers who do not care to enforce it. They do not enforce it simply because the people who elected them said by their vote in the selection of such officials that they did not care to have it strictly enforced....."

"The present law is very satisfactory...The law is very much the same as the former...law, except that it is not the intent of the present law to in any way interfere with county law enforcement, nor will our constabulary officers under the present law be expected in any way to take part in enforcing the prohibition laws" ---A letter of April 17, 1923, sent by Governor C. C. Moore to one John K. Edmunds of Salt Lake City.

(87) It should be kept in mind that enforcement of the liquor laws is one of the most important duties of state police systems. When power to carry out that duty is taken away, it seems only logical to conclude that there is a slight reaction in the movement. There had been fears, moreover, that Governor Smith would work to abolish the New York constabulary entirely. He may have felt that he was killing two birds with one stone, to a certain degree, when he signed the bill taking power of liquor law enforcement from the force. See "The State Trooper", December, 1922, volume IV, number 4, page 17.

(88) Good discussion of the relation of Governor Smith's action and its relation to the New York troopers in "The Literary Digest", June 2, 1923, pages 11-13.

(89) The principal reasons for the abolishment of the rangers were: first, that their maintenance cost the taxpayers more than the apparent results could warrant; secondly, that sheriffs could enforce the law better, in many cases, than where the rangers actually had stepped in to supersede them; thirdly, that when more than one law-enforcing agency operates within the same jurisdiction, conflicts between the agencies are bound to ensue; and finally, that leadership of the rangers was in the hands of a man "who did not hesitate to proclaim martial law and to prevent free assemblage and free speech!"--Letter from Governor William E. Sweet's secretary.

CHAPTER THREE."Types of State Police Systems"

One finds, upon analyzing the last chapter more closely, that there are six types of state police systems. It is practically impossible to give a good definition for any of the types, however. As one individual expressed it, the difference between the various systems which have been discussed lies in the fact that "some are state police systems a little more than others are!" Which force should be classified under any specific head is quite largely a matter of degree. The degree, in turn, is analogous to the term "police power!" It is almost impossible to define it; but one can, nevertheless, determine in a manner which is somewhat arbitrary but still logical what it does and does not include. Working out the analysis in this manner, it seems preferable to list the six types of state police systems as follows: 1. state highway police, 2. central bureaus of criminal identification and investigation, 3. state sheriff systems, 4. co-operating police forces, 5. centralized departments of police and inspection, and 6. constabulary systems.

State Highway Police.

State highway police are limited in their operations almost exclusively to the single function of policing state highways. Their jurisdictions extend no further than to the enforcement of highway laws.

The systems exist in four states, Delaware, Maine, (1) Maryland, and Washington. In each of these states, the police operate under the direction of the state highway departments. (2) They

exist, moreover, only at the discretion of the various highway departments or governors or both. (3) It is interesting to notice that there was no statutory authorization for the police in Delaware, at first. The increase of improved roads in Delaware necessitated the organization's existence there, however. (4) It is questionable whether the force could have had any actual power at law if its legal status had been disputed before the courts.

Whether good or bad, the fact becomes evident that state highway police may be made entering wedges for the incidental establishment of but little import in Maine and Washington, for there are no significant indications that the systems there will be broadened in the near future. (5) In Delaware and Maryland, however, the state police appear to form a foundation from which it is probable that what we call "constabulary systems" may evolve in later years. (6) There is no significant opposition to the state police where highway systems operate. (7) These systems, then, can be made the seeds of larger organizations to come. It seems, in fact, that the most satisfactory method of establishing a force that best answers the needs of a state is to start with a small organization and limit its functions until it works its way into the confidence and respect of public opinion. It is noticeable that state highway police have proved to be quite efficient wherever they have been created, that is, if efficiency is to be judged by works. (8)

Central Bureaus of Criminal Identification and Investigation.

The second type of state systems is known as "central bureaus of criminal identification and investigation." The Americans have failed, indeed, in developing sufficient means of central criminal identification. The detection of crime and criminals is more than

an art. It is a complex science. The scope of the criminal's activities has broadened. The traveling criminal of today demands a resort to state-wide, national, and even international co-operation in matters of detection. A need in America is to have some system whereby "identification records of one city can be made available for all" (9)

Six states--Connecticut, Idaho, Massachusetts, Michigan, Nevada, and Pennsylvania--operate central bureaus as divisions of their state police departments. The law creating the New Jersey force permits the establishment of one of them so soon as the superintendent feels that he has found a man capable to handle the work properly. (10) And the California, (11) Iowa, (12) and Nebraska (13) do not maintain regular uniformed state police, they do have these co-operating detective systems.

The methods by which these nine central bureaus operate vary a little, but there is a tendency for them to become more and more standardized. Rogues' galleries, for instance, are still generally in use. In all of the bureaus do we find a systematic filing of crime records and statistics, data concerning property stolen, natures of crimes, methods by which crimes are committed, and newspaper clippings which may aid in the work of detection. It is noticeable that the Bertillon system of photographing and measuring criminals is being displaced by the system of comparing finger prints of arrested men. (14)

State Sheriff Systems.

State sheriff systems comprise the third type of state police. They exist in Idaho and South Dakota.

Under this plan of police organization, a single state sheriff is appointed to direct and co-operate with the municipal police and the elective county sheriffs. The state sheriff may also deputize any additional police he may feel to be necessary. What is really done, then, is to take exception to a common law principle, give a state official power of direction over city and county police, permit him to deputize additional officers, and to constitute the entire group a state police system. Any of the members may be ordered to ^{operate} cut in any part of the state the state sheriff commands.

Co-operating Police Forces.

It is difficult to distinguish the fourth type of state police from what we call "constabularies." They may well be likened to miniature constabularies, of course, because of certain of their common attributes. It seems that they ought not be confused with them, however, because of a few general differences.

Training, for instance, is not along the rougher, more military lines that is undergone by a Pennsylvania trooper or a member of the Royal Canadian Mounted Police. The laws of the states having these forces do not provide that the police be mounted or provide for any horses or motor vehicles for them. The men are not necessarily trained for collective action, but rather are employed because of the individual initiative and skill that each of the members shows signs of having. A study of this type gives one a mental picture of a force of secret service men operating stealthily from departments which distinctly do not have a scientific record system such as is typical of a bureau of criminal identification. These organizations aim more or less at co-operating with

local police rather than attempting to act independently of them. Their jurisdiction covers the enforcement of all state laws. They are supposed to, however, (16) and do, limit their activities to the enforcement of certain special laws. In Alabama, for instance, the police give up almost all of their time to the enforcement of the liquor laws, for it is in the enforcement of the liquor laws that the local police of that state have had especial difficulty. (17).

It is "co-operating police forces" that this fourth type of system is called. They exist in Alabama and Wyoming.

Centralized Departments of Police and Inspection.

The fifth type comprises the centralized departments of police and inspection that are maintained in Connecticut and Massachusetts. They were originally detective systems. A process of evolution, however, made them assume function upon function until they are now burdened with not only problems of police protection, but also the inspection of a long list of things of divergent character ranging from boxing matches to boilers. Responsibility for the proper administration of these divers functions is all centralized in a single department. (18)

Centralization of a variety of functions in a single department may be carried to undesirable extremes. Raymond B. Fosdick, former commissioner of accounts of the New York City police force, points to what he feels to be an awkward over-centralized force of Germany; and he concludes that "it is scarcely credible that one man is equipped intelligently to supervise such widely divergent matters as meat, children's asylums, and fire insurance agencies", and at

the same time be a regular policeman. (19)

In Connecticut and Massachusetts, the law has gradually compelled the state police departments to acquire a mass of new functions which are more or less inspectorial in their nature. (20) It is difficult to conclude, however, except from the logic of the situation, whether the increasing divergence of functions has actually hampered the efficiency of the police or not. There are some clues to indicate that the superintendents in those states would recommend, rather than object to, a release from certain of their inspectorial duties.

In a report of 1917, a Special Commission on Constabulary and State Police which was appointed by the Massachusetts legislature said that the state district police were undoubtedly the "weakest and most inefficient unit among the police organizations of the Commonwealth." It contended that the functions of the police were over-centralized. It believed that actual police functions had been submerged almost to the vanishing point. It recommended, therefore, that "the District Police...be abolished, its detective division and other police functions taken over by the State Commissioner of Police, and its inspectorial duties transferred to the existing State department or departments best fitted to handle them." (21)

Concrete evidence does not seem to indicate specifically whether or not the inspectorial functions of these two departments will be taken from them. We can only conclude that the forces appear to be winning the support of the Connecticut and Massachusetts people. (22) We may deduce from this that any very revol-

utionary changes are not to be expected in the near future.

Constabulary Systems.

It has seemed advisable to call the sixth and final type of state police systems "constabularies!" This term has been made to bear the brunt, perhaps inaccurately, of popular usage. Other names that have been given these systems by various sources are "trooper police", "ranger systems", and "semi-military police!" It is frequently argued that they are organized to meet a condition requiring semimilitary action. (23)

By "semimilitary", it is meant that the organization of the constabularies resembles that of armies. But leaders of constabulary systems claim, at least, that the term applies only to the organization of the men, and not to the methods of their policing.

