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GAMBLING

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FOREWORD

GAMBLING is a well-nigh universal phenomenon. It occurs among people of all ages and cultures. Nor is it an offspring of modern civilization, for it was encountered in primitive communities. Indeed, many of the forms of gambling, as well as some of its rationalizations, go back to the dawn of history. Even the Hittites of Biblical times were interested in improving the breed of horses, which is the current cliché justifying the "sport of kings" and its concomitant, betting on the races.

American attitudes towards gambling have always been ambivalent in character. Widespread condemnation and participation in gambling go hand in hand. The public press sporadically inveighs against gambling and its attendant evils, yet facilitates it by publishing the data essential to gambling in many forms. Churches condemn gambling, yet profit from raffles and lotteries. Legislatures enact antigambling statutes, yet make it possible for states to participate in moneys wagered at race tracks. Flurries of strict enforcement of gambling statutes alternate with long periods of quasi-official tolerance. The citizen who becomes outraged at revelations of police corruption in connection with gambling nevertheless patronizes the neighborhood bookmaker or the "one-armed bandit."

Moreover, each era has seen a fresh emphasis on some new, or the revival of an old, game of chance or outlet for the gambling instincts of the individual. This generation differs from its predecessors perhaps more in terms of an increased participation in the pastime, rather than in the multiplicity of forms it has assumed. Indeed, we have found an amazing similarity between new and old forms of gambling; the stakes are now astronomical, where once they were moderate; the modern devices now employed disguise only thinly the ancient games our forebears played.

It is extraordinary that, despite such universal participation and interest in gambling, little basic material of an analytical and scientific character has been published concerning this absorbing subject. The literature of gambling is studded with colorful polemics concerning its moral and social features; the shelves of libraries are filled with reports concerning official malfeasance in the enforcement of gambling laws, containing some illuminating chapters on the already well-known aspects of gambling. But nowhere, to our knowledge, has the attempt been made to envisage the problem in all its many-sided forms, and from all its facets. Nobody has attempted to analyze and describe the various forms of gambling, as well as to evaluate their moral, political, social, psychological, and economic implications.

This symposium, therefore, represents the first attempt at an over-all analysis of the problem of gambling. It is by no means complete, for this would have required far more space than was available to us, and other techniques of assembling contributions besides that of voluntary collaboration. Nevertheless, despite the gaps and limitations of our material, of which we are painfully aware, we believe that the outstanding features of the problem of gambling have been covered objectively. Our contributors have presented data in the various articles contained herein which make it possible to answer some of the basic questions concerning gambling.

Recent developments have enhanced the timeliness of this volume. During the past few months, gambling has been headline news. At their annual meeting in the fall of 1949, the mayors and city managers of the American Municipal Association discussed the alleged relationship between gambling and organized crime. One result was the launching of a campaign by metropolitan newspapers throughout the country to expose "the nation-wide interlocking operations of well organized crime syndicates heavily financed by the Nation's \$15,000,000,000 gambling bill." •

On January 5, 1950, United States Senator Estes Kefauver (Tenn.) called for a Senate investigation of interstate gambling and racketeering. A few days later, Mayor William O'Dwyer of New York City made his forthright proposal to the Legislature (in a message reprinted in this volume) to legalize and regulate certain forms of gambling on sports events. Governor Thomas E. Dewey addressed a public plea (also reprinted herein) opposing this precedent-shattering request. The clergy of the Nation did not remain silent in this controversy, and the Federal Council of Churches stated that it "reaffirms its vigorous opposition to gambling which it considers an invidious menace to personal character and to morality."

These recent developments throw into sharp focus certain basic questions concerning gambling: (1) Does gambling, in any and all of its forms, undermine public morals to such an extent that it must be repressed at all costs? (2) Is gambling primarily an activity conducted by racketeers and underworld characters who are able, through political and other methods, to paralyze local enforcement agencies? (3) Are racketeers in control of gambling using the proceeds from gambling activities to finance other criminal enterprises? (4) Is it possible to control the evils of gambling by legalizing certain of its forms and outlawing others? (5) If gambling is not legalized, how can law enforcement agencies be strengthened so that gambling statutes can be rigorously enforced, despite widespread public participation in gambling?

We have marshaled the materials contained in this volume for the purpose of furnishing data by means of which questions such as these might be answered. If our readers find our data inconclusive—if they find that our contributors disagree among themselves as to how such questions must be answered—they should not be surprised. The problem of the control of gambling is a complex one, and there are no certainties, no finalities, in this field. All that we hope to accomplish by this volume is to bring about an understanding of the complexities and to stimulate efforts directed toward their solution.

MORRIS FLOSCOWE
EDWIN J. LUKAS

The Law of Gambling

By MORRIS FLOSCOWE

THE law of gambling in this country is chiefly a statutory development and does not have very deep roots in the common law. This is largely due to the fact that the common law and the early English statutes on gambling were not consistent. Toleration and prohibitions of gambling went hand in hand. At common law, private gambling was not indictable. Any game of chance played by a group of individuals in a private house was not a criminal offense if the gambling was not accompanied by a breach of the peace, or by corruption of the public morals, or by a general invitation to the public to come to play, or by cheating. Gambling only became a crime where it was conducted openly and notoriously, or where it tended to a breach of the peace or the corruption of public morals because unwary or inexperienced persons were fleeced, false cards or dice were used, or disorderly individuals were attracted by the play. Under these circumstances, the premises used for the purposes of gambling might be designated as public nuisances which could be abated by law enforcement authorities. This concept of the gambling house as a public nuisance which is subject to abatement is still a part of our law.

At common law, there was no general prohibition against the enforcement of gambling contracts. Where a wager was fairly made and fairly won, the law would lend its aid to the winner in collecting his bet from the loser. Gradually the courts came to make exceptions to the general rule that gambling contracts or wagers were enforceable at law. They refused to enforce bets

on matters prohibited by statute, or which were contrary to public policy, or in which the reception of indecent evidence was necessary to determine who had won. But wagers on indifferent subjects which could not be included in such exceptions were still enforceable. This general legal attitude was not radically changed until the early years of Victoria's reign, when it was provided that "all contracts or agreements by way of gaming or wagering shall be null and void; and no suit shall be brought . . . in any court of law and equity for recovering any sum of money alleged to be won in any wager."¹

EARLY ENGLISH STATUTES

The comparatively liberal attitude of the common law toward gambling may be contrasted with the provisions of early English statutes which prohibited various forms of gambling or which declared certain games to be unlawful. There was no clear distinction in these statutes between games whose purpose was play and recreation and games whose purpose was gambling. Both were likely to fall under the ban. For example, the statute enacted in Henry VIII's time provided for a fine of forty shillings a day against anyone who kept for gain "any common house, alley or place of bowling, coyting . . . tennis, dicing table or carding . . . or any other manner of game prohibited by

18 & 9 Vict. C. 109 (18), 1845. An earlier statute (9 Anne C. 14, 1710) provided that all notes, bills, mortgages or other securities or conveyances, which were won by gaming or which were used to reimburse or repay any money knowingly lent for gaming, were "utterly void, frustrate and of none effect."

any statute or any unlawful new game now invented or hereafter to be invented." ³³ Not only was the keeper of the place where the game was played subject to fine, but anyone frequenting such place or anyone engaged in the play might also be fined.

Despite such statutes, gambling was a popular pastime in England. The English apparently recognized that it was impossible to prohibit gambling altogether. They therefore sought to place limits on gambling losses. A statute of Charles II limited gambling losses to £100 "at any time or meeting." ³⁴ A statute of Queen Anne some years later reduced the limit to £10 at any one sitting or place.³⁵

STATE PROHIBITIONS

In this country, after considerable experimentation with legalized gambling, particularly in the field of lotteries, statutes in every state except Nevada prohibit various forms of gambling. The prohibitions against gambling have also been written into state constitutions. In New York, for example, the constitution prohibits the legislature from authorizing "any lottery or the sale of lottery tickets, pool selling, bookmaking or any other kind of gambling." ³⁶

Wherever constitutional provisions of this character exist, it becomes impossible to legalize any particular form of gambling or type of gambling scheme without constitutional amendment. Some years ago, for example, the Kentucky legislature attempted to except from the constitutional provisions against lotteries, drawings by mercantile establishments, theaters, or newspapers which made no charge for the privilege of participating other than the

regular price of the merchandise or the regular admission fee. These schemes were held to be in violation of the constitutional provision.³⁷

TYPES OF PROHIBITIONS

The statutes prohibiting gambling vary widely in scope and comprehensiveness. In general, they provide for the following types of prohibitions:

1. The gambling house in all its forms is outlawed, whether the gambling is carried on with cards, dice, or roulette, or whether the premises are used for the sale of lottery tickets or chances on policy numbers, or whether the premises are used as a horse room for the purpose of taking bets on horses, or whether the premises contain an aggregation of one-armed bandits, that is, slot machines.