Except for the superintendents, the nomenclature given to officers of constabulary systems is generally quite analogous to that of army officers. There is, for instance, generally a captain in charge of each platoon of police. There is a lieutenant under him; and under the lieutenant, sergeants, corporals, and, finally, privates.

As in an army, a group of men called a "platoon" is sent out to patrol a certain district, so in most constabulary systems a group of state policemen called a "troop" or "platoon" is charged with the patrol of certain parts of the state. The uniforms of constabulary members are almost everywhere like those of army officers. The uniformed men often have to live in barracks, subject to the discipline of their leaders, are obligated to study a certain amount of time each week, and are limited in diet to the

food their barracks offer.

Before a man can join a constabulary, he generally must pass physical and mental examinations more strict than the federal army has given during any war. There is a tendency to limit enlistment to a definite period of time, generally two years for most of the men, and to lay serious penalties in case of desertion before that time has expired. Constabulary members must be good rough riders, and they are supplied with weapons fit for any cavalry man to use in battle. The men are, moreover, trained for organized action so that, if conditions demand it, the platoons from all over the state may be called together in a single place to put down a difficult situation.

True, much of this description is equally applicable to certain municipal police systems. Insofar as this is true, however, the municipal police are also semimilitary in their organization. One difference is that constabulary men receive more training for mounted action than do municipal policemen. Their training prepares them for rural patrol, for a hardier outdoor life. This fact, however, opens the way for argument whether constabulary men are not better trained for rural patrol than they are for handling strikes that have arisen from complex industrial conditions within a thickly-populated city, and whether those constabulary officers ought not, therefore, confine their activities to the patrol of country districts only.

Constabulary systems are found in this country in eight states: Michigan, Nevada, New Jersey, New York, Pennsylvania, Tennessee, Texas, and West Virginia. It is the constabularies that, of all

types of organizations, have caused the most discussion from state police commentaries. Constabulary forces are, indeed, perhaps the most admired, undoubtedly the most famous, and certainly the most hated type of American state police systems.

It is the purpose of the following chapter to deal with the organization and work of state police.

(1) The state highway commission of Maine is permitted to employ as many police as it considers necessary to enforce the state highway laws. Motor Vehicle Laws of the State of Maine in 1921 Maine Public Laws, chapter 211.

(2) Directed by the Delaware State Highway Department, the Maine State Highway Commission, the Maryland Commissioner of Motor Vehicles, and the Washington State Department of Efficiency in the four respective states.

(3) According to the highway laws of the states.

(4) According to letters from Governor Perrey and from Chief Engineer C. D. Buck of the Highway department.

(5) From leaders of the police themselves, from labor leaders of the states in which the police exist, and from men of importance in administrative departments of these states come opinions to justify this conclusion.

(6) "We expect to greatly enlarge the size of the State's force with the view that before long the force will develop into a Constabulary which we trust will prove as efficient as the Constabularies of several of our neighboring states"--Chief Engineer C. D. Buck of the Delaware Highway Department in a letter of October 16, 1922.

Fifth Annual Report of the Commissioner of Motor Vehicles of Maryland for 1920-1921, page 10.

(7) Even labor leaders have expressed their satisfaction with the police. For instance, Fred W. Stierle, secretary-treasurer of the Delaware State Federation of Labor said in a letter of March 12, 1923, that the Delaware force "deserves the respect and commendation of every citizen for their efficient service to the people and prompt arrest of violators"

(8) In a period of about a year and one-half, the Washington Patrol made 3,039 arrests for violations of motor vehicle laws alone. Better yet, the Maryland highway police effected close to 6,000 arrests, returned 67 automobiles and two stolen motorcycles and some \$17,000 worth of miscellaneous stolen property to their owners within the first seven and one-half months of the force's existence. See Summary of Work to September 30, 1922, as issued by the Division of Highway Patrol of the Washington Department of Efficiency; also, Fifth Annual Report of the Maryland Commissioner of Motor Vehicles, 1920-1921, pages 10-20.

(9) For a good discussion of this, see Fosdick, Raymond B., "American Police Systems", page 350.

(10) 1921 Laws of New Jersey, chapter 102, section 7.

(11) The California State Bureau of Criminal Identification and Investigation is organized into four divisions as follows:
a. Criminal Record Division; b. Handwriting, Photographic, and Microscopic Division; c. Stolen and Pawns Property Division; and d. Auditing Division.

(12) The Iowa Bureau of Criminal Investigation is a part of the attorney general's office.

(13) The State Law Enforcement Bureau of Nebraska deals especially with the enforcement of the liquor laws and return of stolen automobiles. See the Nebraska Prohibitory Law and Amendments, issued in pamphlet form from the state sheriff's office, and "List of Stolen Automobiles", issued January 1, 1920, by the Nebraska

State Law Enforcement Division.

(14) Fuld, Leonard Felix, "Police Administration", has a fair discussion on pages 342-368; also the Manual for Peace Officers of Iowa.

(15) 1921 Idaho Session Laws, page 126; South Dakota Revised Code, 1919, chapter 3.

(16) The Law Enforcement Department of Alabama, for instance, is governed by the following command: "Such force..... is hereby particularly charged....with..... preventing and suppressing the....violation of the laws prohibiting the manufacture or sale or other unlawful disposition of intoxicating liquors"--1920 Alabama General Laws, number 12.

(17) In the year ending September 30, 1922, no arrests by the department were recorded except for the enforcement of liquor laws.--Report of Chief Law Enforcement Officer.

(18) In Connecticut, for instance, the superintendent of the department, besides being a policeman, has become the State Fire Marshal, Supervisor of Motion Picture Theaters, State Sealer of Weights and Measures, Supervisor of Billboards and Advertising, Amusement Parks Supervisor, source of issuance of State Permits for Carrying Concealed Weapons, and Examiner of New Motor Vehicle Operators.

(19) Fosdick, Raymond B., "European Police Systems", page 140.

(20) The Massachusetts Department of Public Safety has, besides police duties, problems demanding the following divisions: Licensing Moving Picture and Elevator Operators, Board of Elevator Regulations, Board of Boiler Rules, Licensing of Engineers and Firemen and Machinery Hoisters, Bureau of Explosives and Inflammables, Bureau for Storage of Liquids, Bureau of Sunday Censorship, Licensing of Private Detectives, and State Boxing Commission.--Report of the Department for 1921.

(21) "Some of the work requires trained policemen, some of the work requires expert engineers, some of it chemists, some of it piscatorialists, and some of it dramatic critics. The state has only itself to blame for loading upon a police force a hodgepodge of duties which actually promotes superficiality and prevents the development of any real efficiency"--Report of the Special Commission on Constabulary and State Police, Massachusetts House Document Number 539. The commission consisted of the editor of the "Boston Journal", a manufacturer, and a lawyer.

(22) According to political leaders of Connecticut and Massachusetts.

(23) See inside of front cover of any "State Police Magazine"

CHAPTER FOUR."Organization and Work"Organization.

There seems to be a slight tendency to centralize all state work in fields of public safety in the hands of a single department. By this process, state police systems are brought to operate with a closer regard for their relationships to other state offices. Overhead expenses are reduced, also. This tendency to scientific centralization progresses slowly, however. Michigan took a desirable step forward by amalgamating in a single office the offices of the State Fire Marshal, State Oil Inspector, Department of State Police, and the Commissioner of the Food and Drug Department. In 1922 alone, this restrained centralization saved some \$256,172 for the Michigan people. (1) The only other state that has worked out its organization problem very scientifically is Pennsylvania. (2)

The state police laws generally do little more as to organization than to authorize some individual to take charge of a force. They generally let him work out organization details for himself. He seems to take charge as an authority in police administration, not as one in administrative organization; and he often begins his operations without special visible regard for his relationships to other departments.

Relation to Local Agencies.

Likewise do we find but very little said in the laws concerning the relationships of state police to local agencies. It generally seems to be the local police themselves who make com-

plaints in this regard; and these complaints seem to be unwarranted in general. The laws merely provide that the police have state wide jurisdiction without regard to county or city boundary lines. Some of the laws say that the police are to co-operate with local police wherever possible. Two states (3) provide specifically that the officers are not to supersede the local police. One prohibits them from operating in any city except at the request of its mayor, (4) and another except at the request of the mayor or direction of the governor of the state. (5)

Where there are bureaus of criminal identification, the directors of the bureaus may demand data from local police authorities. (6) One state lays penalties against any jailor who refuses to lock up a man arrested by the state police. (7) Where there are state sheriff systems, local police are, of course, under the direct control of the state sheriff, and they may even be commanded to operate outside their local jurisdictions by him. All types of state police systems are everywhere entirely free from any local control, however.

Sizes of the Organizations.

Laws concerning the number of men on any force are very elastic in all states, and much discretion is everywhere left with the superintendents in this regard. Nor do the laws always provide maximum limits beyond which no more men can be employed. About the largest definite number of men that any system may employ is permitted by the Tennessee law. Tennessee permits of 600 policemen, but it is only on emergency occasions that so large a number is to be called to duty. In Pennsylvania, five regular troops and

a school troop, not to exceed about 430 men in all, are permitted. West Virginia authorizes as many as 283 men, comprising from two to five troops. New York authorizes six troops, not to exceed 453 men. There may be not more than five troops and 74 men in Texas, except in case of emergency, and not to exceed 137 men and three troops in New Jersey.

Provisions for the sizes of the various forces are very indefinite. Some states merely require that there be a sufficient number of men, and permit the superintendents to appoint new men at discretion. Three or four forces are kept down so small that there are generally less than ten policemen employed on them at a single time. Except in the cases specifically mentioned above, all of the states maintain but one troop.

Distribution.

The problem of the number of troops employed determines, to some extent, how well a state is patrolled. It has to do with how scientifically the police are distributed about the state.

Consider the distribution in a state which has six troops, for instance. That state will have six barracks, as well, and six local headquarters distributed in different parts of the state--one troop, that is, for each local headquarters. Each headquarters is responsible for the proper policing of a specific one-sixth of the territory of the state. Within that territory, a number of substations are situated at strategic points. Men are sent to those substations to patrol specific districts about them. Those men are responsible to their substations, each substation to its local headquarters, and each local headquarters, finally, to the

superintendent of the entire state police organization. Thru such a distribution, a network of police authority is woven over all parts of the state which would justify one in concluding that the capture of criminals is thereby made more certain and that crime must, consequently, be deterred to some extent within the system's jurisdiction.

Where there is but one troop for an entire state, and where that troop is a large one, it must necessarily be bulky and difficult to superintend. Where there is more than one troop, men are generally shifted from headquarters to headquarters about the state at certain times of the year so that they will not become too engrossed in local prejudices and hence administer state laws with partiality. It would seem preferable from the standpoint of administrative efficiency, therefore, for a state to maintain a number of smaller troops than to have just a single large one.

Personnel of State Police Organizations.

In considering the personnel of the various systems, it seems well to divide the discussion into two major divisions:
1. heads of the forces and 2. the rank and file of policemen.

Heads of the Forces.

The heads of state police systems do not have military titles. In six states, they are known as "superintendents", in four as "commissioners", in two as "state sheriffs", in Alabama as "chief law enforcement officer", in Idaho as "chief", and in Tennessee and Texas the heads are the governors themselves.

Salaries of these heads range from \$3,600 (8) to \$6,000 (9) per year. Superintendents of four of the larger departments re-

ceive \$5,000. (10) In Alabama, the governor determines the amount of the salary, while in Idaho there is nothing specific at all mentioned about salaries in the law.

The amounts for which the heads are bonded range from \$3,000 (11) to \$25,000. (12) The New Jersey and Pennsylvania superintendents are each bonded for \$20,000.

None of the heads of the departments are elective officials. In 14 of the states, the governor appoints them; and in the other seven states having state police systems, they are appointed indirectly by him thru his agents. (13)

It is interesting to notice that only Connecticut, New Jersey, and New York provide specifically in their laws for removal of chiefs of state police systems for cause. One state law says that the commissioner may retain his office until his successor has been appointed and qualified. (14) Three states permit removal by the governors at any time at the governors' own pleasure; (15) and the laws of the other states make no specific provisions at all on this point.

It was a step forward in the science of police protection when seven states provided that the men in charge of departments be appointed for indeterminate periods. The indeterminate period proves to be a success in state, where it fails in local, police activity. It is noticeable that state police systems in this country have been made the center of less political scandal than have local police systems. Governore have shown tendencies to refuse to base the appointments of police heads on political factors. The personnel of American state police chiefs does not change

with each new incoming administration. (16) The chiefs seem to hold their offices because of their ability; and the longer they hold them, the more efficient they should become. It seems, however, that they ought to be subject to civil service examinations for the obtaining and retaining of their positions in those states where the indeterminate period has been provided.

Of the states not providing for indeterminate periods, three appoint their chiefs for five year terms, three for four year terms, and Nevada for one year only tho the superintendent there is eligible for reappointment. Where state police heads do not hold their positions for indeterminate periods, it is obvious that the longer terms are the more desirable ones. The heads are then assured of reasonable time in which to demonstrate their ability.

With state police systems organized as they are today, their superintendents must be experts in fields of police administration. They are not mere "bridges" between the public and the police, not mere students of public opinion who are to receive complaints from the people and then transmit them to experts who are the nominal heads under them. There are generally no such nominal heads, in fact. The superintendents must rather, assume responsibility for the complaints of the public, and, at the same time, take charge of the actual appointing and organizing of the men and, in most states, direct the training of them. In New York, for instance, the superintendent not only instructs classes in the New York State Police Training School, but has even written the text book that is used there. (17)

The Rank and File.

In dealing with the rank and file of men on the various

forces, one is confronted with a paucity of accessible specific data. The published records of certain systems prove to be far too incomplete, and there is a lack of homogeneity among the various forces upon which statistics may be based.

One good example of this point confronts one who attempts to compare the salaries of police officers of similar title in the various states. In Nevada, for instance, sergeants receive an annual salary of \$1,800, more than is paid to sergeants by any other state. But a sergeant in Nevada has duties which would be exercised by lieutenants and captains in other states; and it becomes necessary, therefore, to exclude Nevada from any statistical comparison that one may display on the problem of salaries.

So far as data is available at this time, however, and so far as it is homogeneous, the following table will give some idea, at least, of the salaries of the various officers of state police organizations in this country:

	<u>Cap- tains.</u>	<u>Lieuten- ants.</u>	<u>Ser- geants.</u>	<u>Corpor- als.</u>	<u>Privates.</u>	<u>Depu- ties.</u>
Connecticut	\$2,700	\$2,300	\$2,100	-----	\$5 per day	-----
Michigan	2,000	1,800	1,200	\$1,080	Up to \$1,000	\$3,500
New Jersey	2,400	1,800	1,400	1,300	\$1,200	3,500
New York	1,800	1,500	1,100	950	900	2,500
Pennsylvania	2,400	1,800	1,200	1,020	1,020	3,500
Texas	1,800	-----	1,200	1,080	1,080	-----
West Virginia	1,800	1,500	1,200	750	750	2,000

In this table are found certain tendencies for salaries of officers of one rank in one state to equal those of similar rank of other states. True, the Connecticut force has gone to a decent extreme and pays higher salaries than does any other of American systems. Aside from Connecticut, however, the tendency to equalization is obvious. Lieutenants, for instance, are paid \$1,800 in

three of the six states in the table above and \$1,500 in two.

It is noticeable that New York and West Virginia pay lower salaries than do any of the other states. Salaries are certainly too low there. How a good policeman can be induced to accept a difficult position at a salary of but \$750 a year remains to be explained. It is not to be wondered at that complaints arise to the effect that state police are frequently the tools of ill-meaning corporations. They must not be excused one bit because of this fact; but it is obvious that if any of the policemen are such tools, it is partly because of the inducements of their low salaries to accept special favors from the private corporation officers in exchange for a partial attitude in the enforcement of the law. If there is to be no corruption at such salaries, the appeal of the force to the policeman must be more or less like that of the convent to the nun. But so long as economic motives impel men, it seems that certain police systems must increase the salaries of certain officers if they are to get the type of policemen they desire and need. The tendency should be to make service as a policeman a profession rather than a mere temporary job.

A number of states provide for a five per cent increase in the salaries of certain ranks of the men for each of a second and third continuous re-enlistment. Some extra inducement and encouragement is offered by such provisions.

Some sort of competitive tests are used generally in the appointment of state policemen. Only four states, however, provide specifically in their state police laws for appointment by any civil service regulations. (18) Each of these four provisions is highly

elastic and much discretion is left with the various superintendents. The New Jersey superintendent receives frequent reports from his captains concerning their men. These reports are filed, and promotion on the force is based largely on them. (19) Pennsylvania also uses the merit system in promoting state police officers.

It is frequently provided that a man must be in his prime at the time of his appointment. Three states require applicants to be between 21 and 40 years of age, (20) and one between 21 and 45. (21) No one on the Nevada force may be under 30.

Five states make specific provision in their laws that preference in appointment be given to ex-service men. (22) While the other states do not make such provisions specifically in their laws, it is hinted that they frequently do give such preferences in fact.

Six states have state police training schools. (23) The South Dakota school is under the supervision of the State Board of Charities and Corrections rather than of the office of the state sheriff. The New York school is of especial interest because, as a departure of custom in this country, city and county, as well as state, policemen are permitted to receive their training there. (24) By this plan, the men should become better policemen as individuals. A closer co-operation can be expected, also, when the police are operating within the same jurisdiction as agents of different political subdivisions of the state.

Unlike local police systems, there is not much reliable evidence that politics are controlling factors in the choosing and promoting of state policemen. State police leaders seem to realize that their systems are on the defensive, and that they must prove

their integrity if they are to continue to exist. One state law expressly forbids a member of the force from participating in politics except to cast his vote in an election. (25) Back in 1905 when the first superintendent was appointed for the Pennsylvania constabulary, that superintendent said that if there was to be any wire-pulling by political bosses in trying to control the administration of the force, he would not take the job. He had but one opportunity to demonstrate his opprobrium for political manipulation in police matters. A captain left the force, and an officer made application for the vacant position. He gave recommendations, among which was a letter from a prominent politician. The answer of the superintendent was to throw the letter into the waste basket and to discharge the officer from the constabulary. (26)

Methods of Financing.