2. The statutes prohibit gambling, betting, or the maintenance of slot machines in particular types of premises for which licenses must be obtained from public authorities, such as taverns, billiard rooms, bowling alleys, and restaurants.

3. The statutes penalize the professional gambler, game keeper, or bookmaker, as distinguished from the occasional or casual gambler or bettor. For example, Section 899 (5) of New York's *Code of Criminal Procedure* declares a disorderly person to be one who has "no visible profession or calling by which to maintain himself but who does so for the most part by gaming." Section 986 of the Penal Law also makes anyone who engages in pool selling or bookmaking guilty of a misdemeanor.

4. The statutes prohibit the possession, maintenance, rental, or sale of various types of devices or apparatus used for the purpose of gambling, such as slot machines, pinball machines (readily adaptable to gambling use),

³³ 33 Hen. VIII C. 9, 1541.

³⁴ 16-17 Car. II C. 7, 1664.

³⁵ 9 Anne C. 14, 1710.

³⁶ Art. I (9).

³⁷ *Comm. v. Malco—Memphis Theatres* 1943, 293 Ky. 531, 169 SW (2) 596.

gambling tables, roulette wheels, punchboards, and others.

5. The statutes prohibit particular forms of gambling, such as participation in the game of policy, contriving or drawing lotteries or selling lottery tickets, bookmaking on horse races or on other contests, etc.

6. The statutes prohibit the activities of the touts and shills who persuade others to bet or to visit places where gambling is carried on, or who encourage minors to gamble.

7. The statutes place a responsibility upon certain individuals, such as captains of vessels, or owners, agents, or superintendents of houses, to eliminate and suppress gambling from the vessels or premises under their control.

8. The statutes provide for the seizure and destruction of gambling devices, implements, and apparatus, and the disposition of seized moneys which are the proceeds of gambling.

9. The statutes prohibit wagers and bets and declare gambling or wagering contracts to be void and unenforceable in the courts.⁷

In general, the violation of the statutory prohibitions against gambling is a misdemeanor. But some forms of gambling, such as contriving or drawing lotteries or the maintenance of gambling houses, may be designated as felonies.

STATE PERMISSIONS

Despite statutory prohibitions against gambling, legalized gambling is still very much alive in this country. The state of Nevada licenses all forms of

gambling games and gambling houses.⁸ Many states which prohibit betting or bookmaking on horses specifically except such betting if it takes place at the race tracks.⁹ Some states, for instance Massachusetts, permit gambling games, such as beano, to be licensed where the proceeds are used for charitable, religious, fraternal, or educational purposes.¹⁰ Montana permits religious, charitable, fraternal, or non-profit organizations to install and maintain slot machines after procuring licenses therefor.¹¹ Idaho permits its municipalities to license slot machines on a local option basis.¹² The state of Washington permits its clubs to operate slot machines.¹³

While the power of the state legislature to legalize or license gambling has been frequently attacked, it has usually been sustained as within the police power of the state, unless the legislation in question violates some specific antigambling provision of the state constitution.¹⁴

A number of basic questions concerning the statutory prohibitions against gambling arise over and over again:

STATUS OF PLAYERS

1. To what extent is the occasional participant in a gambling game, the

⁸ Its statutes require the operators of gambling devices or gambling games to obtain licenses from the State Tax Commission and to pay the requisite fees therefor (Ch. 248 Statutes of Nevada, 1945).

⁹ For example, the New York State Constitution was amended in 1939 to except from the sweeping constitutional provision against gambling, "pari-mutuel betting on horse races as may be prescribed by the Legislature" (Article I (9) New York Const.).