There are two methods in particular by which state police systems are financed. One is by fines, the other by occasional legislative appropriations.

With few exceptions, the collection of fines has not been a great financial aid to the states. (27) The Maryland system is maintained entirely thru their imposition. (28) The West Virginia organization helps its state prohibition office collect far more in fines than it pays out. (29) Fines collected in Alabama from those violating the liquor laws more than pay for the maintenance of the Alabama department. (30) Aside from these instances, fines do not play a very important role in maintaining state police.

It sometimes is argued that an organization pays for itself when the aggregate amount of the fines collected and the value of

property recovered is as great as the expenditures made for the organization's maintenance. Since fines do not amount to much, however, and since the value of property recovered has nothing to do with bringing money into the public treasury, this argument must be ignored. (31)

In considering the actual costs of operating state police departments, one is again confronted with a paucity of statistical data. From what reliable data there is available, one finds that the annual costs of maintenance vary from \$26,200 to \$796,000. (32) A study of these costs shows that constabularies are the most costly type of police. It is argued, on the other hand, that certain of the more industrial states have actually saved money by establishing constabularies. Their use has practically eliminated the need for calling out militia forces in times of serious labor troubles. The money for operating the systems is obtained generally by specific appropriations that are made now and then by the various legislatures.

Functions and Work.

The duties of state police generally extend to all the functions exercised by local police, even to the enforcement of local ordinances and by laws, except that state wide jurisdiction is given them. It seems to be a rule, however, for state police to emphasize those duties that are most difficult for local authorities to handle. They do, in fact, supplement, rather than supersede, the city forces and the county sheriffs.

It is customary for them to give direct assistance to local authorities only in cases of emergency. They generally investigate crimes in those counties where no provisions have been made for

county detectives. They patrol the highways and regulate the traffic on them. They work in conjunction with health departments in the enforcement of quarantines. Some systems pay particular attention to shooting dogs that are accused of killing sheep. The state police are active in enforcing forestry, fish, and game laws. They have been valuable in certain states in investigating the causes of fires and in fire fighting. (33)

There are two functions in particular that should be discussed more extensively here. These are, first, strike and riot duty, and, secondly, the enforcement of prohibitory liquor laws.

1. Certain labor leaders have contended that there is nothing to indicate that constabularies have deterred crime, or, perhaps, are even designed to deter it. They claim that the real aim of the forces is to break strikes. (34)

Constabularies have been active in strike duties, indeed. In 1915, for instance, there were 114 members of the Pennsylvania force collected together at the Wilkes-Barre railway strike. The troopers were on duty for two months and worked from 12 to 16 hours a day in extreme cold weather there. (35)

There is one interesting story of strike duty that it seems ought to be mentioned here. It concerns a strike that took place in Lackawanne, New York. The police records of that city showed it to have a population of 22,000 in 1919; and they showed that 56 different languages were actually spoken there. A steel strike in that city drew 6,000 workers from their jobs. Agitation appeared to be in the hands of the ill-meaning types of paid leaders, and the activities of the strikers proceeded accordingly. It got beyond

the control of the mayor, and the state police were called in.

The superintendent's first move was to see that the mayor provide strikers with halls where they could talk over their situations. The only warning was that seditious utterances by any leader would result in his arrest after the meeting had adjourned. The next move was to warn the steel corporation officers that if their 150 private deputies were not kept off the public streets while armed they would be arrested. The final move was to approach certain leaders at the Temple of Labor in a neighboring municipality, telling them the need for maintaining order, assuring them that peaceful meetings would be undisturbed, and that strikers could parade provided they did not do so in front of the steel plant. Picketing was permitted, the "dirks, knives, files fastened in handles, revolvers, and guns" were taken from the picketers when found on them.

It took but a hundred troopers to police this strike which had once turned into a conflict of violence; strong arm methods of handling the strikers appear to have been reduced to a minimum. In the same year, however, a strike in Gary, Illinois, a city of but 12,000 population, commanded the calling out of 8,000 federal troops to prevent rioting. (36)

The superintendent of the Pennsylvania constabulary presents statistics to show that his force gives over but very little time to industrial disturbances. In 1917, his statistics are supposed to show, only .5 per cent of the time of the force was given over to such disturbances; in 1918, no time at all; in 1919, 11.4 per cent of the time; and in 1920, 1.6 per cent. (37) While these

statistics may be absolutely all right, there are still certain questions that must be answered before they can be considered as scientifically acceptable. (38)

Out of fairness to state police leaders, one should keep in mind that riot duty is not always the same as strike duty, and vice versa. There have been local affrays between foreigners which have taken place in certain states because of religious differences, for instance. (39) It generally is understood, however, that riot duty means police duty in times and places of industrial disturbances; and this is said without regard to whether such duty is desirable or undesirable.

The principles of riot duty are recognized as being pretty generally the same everywhere, tho it is disputed as to how well they are adhered to in practise. They proceed on the theory that lawless leadership is behind all rioting and that the first goal of the police should be to eliminate the leaders. Theoretically, the police maintain strict neutrality. Congregating on the streets is not permitted any more than is absolutely necessary. It is a general principle that no bloodshed is necessary where the police are well trained. (40)

2. In the enforcement of prohibitory liquor laws, two states fail to realize their moral responsibilities to the federal government by refusing their state police systems the power to cooperate with that government. (41) In all but these two states, the police participate in prohibition enforcement. Five of the forces pay especial attention to this problem. (42) In Alabama and West Virginia, the police help make dry enforcement pay dividends into

New Jersey(1922)	\$187,980
New York	709,068
Pennsylvania	459,542

(32) From what records have been made accessible, the costs of maintaining 13 departments in 1920 were as follows:

Alabama	\$50,000	
Connecticut	64,063	
Idaho	34,159	
Maryland	(Force maintained entirely thru fines paid it)	
Michigan	340,400	
Nebraska	37,000	
Nevada	50,000	
New Jersey(1922)	300,000	
New York	598,056	
Pennsylvania	796,399	
South Dakota	26,203	
West Virginia	300,000	
Wyoming	37,000	

(33) See "Data Concerning the Pennsylvania State Police Force" While this enumerates the duties of the Pennsylvania police in particular, the enumeration would be much the same for any other state system.

(34) According to statements of Thomas Kennedy and James H. Maurer in the "Report of Arguments Before Senate Committee on Military Affairs of the Eighty-Third Session of the Ohio General Assembly on State Constabulary Bill"

(35) 1915 Annual Report of the Department of State Police of Pennsylvania.

(36) "The Evening Post Magazine", New York, February 21, 1920, page 12; also Major Chandler's testimony before the New Jersey Senate Committee on Agriculture and the Assembly Committee on Judiciary, February 7, 1921, in the New Jersey Assembly Chamber.

(37) Cover of the "State Police Book", January 1, 1921, volume 2, number 11.

(38) One still is faced by the fact that the figures come from a prejudiced source, from a man whose very job depends upon the public's estimation of his organization. Then, what do the figures include? Are they supposed to show only the percentage of time during which the entire force was assembled together on strike duty? How were the figures collected? If no time at all was given over to industrial disturbances in 1918, why is it that the official 1918 reports of his department record a number of arrests and convictions for rioting? These are pertinent questions and their answers have much to do with the validity of the statistics.

(39) Annual Report of the Department of State Police of Pennsylvania, 1914, page 25.

(40) Chandler, George Fletcher, "The Policeman's Art", pages 46-54.

(41) Idaho and New York.

(42) Michigan, Nebraska, Nevada, South Dakota, and Texas.

(43) "The Minneapolis Journal", January 27, 1923, "300 Troopers Raid Pennsylvania Bootleggers"

(44) It is to be regretted that it has been necessary to collect figures for 12 of the forces for single years between 1920

the public treasury. And the Pennsylvania constabulary has been engaged in what is said to be the boldest drive ever made against liquor law violators. (43)

Results.

This leads one to examine the efficacy of state police. It is from the logic of the situation that one concludes that the police do deter crime. The proof that they deter crime rests in the large number of arrests and convictions they have made. (44) People come to believe more and more, as Jeremy Bentham did in the past, that certainty of capture is a greater deterrent of crime than is cruelty of punishment. It is from the number of arrests that have been effected that it seems one can conclude logically that the certainty of capture has been increased. The Pennsylvania constabulary, for instance, effected over 12,900 arrests in a single year, and 85 per cent of those arrests resulted in convictions. The New York troopers brought about over 10,000 arrests in a single year, with convictions amounting to 95 per cent of those arrested. It is significant that it is the constabulary systems that make the most arrests, although most of the opposition has centered itself about that type of organization.

How Public Opinion Regards State Police.

The principal arguments that have been made in opposition to state police systems are three in number and will be discussed cursorily at this point.

1. First, there is the cost argument. That which increases taxes is felt to be undesirable, and state police systems generally increase taxes. One speaker likened state police systems to

a cancer. When once they get a foothold in a state, he claimed, their leaders ask for more and more men, the force gradually grows and grows, and the taxpayer necessarily pays more and more for the force's maintenance. On the other hand, it is shown by those favoring state police that this is a necessary and desirable increase, that functions of government in the United States have developed at the expense of police administration, and that even in states having the most expensive systems, the expense of maintenance has fallen but very lightly on the taxpayers after it once has been distributed equitably among them. Whether the cost argument is sound or not depends on what the state gives for the money, of course. If the protection the state gives is worth the money spent, even arguments to the effect that an organization is not self-supporting are not worthy of much weight; for there is no sufficient reason for demanding that a police force be self-supporting when other departments of state administration have funds appropriated to them. Protection is a fundamental function of government.

2. It is argued, secondly, that the maintenance of state police systems is a violation of the principle of local home rule. It is contended that unless government is concentrated in the hands of the local community, democracy falls to the ground, and autocracy asserts itself. Men ask why a small community, in, say, the northwestern part of some state should help finance police protection in a county in the southeastern part of the same state. It is contended that when police agents of both the state and the city or county operate within the same jurisdiction, conflicts between the police are a necessary resultant. An inevitable answer, how-

ever, is that the only decent way to escape this violation of the home rule principle is for the cities and counties so to enforce state and national laws for themselves that calling in police of higher authority may be made unnecessary. Some of the functions of state police are beyond the scope of the local law enforcement officers, also.

3. Finally, there is the labor argument, aimed more against constabulary systems than against state police as such. Constabulary systems are semimilitary, and anything that is military in character is opposed by labor. It suggests war and fits men for war. The facts show that constabulary systems exist particularly in mining and manufacturing states, and leaders of the American Federation of Labor argue that the police are used there for breaking strikes. There is evidence to show that there are officers of influential corporations among those who favor the police. It appears, in fact, that state police have been called to duty during lawful orderly strikes and have so conducted themselves that the strikes finally ended in riots in which blood was shed and property destroyed. It is difficult to conclude just how general this attitude of the police really is or to just what degree the labor argument should be accepted. Material on both sides of this problem appears to be so highly biased as to justify a degree of skepticism on the part of any student of state police systems. There certainly is nothing inherently opposed to labor in the state police principle. If the police do act contrary to the interests of labor, the fault, it seems, must lie in the leadership and training of the men and in the attitude of the police and the public

towards one another. There are, however, justifiable grievances against certain state police organizations; and these grievances will be discussed in the following chapter as nearly as possible from the point of view in which labor looks upon it.

When one begins a study of arguments in favor of state police systems, on the other hand, he finds that those systems have been established to meet the particular criminal situations of the various states. Since these situations vary from place to place, it is natural that certain minor arguments should be used in one state that may not prove persuasive at all in others. It is not necessary to discuss those arguments here. It is the following major problems that should be discussed; for it is these matters that seem to have proved most effective, in general, in persuading people as to the value of state police: (45)

1. First, there have been problems arising about state border lines and within frontier districts. Where there have been movements into new and unsettled parts of certain states, criminal conditions have frequently commanded state action. And where the state is situated on the Mexican border, the people have feared attacks by bandits from the Mexican side of the line.

2. It is contended, in the second place, that crime becomes more cosmopolitan in its nature and that its scope tends to widen. Crime is no longer localized. Extensive highway systems have helped the criminal by making it possible for him to speed away from the hand of the local police after he has violated a law. The telephone has made it possible for him to remain in hiding and to keep in touch with the outside world thru its use. The criminal is here today and gone tomorrow. He frequently has no local, no state, or

even national address, and some central means are felt to be necessary to help in tracing that criminal into his hiding places.

3. There have been tendencies, also, toward the centralization of certain administrative work which was formerly in the hands of local authorities into the hands of state commissions, departments, and bureaus. The purpose of these centralizing movements has been, principally, to encourage efficiency, promote economy, and centralize governmental responsibility. Students of government have felt that many laws, such as those concerning Sunday-closing, liquor prohibition, and gambling, have been violated too frequently as a result of local prejudices. They have seen that administrative work relating to health, education, taxation, and the like has been centralized more and more in the hands of state authorities with desirable results. They have suggested, therefore, that a limited centralization of police administration in the hands of the state itself would tend to overcome the difficulties that local prejudices have brought about.

4. It is claimed, in the fourth place, that the sheriff and constable system of county policing shows tendencies of breaking down. The sheriff and constable have deteriorated too frequently into political good fellows. The sheriff wants the vote, and he works for it at the expense of the proper carrying out of his governmental duties. There have been instances where sheriffs actually have registered surprise at being expected to apprehend criminals. Too many of them, in fact, have had but very little education in what is expected of policemen in this generation of complex social institutions.

5. Then, there is a need for better rural and suburban protection. Residences on the edge of town, tho perhaps more beautiful because of their location, are also in danger because of it. They do not have proper protection against prowlers. Suburban districts have been poorly patrolled even in cities having efficient police systems. Summer country homes of city people have been looted, sometimes burned, frequently unbeknown for some time even to the owners. The farmer on his isolated section has been made a target for tramps and criminals. And the tourists in the country districts have been halted at points of revolvers by masked highwaymen.

6. Finally, it is urged that state police systems are needed to lessen the duties and to minimize the expense of maintenance of the National Guard. This final major argument applies especially to constabulary systems. It is claimed that more and more does law violation tend to become collective in its character. Bands of night riders terrorize country districts. Strikes often result in riots. Activities, supposedly of the Ku Klux Klan, have aroused fear in the minds of the people and investigation by government. The one alternative, after local police or county sheriffs have failed to preserve order in these instances, is a resort to the National Guard. To call out that National Guard, is for the state to incur tremendous expense for its maintenance. It is felt, moreover, that many laboring men would make excellent soldiers. Some labor unions refuse membership, tho, to anyone enrolled in the National Guard. To release the Guard from strike duty, however, would be to make it possible for the desired laboring men to join its ranks.

No very valid general arguments can be outlined for the various types of state police systems. Where a state desires police with broad jurisdiction, it should employ them entirely on a basis of what the conditions of that particular state demand and of what public opinion in that state will bear. Without public opinion in its favor, no police system, whether state or local, can be successful. The type of a police organization must depend entirely on general and specific conditions existent in the state in which it is created.

FOOT-NOTES

(1) Formerly, the annual aggregate cost of maintaining each department separately had amounted to \$606,172 as compared with \$350,000 under the new plan. Report of the Department of Public Safety to the Governor of Michigan, December 28, 1922. Public Acts of Michigan, 1921, chapter 123.

(2) The Department of State Police of Pennsylvania is organized as follows:

a. Executive division, the center to which all divisions are answerable.

b. Clerical Division.

c. Bureau of Fire Protection.

1. Division of Investigation.

2. Division of Regulations.

3. Division of Inspection.

d. The Bureau of Criminal Identification and Information.

e. The State Police.

See "Data Concerning the Pennsylvania State Police Force" Discussions of the work of the Bureaus of Fire Protection and of Identification will be found in issues of the "Consolidated Bulletin of Public Safety"

(3) Nebraska and Tennessee.

(4) New Jersey.

(5) New York.

(6) The California law demands that the chiefs of police and the sheriffs of the state make daily reports to the bureau on standardized eight by eight inch cards.

(7) Wyoming.

(8) California and South Dakota.

(9) Pennsylvania.

(10) Massachusetts, Michigan, New Jersey, and New York.

(11) As in Massachusetts.

(12) New York.

(13) In California, for instance, a board of three managers is appointed by the governor, and it, in turn, is to appoint the superintendent of the California detective bureau.

(14) Michigan.

(15) Idaho, Nevada, and South Dakota.

(16) "Whereas London has had seven police commissioners in 91 years, New York has had twelve in nineteen years", says Mr. Fosdick in regard to American city police heads, "American Police Systems", page 236.

(17) Chandler, George Fletcher, "The Policeman's Art"

(18) The Massachusetts department, for instance, must maintain competitive examinations in the selection of detectives, but not necessarily in the selection of regular patrolmen. Pennsylvania requires applicants for membership on its state constabulary to pass mental and physical examinations based on those of police systems of Pennsylvania cities of the first class. A New York law demands that the superintendent draw up rules subject to the governor's approval for the appointing of men. New Jersey has the ambiguous provision that applicants must pass physical and mental examinations based on the standard provided by the rules and regulations of the United States army.

(19) The captain of each troop is required to keep what is known as an "Individual Rating Sheet" for each of his men. On the sheet, the commander is to give a grade of from A to E for each of ten different attributes which stamp each man. The commanders are supposed to study the men and give unbiased opinions concerning them. Then, when promotion is sought by any member, the superintendent is in a position to look up his more abstract qualities by the ratings concerning his energy, initiative, application to work, truthfulness, decisiveness, obedience, ability, neatness, courtesy, and loyalty. The more concrete qualities of the man are brought out by physical and mental examinations.

(20) New Jersey, New York, and Pennsylvania.

(21) West Virginia.

(22) Massachusetts, New Jersey, Pennsylvania, Texas, and West Virginia.