¹⁰ See *Comm. v. O'Connell* 1936, 293 Mass. 459, 200 NE 269.

¹¹ Rev. Code, Montana 1947, 84-3603.

¹² Idaho Code, Ch. 50, 1501-10.

¹³ Rev. Stat. Wash. 1940, 2472-2.

¹⁴ See *State ex. rel. Grimes v. Las Vegas* 1931, 53 Nev. 364, 1 P. (2) 570, *Comm. v. O'Connell supra*.

⁷ Sometimes the prohibition is as sweeping as that of New York (991 Penal Law) which prohibits all wagers, bets, or stakes made to depend upon any race or upon any gaming by lot or chance, or upon any lot, chance, casualty, or unknown or contingent event whatsoever. In other states, the prohibition against betting or wagering may be limited to games of chance.

player as distinguished from the game keeper, the customer as distinguished from the policy collector, the horse bettor as distinguished from the bookmaker, to be penalized under gambling statutes? The answer to this question varies from state to state and may even vary in the same state with respect to different forms of gambling. For example, in New York the person who wishes to play a policy number and who has policy slips in his possession is guilty of a misdemeanor. A member of the policy racket operating as a collector, controller, or banker, who is also caught with policy slips in his possession, is likewise guilty of a misdemeanor. On the other hand, the possession by a horse bettor of a record of his bets made with a bookmaker is not a criminal offense. Nor is it an offense for a person to play a social game of cards for money.

However, every horse player in New York runs the risk of being arrested and accused as a bookmaker when he is found in possession of scratch sheets, records of bets, and other paraphernalia of horse betting. Moreover, every person who sits down to a social game of poker or bridge may find himself arrested on a charge of disorderly conduct in that he made "loud and boisterous noises to the annoyance of residents of the vicinity while playing cards for money." These arrests normally result in the discharge of defendants. But this does not discourage the police from continually harassing card players.

IDENTIFYING THE BOOKMAKER

2. By what evidentiary criteria can the professional bookmaker who takes the bet be distinguished from the horse player who places the bet? Thousands of men all over the country are arrested and charged with bookmaking. A common defense in these cases is that

the defendant is not a bookmaker, but is merely a horse player. Horse players are notoriously social and gregarious. They consult one another with respect to their choices. They pass scratch sheets and other racing paraphernalia back and forth. They pass money back and forth pursuant to an agreement that one person or the other will call the bookmaker and place the bet. They may even keep a record of their bets or use the telephone to place the bet with the bookmaker. Their activities duplicate in many respects those of the bookmaker or the bookmaker's runner who solicits and takes bets.

A charge of bookmaking is usually based on the observation of activities similar to the aforementioned. But our courts have had considerable difficulty in attempting to differentiate between the bookmaker and the horse player on the basis of the stereotyped observations of police officers. In general, the courts have required more evidence than that apparent from casual contact between various persons on a public street or in a public place, to designate a man as a bookmaker. As the court put it in the leading case of *People v. Goldstein*:

The statute has been taken to apply not to those who place their own bets with bookmakers, but to the professional operator who makes a business of betting against the public's guesses and so has earned the name bookmaker as he records his numerous commitments. This court has not considered evidence sufficient where there is nothing more than the approach on the sidewalk of a few people to the defendant, the examination of a scratch sheet and the passing of money. The circumstances are not deemed sufficient to remove the case from uncertainty as to whether defendant's status is that of a mere player or of a professional bookmaker. (*People v. Carpenito*, 292 N. Y. 498; *People v. Marra*, 289 N. Y. 703; *People v. Soshitan*, 288 N. Y. 638; *People*

v. *Richardson*, 287 N. Y. 563.) In these cases there was no evidence as to what was said and no evidence of a writing or recording. But where there has been proof of writings in addition to the unheard street corner conversations, examinations of scratch sheets and passing of money, the convictions have been sustained (*People v. Panagoulakos*, 292, N. Y. 545; *People v. Picone*, 292 N. Y. 546). In *People v. Sloane* (230 N. Y. 529) where as appears from the record the men who approached defendant told him to place bets of specified amounts, the evidence was deemed sufficient and the conviction was affirmed. So in this case, the officer heard the instructions to place two dollars on a horse to be run that day. Defendant's admission that he helped the bookmaker by writing his slips though not in terms applicable to the day of his arrest, is sufficient to prove he was engaged in assisting acts of bookmaking.