(23) Training for the Pennsylvania constabulary furnishes a good illustration at this point. At the Pennsylvania training school, the state policeman "receives instructions in Cavalry Drill; Horsemanship, including Stable Hygiene and Care of the Horse; Practical Self Defense; Marksmanship; Criminal Law; Fish, Game, and Forestry Law; Criminal Procedure; Investigation of Crimes; Methods of Handling Individuals, Crowds, and Mobs; Geography, particularly that of the State of Pennsylvania; and Civil Government. After having received this course of instruction and having passed an examination attaining a grade of at least 70% in each subject, he is sent to a Troop for duty. Instruction continues at the Troop, as each member of the Troop is required to attend Troop schools during his service at the barracks, regardless of the length of time he has been in the service"--"Data Concerning the Pennsylvania State Police Force", officially issued by the department.

(24) According to Captain George P. Dutton.

(25) Nevada.

(26) "State Police Book", March, 1922, page 1.

(27) The following table shows the amounts collected in fines by six American state police systems in 1920:

Alabama	\$87,531
Connecticut	48,818
Idaho	19,987
Nevada	4,796
New Jersey	37,876
New York	64,501

It is only in a few states that fines are of any appreciable value as an aid to the maintenance of any of the forces.

(28) Fifth Annual Report of the Commissioner of Motor Vehicles of Maryland, 1920-1921, page 11.

(29) The Christian Science Monitor, December 13, 1923.

(30) Report of the Chief State Law Enforcement Officer to the Governor of Alabama for the year ending September 30, 1922.

(31) The amounts recovered in 1920 by five state systems were as follows:

Connecticut	\$55,550
Maryland	84,200

and 1922, and to present that for purposes of comparison as if they were all for the same year. Except where otherwise specifically mentioned on the side of the name of the state, therefore, the figures in the following table represent the arrests and convictions of 12 forces for the year 1921:

<u>State.</u>	<u>Arrests.</u>	<u>Convictions.</u>
Alabama (1922)	3,023	1,372
Connecticut (1920)	779	-----
Idaho (1920)	284	204
Maryland	6,000	-----
Massachusetts	610	422
Michigan (1920)	3,753	3,528
Nevada (1920)	173	-----
New Jersey (1922)	2,937	2,617
New York (1920)	10,652	10,013
Pennsylvania	12,948	11,170
South Dakota	624	182
West Virginia	4,805	-----

In Pennsylvania, the number of arrests effected by the troopers each year increased from 808 in 1906 to 12,948 in 1921.

(45) The points brought out here are, for the most part, much the same as those presented on page 3 of the New Jersey "State Research" book for January, 1917, and those mentioned by Professor P. O. Ray in his "Metropolitan and State Police", pages 1-3.

CHAPTER FIVE."Labor and Constabulary Forces"

It can be said quite safely that the American Federation of Labor holds no general brief against state police systems as such. It is strongly opposed to constabulary systems, however. The principal reason for this opposition is that constabularies seem to be semimilitary in their methods of operation, and that when industrial disorders arise the police seem to take sides against labor much as an army takes sides against an enemy in time of war.

It is not an iron-bound rule, tho, that labor does not oppose other types of state police. In Minnesota, for instance, no type whatever is regarded favorably by labor leaders. (1) The rule may be stated well as follows, perhaps: When industrial leaders, so-called "capitalists", appear to control state politics but poorer classes appear to control politics in local industrial centers, labor generally opposes state interference in matters of law enforcement. There seems to be a fear that the state police, under such conditions, become the enforcers of the political doctrines of the employers who have control of the state's politics.

Officers of state federations of labor in California, Connecticut, Delaware, and Washington do not oppose their state forces. They rather favor them. (2) A prominent officer of the Delaware State Federation of Labor says that he, as all law-abiding citizens of his state ought to do, would welcome detaching the police of Delaware from the control of the State Highway Department and increasing the number of the police officers; he only wanted an assur-

ance that the enlarged force would not be a constabulary system. Labor in Canada appears to oppose the Canadian mounted police only because of their semimilitary attributes. (3) An influential Pennsylvania leader claims that the state police are a good thing for apprehending criminals, but that the force in his state has become a tool of state industrial leaders for breaking strikes. (4) It is because of a claim that constabulary systems do become tools of wealth that labor rises in large numbers to oppose them.

For the most part, it is the states having the greater conglomerates of foreign born where constabulary systems exist. For the most part, these are the mining and manufacturing states. Consequently, constabulary systems have had to deal to a great extent with disorders arising from conditions in and about the American mines. Of these conditions, there is but little to boast. (5) Yet, they serve as a background for a discussion of labor's attitude toward constabulary systems.

The president of the Minnesota State Federation of Labor takes his followers into the mountains of West Virginia where the constabulary there is operating. The police broke up lawful meetings to which the miners had come for purposes of organizing a union. With a strike came the evictions by the state police of miners from the company houses. The miners rented a piece of land and put their tents up there. After a year, the state police drove into the tent colony without warning. They shouted loudly. Men were jailed. Women and children were driven out, household belongings destroyed, and tents stripped into ribbons. The constabulary, it was claimed, acted as a tool for power and wealth against the poor

and defenseless. The Minnesota federation president opposes all types of state police. It is his contention that autocracy is a consequence of police not being under the control of the city or county in which they operate. (6)

Turn to New York, not what one calls a "mining state", but one having a very heterogeneous population and perplexing labor situations just as a mining state has. It has been told in a previous chapter how the superintendent of the New York state troopers claimed that his constabulary is the only state police system in the United States that is not opposed by labor. He was mistaken. There has not been held a single convention of the New York State Federation of Labor since the troopers were organized that has not condemned them. The secretary of the federation in New York says that he does not oppose the state police principle as such. He does oppose the troopers entering cities for strike duty and so bewildering the strikers that riots inevitably ensue. He claims that the troopers have done this. (7)

When the New York State Federation of Labor asked the legislature for certain modifications of the state police law in March, 1923, it was made plain that charges were not being preferred against any individuals on the force or against the use of the police in patrolling rural districts. It was the system as a whole that was objected to because of its tendencies in industrial disturbances. Two strikes in specific were discussed. In the one at Corinth, New York, every elective officer of the city opposed the use of the state police for strike duty. In the one at Buffalo, New York, it was claimed that the mayor and council were backed by a remonstrat-

ing petition from more than 265,000 individuals in opposing the entry of the troopers. In both instances, it was argued, there had been no trouble previous to the coming of the state policemen. After they arrived, however, a near riot was claimed to have been brought about. The "home rule" argument was a little overemphasized, but is not to be ignored. The federation protested against the taxpayers of New York City having to pay 73 per cent of the cost of maintaining the troopers.

In Colorado, activities of the state rangers were so obviously undesirable that the force there was disbanded in February, 1923. Opponents of the police did not indulge in generalities. They collected a mass of specific data. (9) They showed that meetings of organized miners were broken up and labor leaders arrested on trumped up charges. The police, it was claimed, tried to prevent non-union men from organizing. They curtailed freedom of speech. Many of the rangers were not a desirable type of man. Charges of drunkenness among them were not uncommon. Certain of the rangers were convicted of criminal offenses.

A report of the Colorado State Department of Safety tells of one of the most brutal murders that had taken place in the state. A man murdered a mine watchman and a young lady. He committed the crime in a fit of jealousy. A local marshal had failed in trying to arrest him. The rangers entered upon the scene and arrested the criminal. He was tried, found guilty, and sentenced to be hanged. (10) The report omits something. It omits telling that the arrested man, besides being a murderer, was an ex-ranger of the Colorado state police force. (11) The Colorado State Federation of

Labor was instrumental in having those rangers disbanded. (12)

Finally, one is taken into the industrial districts of Pennsylvania. It was in February, 1910, that an orderly strike took place at the Bethlehem steel works. Meetings were held, and the men were organized into a union. Newspaper reports of the time show that the men were keeping within the bounds of the law and were conducting themselves peaceably. A committee on the union interviewed Charles Schwab to try to settle differences. They said that they could not continue with such close work as they had been doing for 10 and one-half hours a day, seven days a week. Mr. Schwab "talked very nice", according to the committee, but was not prepared to come to the terms of the strikers. The strikers were informed of this. The committee warned them against violence and disobedience of the law, however. It told them thru the "Allentown Morning Call" of February seventh not to congregate in groups on the streets to the general public's disadvantage; not to enter into discussion which may give an aspect of lawlessness; not to participate in acts of rowdyism but to remain law abiding; and especially to keep sober and not congregate in saloons for the discussion of grievances.

Organizers of the Industrial Workers of the World did meet and advocate violence. Members of the A. F. of L. joined with the local chief of police to see that no more similar meetings were held.

The entire steel plant closed up just three weeks after the strike had first begun. But thru a suggestion from the steel company, the closing led the sheriff of the county in which the plant was situated to call for state policemen. The governor refused to

send them at first. The sheriff telegraphed that the situation had got beyond his control, that he was unable to protect men desiring to work, and that further riot and bloodshed was imminent with the coming day. Ninety-five members of the Pennsylvania constabulary were finally sent to the Bethlehem district. The company's offices became the troopers' headquarters. Trouble arose with the coming of the first of the state troopers. One man was killed before long, another seriously wounded by a shot from a patrolman's revolver, and many nursed heads that ached with the sting of the troopers' riot clubs.