In addition, evidence of the slips in defendant's handwriting recording bets for races on previous days was potent proof that defendant was practicing the calling of bookmaking and was not merely a player or one sharing risks with other players.¹⁵

QUESTION OF LOTTERIES

3. How extensive is the prohibition against lotteries? Does it extend to the bank nights and country stores with which motion picture theaters were accustomed to stimulate patronage during the 1930's? Does it extend to raffles, bazaars, wheels of fortune, roulette, keno, beano, or bingo, when the proceeds from these activities are used for religious, charitable, educational, or fraternal organizations?

Lotteries are almost universally prohibited by the various states. In addition, there is Federal legislation against lotteries. A lottery has been defined as a scheme for the distribution of property by chance among per-

sons who have paid or agreed to pay a valuable consideration for the chance. Three elements, therefore, must be present for a lottery: (1) a prize, (2) distribution of the prize by chance, (3) consideration.

When motion picture theaters began running bank nights or country stores and restricted the drawing and the award of prizes to persons who purchased tickets, the courts did not have much difficulty in convicting the owners and managers of the theaters of operating lotteries. Chance and a prize were present in these schemes, and the only problem was that of consideration, which was found in the fact that the admission price covered not only the right to see the picture but also a chance at the prize.¹⁶ But when the theaters attempted to eliminate the element of consideration from the lottery schemes by throwing the bank nights or country stores open to anybody whether they paid the admission price to the theater or not, then the courts had more difficulty in designating these drawings as lotteries.

In general, a majority of the courts still considered these schemes as lotteries, which were in violation of the law. But there have been numerous dissents from this view, and some courts have felt that the fact that the general public may obtain a chance at the prize without buying admission tickets is sufficient to take the scheme out of the category of a lottery.¹⁷

For worthy purposes

Throughout the country, various gambling devices, such as raffles, lotteries,

¹⁶ See, for example, *People v. Miller* 1936, 271 N. Y. 44, 2 NE (2) 38.

¹⁷ Compare such cases as *State v. Lynch*, 1943, 192 Okl. 497, 137 P (2) 949; *State v. Danz* 140 Wash. 546, 250 P 37; *State v. Hundling* 1936, 220 Iowa 1369, 264 NW 608; *City of Roswell v. Jones* 1937, 41 N. Mex. 258, 67 P (2) 286.

¹⁵ *People v. Goldstein* 1946, 295 N. Y. 61, 65 NE (2) 169.

roulette, wheels of fortune, keno, beano, or bingo, are used for the purpose of raising funds for worthy purposes, such as churches, hospitals, schools, and fraternal organizations. Generally these fund-raising schemes are let alone by police and prosecuting authorities, as it is politically unwise to interfere with them, even though they may be clearly illegal under state statutes. In order to remove the taint of illegality from these devices, some statutes have specifically excepted activities such as the aforementioned, conducted for worthy causes.

When not in conflict with state constitutions, these exceptions will be upheld by the courts. However, the courts tend to construe narrowly these statutory exceptions to the general prohibitions of gambling. For example, under the Massachusetts statute permitting beano for charitable purposes, money was sought for a hospital. However, the participants in the beano game did not include everybody who bought a ticket. There was first a preliminary drawing from the thousands of persons who bought charitable donation subscriptions. Only those whose names were drawn could participate in the beano. This scheme was held not within the exception in favor of beano where the proceeds were devoted to charitable purposes.¹⁸ In the case of *Harriman Institute v. Children's Hospital* (43 N.M. 1, 84 P (2) 1088), where the statute permitted a lottery where "all the proceeds" were expended for charitable purposes, a scheme whereby only the "net proceeds" went to a crippled children's hospital, and not the "gross proceeds," was held to be illegal.

It is obvious that even where gambling activities or lotteries are conducted for worthy purposes, they are likely to be viewed with a jaundiced eye by the courts.

¹⁸ *Comm. v. O'Connell, supra.*

SLOT MACHINES AND PINBALL MACHINES

4. How extensive are the prohibitions against slot machines and pinball machines?

The manufacturers and distributors of slot machines and pinball games are engaged in a constant battle to circumvent the limitations and prohibitions of the gambling statutes. As soon as one type of machine is condemned as a gambling device by the court, another is manufactured with minor variations which are alleged to take it out of the category of an instrument for gambling and make it a device for innocent amusement.

Each new development in the industry has left its trail in the statutes and the court decisions. The trail begins with the familiar one-armed bandit or slot machine, which was simply a device whereby the player gambled his coins against the chance of hitting the jack pot. These machines have been almost universally condemned from an early date. The slot-machine makers then tried a machine which substituted slugs or tokens for the pay-off in money, which slugs or tokens could be exchanged for merchandise or other valuable consideration. This type of machine was likewise condemned.

The next machine which was devised had an indicator which showed in advance of the play what the pay-off would be. This device was used in order to eliminate the element of chance from the play. Nonetheless, these machines were also condemned, since the court took the position that the player gambled not so much on the immediate return as on the expectation that the indicator would show a profit on the next play. The next machine delivered a package of mints when the coin was inserted, as well as humorous sayings and an occasional metal token,

which could be used to operate the machine further. Numerous judicial decisions declared this type of machine illegal.

When the familiar pinball machines were first developed, prizes in money or merchandise were awarded for obtaining certain scores on the machines. It was contended that the pinball game was a game of skill and not a game of chance. The award of a prize for the attainment of a specific score could not therefore be considered gambling. But the courts have usually paid little attention to this contention. They have normally found that chance predominates in the operation of a pinball machine. If prizes are awarded for the attainment of a specific score, the machine is illegal.

The pinball machine has been declared unlawful, even where the prize for the attainment of a specific score is merely a free game or an additional chance to play.¹⁹ Legislation banning pinball machines has gone so far that even where the machine is used for the purpose of amusement and there are no prizes or free games; if the machine is one that "may readily be converted" into a gambling device, it will still be held to violate the statute.²⁰

New York City has prohibited the use of pinball machines entirely, for it has found that they "are a menace to the public health, safety and general welfare of the people" and that they "encourage and foster gambling among adults and children" and breed crime, rackets, and gangsterism.²¹

RECOVERY OF LOSSES

S. What is the legal position of a person who loses money through gam-

bling? May he recover the money lost from the winner?

At common law, money lost at gambling cannot be recovered, and this is the rule independent of statute. The law will not lend its aid to a loser who attempts to rescind or welsh on a gambling transaction. This is true, however, only where the money lost has already been paid over to the winner. If the money is still in the hands of the stakeholder, if the gambling contact is still executory, and not completed, the loser may recover his money.

But suppose, as happens only too frequently, the loser gambled not his own money, but that of someone else? May the person whose money was lost recover it from the winner? The answer is in the affirmative, and is illustrated by the recent case of *Hartford Accident & Indemnity Co. v. Benevento*,²² where a bank employee first gambled away \$2,100 of his own money with a bookmaker and then gambled away \$18,800 of the bank's money. The bookmaker was required to pay back the moneys obtained from the bank.

Many states now permit the losers in gambling transactions to recover from the winners. In the case of *Bamman v. Erickson*,²³ it was contended that the provisions of the New York statute should be limited to casual bettors and not apply to the habitual customers of a bookmaker. In that case, a lawyer named Austin had placed bets amounting to over \$200,000 with Erickson, a bookmaker. The latter was sued by the assignee of Austin for the recovery of his money. The court held that there is nothing in the statute which prevents the habitual bettor, as distinguished

¹⁹ See *People v. Gravenhorst* 1942, 32 N.Y.S. (2) 760 for an analysis of judicial decisions on slot machines and pinball games.

²⁰ See 982 New York Penal Law.

²¹ New York City Local Law No. 45, 1948.

²² *Hartford Accident & Indemnity Co. v. Benevento* 1945, 133 N.J.L. 315, 44 A (2) 97.

²³ *Bamman v. Erickson* 1942, 288 N. Y. 133, 41 NE (2) 920.

from the casual bettor, from recovering his losses from the professional gambler.