The state police tried to disperse a crowd of some 200 individuals that had congregated at the Majestic hotel. Shooting squarely into the mob, they killed one man who was drinking at the counter and shot another thru the jaw. The Majestic hotel was closed immediately, but not one was arrested for violating the peace. The hotel was the headquarters of the A. F. of L. organizers, and it was felt, therefore, that the police had shot with the purpose in mind of intimidating the men in charge of the strike.

One man was waiting for a car to get a doctor for his sick wife. A trooper told him to move on. When he did not do so, he was severely injured by blows over the head from the trooper's riot stick. He was not arrested.

On the 17th of March, a man seventy years of age refused to move on because he said he was a citizen and taxpayer and not under obligations to move. He was clubbed into unconsciousness while the blood from his head spurted down to the pavement.

The chief of police of Bethlehem said that he felt the riot that took place after the constabulary arrived to be unnecessary.

He claimed that the constabulary began its operations without even giving local police authorities notice of its presence in the town. The sheriff's request to the governor had subtly superseded the city chief's desires. The state officers were hardly in town before one of them had a man locked up in the station house. The state policeman treated the arrested man in a rough manner. The local officer in charge of the jail thought some great wrong had been committed. Yet the state police officer never returned to prefer charges against the arrested man. The man was released over a week later without having learned the reason why he had been kept in jail. (13)

The reader may be wearied by these charges against constabulary systems. These, tho, are only a few of many charges that have been made. It must be kept constantly in mind that conditions of labor in the states mentioned have been far from favorable. Economic oppression, as some call it, has been used frequently to hold men down to a condition of practical despair. Add to this condition a partial semimilitary force that works against labor in the way suggested, and a basis for the most dangerous type of radicalism is kindled.

Labor leaders realize this fact. They see their men instilled with that same Lockian philosophy (14) that impelled the fighting of the American revolution and the signing of the Declaration of Independence. Labor in Pennsylvania, especially, likens its conditions to a certain degree to those that existed in Russia before Bolshevism had taken hold there. (15) The great mass of the Russian people were being oppressed under the regime of a self-

determined Czar. The autocratic Russian government employed a national police force to keep its industrial regime in smooth operation. That national police organization was a force of rough riders, well-armed, trained in the most cruel of methods, and said to be "itching" to turn as many men as possible into a life of torture and horror in the shunned prison camps of cold Siberia. Those Russian policemen were known the world over as "Russian cossacks".

An analogy has been worked out, therefore. Union organizers claim that they try to lead American laborers away from that spirit of Bolshevism that has oppressed the people of Russia even more than the Czaristic autocracy had ever done. To save a people from Bolshevistic tendencies, however, they claim that it is the duty of government to try to remove the causes that lead to them. One cause has been claimed to be the militaristic constabulary. The state troopers have been likened to the old Russian policemen. Labor has, therefore, branded the troopers with a new name. It is "cossacks" they call them, "American cossacks". Labor feels that they are advocated and used by the power of wealth to intimidate and oppress men who are using lawful means to try to gain for themselves a decent standard of economic life. (16)

The United States Commission on Industrial Relations made extended investigations into the use of the constabulary in industrial disturbances. What the commission revealed was startling indeed. As a consequence of its revelations, it concluded that the constabulary was successful in crushing strikes but not in preventing violence in connection with them. It was claimed that violence tended to increase rather than diminish when the troopers

were called in for strike duty. The constabulary violated the legal rights of the strikers, and in a military manner it took the attitude that strikers are the state's enemies and should be dealt with accordingly. (17)

The president of the Pennsylvania State Federation of Labor appeared as a witness before the industrial relations commission. He told of a strike of the trolley men at Hazleton. The strike was claimed to have been orderly and well-conducted. When the federation officer arrived at the scene of the strike, he found but one trooper operating in uniform. The others were claimed to have mingled in the crowd in civilian clothes. The federation officer claimed that the ununiformed troopers tried to incite trouble by calling the strike breakers names. The local police had been ordered to disperse the crowds. The state policemen who were trying to cause trouble refused to move on at first. It was contended that there is proof that the troopers did attempt to cause this trouble; for when the local police insisted that all men move on, the state policemen finally revealed their identity to them. The federation officer told the commission that in spite of activities at the Hazleton strike the governor did not order the removal of more than one or two of the men and that was because of their too officious conduct and because they were proved to have been "beastly drunk" (18)

As the hearings of the Commission on Industrial Relations came to a close, an officer of the Pennsylvania constabulary was asked why his men had not talked over their differences with the labor leaders. The answer of the officer was a logical one; the

police were not welcome at the federation offices and the coming would have only stirred up more strained relations. The attorney for the A. F. of L. was satisfied, however, that his men had exposed the state constabulary as the first step toward its final disbandment.

In summarizing this chapter, then, one finds that there are indications that the general opposition of labor is directed more against constabulary organizations than against state police systems as such. Secondly, indications are that constabulary forces have been militaristic in their operations at times, and have seemed to look upon those who strike as enemies of their respective states. It has been seen that labor does not deal entirely in generalities, but has presented specific data to justify its opposition to the police. Finally, one may see that even the United States Commission on Industrial Relations has announced its opinion officially that the constabulary seems to be efficient for crushing strikes, but that it has been unsuccessful in preventing violence in connection with strikes. The attempt has been to present this chapter according to labor's own point of view.

FOOT-NOTES

(1) Hall, E. G., "State Constabulary, Military Police"

(2) "We have no complaint to make about the California Bureau of Criminal Identification"--Secretary Paul Scharrenberg of the Colorado State Federation of Labor.

"Since my connection with the Connecticut Federation of Labor which extends over a period of eight years, the State Police Department has never interfered in the successful operation of any strike or controversy that may have existed during that period of time"--Secretary I. M. Ornburn, Connecticut Federation of Labor.

"The present....organization....deserves the respect and commendation of every citizen for their efficient service to the people and prompt arrest of violators"--Fred W. Stierle, Secretary-Treasurer of the Delaware State Federation of Labor.

"The Washington Highway Patrol...has not shown any prejudice against labor as its work confines it exclusively to the enforcement of the traffic laws and rules on the highways"--President W. M. Short, Washington State Federation of Labor.

(3) "It is a semi-military force and the organized workers of Canada have always protested against militarism.....From time to time they have been employed in securing order when disturbances arose in connection with strikes; but it is claimed they have always acted without favor for either side, but solely for the preservation of order and the suppression of disorder"--Mr. J. A. P. Haydon, Manager and Editor of the "Canadian Congress Journal", the official magazine of the Trades and Labor Congress of Canada.

(4) "I would not say anything against the State Police at any time only during strikes. I would not say anything against them being used to run down criminals. I believe they are a very good thing at times in running down criminals; but our kick is when they are being used as strike breakers"--Dave Williams, Vice-President of the International Association of Machinists.

(5) The story of conditions in the mines is only told again in the "Statement of Facts and Summary of Committee Appointed by Honorable John F. Hylan, December, 1922" This report shows that the Coal and Iron police still exist in Pennsylvania, the one of the motives behind the creation of the Pennsylvania troopers was claimed to be the desire to abolish them.

(6) Hall, E. G., "State Constabulary, Military Police"

(7) According to Edward A. Bates, Secretary and Treasurer of the New York State Federation of Labor. In speaking of the New York constabulary, Mr. Bates continues, "We were unable to defeat the bill which inaugurated it, but were promised by the then Governor Whitman that the police would never be used in strikes unless called for by the officials of the city in which the strike occurred. This has been violated in several instances in this state"

(8) Resolution Presented to the New York Legislature by the New York State Federation of Labor on March 20, 1923.

(9) This data was arranged by J. Frank Coss, a member of the Colorado State Senate. It was taken from newspaper articles. When compiled, it filled four or five pages of business letter paper. The data included names, dates, and places, and was presented in the following manner:

"June, 1921. During Pueblo flood, Ernest Withers, son of

Pueblo Chieftan Manager, shot and killed by Ranger.

"March 3. Ranger Walsh goes on three day drunk; borrows an extra revolver; hunts for Editor Coss, saying he proposed to 'finish him off'; finds him in St. John hotel; forces editor to fight in self defense. Ranger gets trimming, with loss of two teeth, two black eyes and face bruised. Arrested and fined \$58.

"Dr. Abrahams, prominent physician of Trinidad, handcuffed and dragged through streets while on his way to see patient. Physician later sued rangers and got judgment for \$1,000 damages"

(10) Biennial Report of the State Department of Safety, page 9.

(11) "The Independent", Walsenburg, Colorado, December 5, 1922.

(12) "Many times during the recent coal strike...the meetings of miners were broken up in Walsenburg by rangers. Organizers and officers of the miners' union were thrown in jail, held on trumped up charges. They were refused bail, and not a single one was convicted of breaking any law"--John E. Gross, Secretary-Treasurer of the Colorado State Federation of Labor.

(13) Report of the Committee on Industrial Relations, volume 11, 64th Congress, 1st Session, 1915-1916, Senate Documents volume 29, pages 10942-10964.

(14) Locke, John, "Two Treatises of Government"

(15) "The labor movement is facing great problems, and these great things, have got to be settled with reason. They can not be settled by a man going down the street with the Cossack uniform and with a billy four feet long, a pair of handcuffs and a gun and a blackjack hanging by his side. They have got to settle with reason. And I want to say right here there is not any one force that puts into the minds of our working class in Pennsylvania radical ideas, anarchistic ideas, ideas that they want to kick over the traces like a bunch of State police going down the street"--Dave Williams, in the "Report of Arguments Before Senate Committee on Military Affairs of the Eighty-Third Session of the Ohio General Assembly on State Constabulary Bill"

(16) Maurer, James H., "The American Cossack"

(17) Final Report of the Commission on Industrial Relations, August 3, 1915, pages 149 and 150.

(18) Report of the Committee on Industrial Relations, 1915-1916, volume 11, pages 10931-10942.

CHAPTER SIX."Conclusion"

Where there have been faults with state police systems, the causes appear to have been three in number. They have been undesirable: 1. training, 2. leadership, and 3. policy. The first two may be rectified by command and legislation to a great extent. Policy, the most important of the three, is the most difficult to correct. By "policy" is meant attitude--attitude of the legislatures toward the police, attitude of the police toward all so-called "classes" of the people, and attitude of those classes toward the state police idea. No police organization, whether state or local, can be really successful in its operations until the attitudes in each of these three instances are reciprocally favorable.

If state policemen are impartially sympathetic toward all the people they police, the chances for riot and bloodshed during periods of strikes are bound to diminish. The responsibility for the disorders that may arise may then be placed at the feet of the people themselves. The attitude of the people can be changed by one method only--by reason, education. People will conduct themselves more desirably only when they learn better and think better. They owe the state the duty to try to learn, just as the police owe the duty to the people to change whatever faulty policies they now may exercise.

This may sound like impracticable idealism. Once its truth is recognized, however, an inevitable conclusion in regard to state police systems asserts itself. It is this, that as certain changes

of conditions are brought about, there comes to be no sufficient argument against state police systems as such. As said in a previous chapter, crime has come to acquire proportions of more than mere local import. The time has come when the American states themselves must assume a certain degree of responsibility in deterring crime.

There is nothing inherently detrimental to labor or any other law-abiding organization (1) or individual in the state police idea. Labor does hold justifiable grievances against certain state police systems, however. That was shown in the last chapter. It holds grievances against certain local forces, also. Just as the people and the local forces must co-operate to remedy their differences, there is need of co-operation to remedy faults of state police organizations.

Certain changes in certain state police systems ought to take place. That is admitted. Military characteristics should be reduced to a minimum; for there is a large portion of the people who will never support the military principle. Individual members of the forces should be trained and educated better. The policemen should be taught to meet in a scientific manner the new and more complex responsibilities that continually confront them. What is needed in this country is not bodies organized for military group action, but rather bodies of policemen who are trained to act and reason as individuals. What is needed for all society is not military forces to fight classes, but, rather, a proper sort of education to bind classes. Police merely supplement that education.

The exact type of state police system that any single commonwealth should adopt can not be determined by a good general rule. Conditions vary from state to state. That type of system should be adopted that the conditions within each single state seem to demand and permit. The same plan that works with much efficiency in South Dakota might prove to be a miserable failure in Pennsylvania. It seems, indeed, that the least any state should maintain is a detective bureau of criminal identification assisted by a sufficient number of state detectives.

Crime exists and needs to be deterred. To many an individual has not followed the line of reasoning by which he is duty-bound to obey the public laws. Changing conditions have made many of the crimes of state-wide importance. Hence, the conclusion in support of state police systems in the United States.

FOOT-NOTES

(1) Prominent labor leaders have assured the writer that their opposition to what they call "cossack systems" is not prejudiced by any intent or expectation to disobey the law. They claim, in fact, to favor and encourage law enforcement.

APPENDIX A.

Names of the Various State Police Systems, Names of
Heads of the Organizations, Titles of the
Heads, and Addresses of the
Headquarters Offices.

- Alabama Law Enforcement Department. Hon. L. L. Phillips, Chief Law Enforcement Officer. Montgomery, Alabama.
- California State Bureau of Criminal Identification and Investigation. C. S. Morrill, Superintendent. Sacramento, California.
- Connecticut Department of State Police. Robert T. Hurley, Superintendent. Hartford, Connecticut.
- Delaware State Police. C. D. Buck, Chief Engineer of State Highway Department. Dover, Delaware.
- Idaho Bureau of Constabulary. W. H. Hiatt, Chief. Boise, Idaho.
- Iowa Bureau of Investigation. O. O. Rock, Chief of Bureau. Des Moines, Iowa.
- Maine Motor Vehicle Police. H. A. Shorey, Jr., Chief of Motor Vehicle Department. Augusta, Maine.
- Maryland State Police Force. E. Austin Baughman, Commissioner of Motor Vehicles. Baltimore, Maryland.
- Massachusetts Department of Public Safety. Alfred F. Foote, Commissioner, Boston, Massachusetts.
- Michigan Department of Public Safety. Roy C. Vandercook, Commissioner. Lansing, Michigan.
- Nebraska State Law Enforcement Bureau. Gus A. Hyers, State Sheriff. Lincoln, Nebraska.
- Nevada State Police Force. R. B. Hendricks, Superintendent. Carson City, Nevada.
- New Jersey Department of State Police. H. Norman Schwarzkopf, Colonel and Superintendent. Trenton, New Jersey.
- New York Department of State Police. George Fletcher Chandler, Superintendent. Albany, New York.
- Pennsylvania Department of State Police. Lynn G. Adams, Superintendent. Harrisburg, Pennsylvania.
- South Dakota State Constabulary. J. C. Shanke, State Sheriff. Pierre, South Dakota.
- Tennessee State Police Force. Governor of the State. Nashville, Tennessee.
- Texas Ranger Force. Governor of the State. Austin, Texas.
- Washington State Highway Patrol. L. D. McArdle, Director, Department of Efficiency. Olympia, Washington.
- West Virginia Department of State Patrol. Jackson Arnold, Commissioner. Charleston, West Virginia.
- Wyoming Law Enforcement Department. A. S. Roach, Commissioner, Cheyenne, Wyoming.

APPENDIX B.The Official Attitude of the A. F. of L. toward
Things Military in Nature.

Under "militarism" a deceptive patriotism is established in the peoples' minds, where men believe that there is nobility of spirit and heroism in dying for the glory of a dynasty or the maintenance of institutions which are inimical to human progress and democracy. "Militarism" is the application of arbitrary and irresponsible forces as opposed to reason and justice. Resistance to injustice and tyranny is that virile quality which has given purpose and effect to ennobling causes in all countries and at all times.--An excerpt from the American Federation of Labor Reconstruction Program, adopted at St. Paul, Minnesota, June, 1918.

APPENDIX C.The Official Opinion of the Federal Commission on
Industrial Relations.

This Commission devoted a great deal of time to the question of the State Constabulary as a method of policing industries. Extensive investigations of the organization, personnel and activities of the Pennsylvania State Constabulary were made and a number of witnesses were heard at length. The findings with regard to this particular police force may be briefly stated: It is an extremely efficient force for crushing strikes, but it is not successful in preventing violence in connection with strikes, in maintaining the legal and civil rights of the parties to the dispute nor in protecting the public. On the contrary violence seems to increase rather than diminish when the Constabulary is brought into an industrial dispute. The legal and civil rights of the workers have on numerous occasions, been violated by the Constabulary, and citizens not in any way connected with the dispute and innocent of any interference with the Constabulary have been brutally treated, and in one case shot down by members of the Constabulary who have escaped punishment for their acts. Organized upon a strictly military basis it appears to have assumed and taken a feeling in case of strikes that the strikers are its enemies and the enemies of the state and a campaign should be waged against them as such.

There are certain features of the State police system which seem to be preferable to the present haphazard method of policing strikes. It is desirable, first, that all kinds of police should receive their entire compensation from the State. Second, an organized force, whose records are known, is preferable both to the private police of corporations and to the deputies sworn in by sheriffs. Third, it is desirable that the force should be strictly disciplined and subject to definite orders. Fourth, it is desirable that those in command of any police force should have a reasonably secure tenure of office and should have had previous experience under similar circumstances, as an inexperienced person is likely to become panic stricken by the mere presence of crowds, regardless of the actions.

If these desirable features could be combined with other features which would insure their impartiality during industrial disputes, and raise their ideals from the present militaristic basis of preserving the peace and protecting the rights of both parties and the public, the establishment of State police systems for use in connection with industrial disputes might be recommended. But under present conditions, it seems desirable rather to leave the State policing of industrial disputes to the Sheriffs and the militia if the restrictions hereinafter suggested are rigidly enforced so as to protect both the organization and the personnel from partisanship.--"Final Report of the Commission on Industrial Relations," August 3, 1915, pages 149 and 150.

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FOOT-NOTES

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(2) Numbers at the end of any citation under this caption refer to the numbers that must be mentioned when these specific publications are ordered from His Majesty's Stationery Office, London. Brackets or parentheses around any number must be included when orders are made to that office.