The customers of a bookmaker occasionally win, even though they more often lose. When they sue to recover their losses, under a statute which permits them to do so, may the bookmaker counterclaim to the extent of his own losses to the customer? In *Watts v. Malatesta*,²⁴ the court refused to permit any such offset. The court pointed out that the professional gambler or bookmaker and the customer or horse player

do not stand on the same plane. It is not criminal for a man to make a bet, but it is criminal for the bookmaker to accept a bet. If the law were to lend its aid to the bookmaker in recovering his money, it would sanction a criminal act. Accordingly, the court authorized a recovery by the customer of his losses without any offset of his winnings. There are, however, cases which take the view that if the customer is entitled to recover his losses, equity and good conscience require him to return his winnings to the bookmaker.²⁵

²⁴ *Watts v. Malatesta* 1933, 262 N. Y. 80, 186 NE 210.

²⁵ See *Elias & Shepherd v. Gill* 1892, 92 Ky. 569.

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Obstacles to Enforcement of Gambling Laws

By VIRGIL W. PETERSON

THE laws prohibiting gambling are poorly enforced in most parts of the Nation. A report on the administration of justice in Cincinnati, Ohio flatly stated, "Several judges refuse to enforce the gambling laws." Many of the defendants found guilty were not required to pay either a fine or court costs, and jail sentences were virtually never imposed.¹ During one period studied in Chicago, of 5,585 persons arrested on charges of gambling, 5,023 were discharged without any penalty having been assessed against them. For the few defendants found guilty, the average fine was \$15.25. There were no jail or penitentiary sentences. An employee of one notorious gambling establishment was arrested four times within a short period. Once he was fined \$10, and on his fourth court appearance the judge assessed a penalty of \$15. There was a total absence of sincerity on the part of either the police or the judges in attempting to enforce the gambling laws.² Similar conditions prevail in numerous sections of the country.

Two factors are thought to contribute substantially to prevalent nonenforcement of the gambling laws. In the first place, it has been said that there has been developed in America a tradition of lawbreaking. Any attempt to as-

certain the basis for general laxity in the enforcement of the antigambling laws without considering public attitudes toward numerous other legislative enactments is unrealistic and will result in erroneous conclusions. In the second place, the tremendous importance of gambling as a source of political power has frequently made it possible for the gambling interests to dictate local law enforcement policies.

AMERICAN LAWBREAKING TRADITIONS

It is sometimes erroneously assumed that it is only with reference to statutes prohibiting gambling and similar activities that there is a widespread disregard for law. History rebuts that premise. Ever since colonial times, the American people have developed a tradition of lawbreaking in many areas of behavior.³ In many places prohibitions against dueling were unenforceable, in spite of stringent provisions regarding it in numerous state constitutions.⁴ Just before the turn of the century there were sections of the country in which homicide was so commonplace that it was hardly considered a crime. In certain portions of Kentucky, Virginia, and Tennessee, the authorities were helpless to prevent countless murders resulting from family feuds which

¹ Charles O. Porter, "Defects in the Administration of Justice in Hamilton County (Cincinnati) Ohio," *Journal of the American Jurisprudence Society*, Vol. 32 (June 1948), pp. 14-22.

² "Racket Court Analysis—Dual Responsibility of Police and Judges in Law Enforcement," *Criminal Justice* (Journal of the Chicago Crime Commission), Number 72 (May 1948), pp. 7, 8, 16.

³ See Arthur M. Schlesinger, *Paths to the Present* (New York: The Macmillan Co., 1949), especially p. 15; Dixon Wecter, *When Johnny Comes Marching Home* (Boston: Houghton Mifflin Co., 1944), pp. 75, 76.

⁴ See Marquis James, *The Life of Andrew Jackson* (Garden City, N. Y.: Garden City Publishing Co., 1940), p. 115; James Bryce, *The American Commonwealth*, 3rd ed. (New York: The Macmillan Co., 1898), Vol. I, pp. 461, 462.

continued from generation to generation.

In some states, notably Missouri, Arkansas, and Texas, robbery was commonplace, and the sympathy of the populace was with the bandits. There were sections of the West where railways and roads were infested with brigands, and the laws prohibiting robbery were virtually unenforceable. In 1881 Mr. E. J. Phelps, president of the American Bar Association, stated: "The practical immunity that crime enjoys in some sections of the country, and the delay, difficulty and uncertainty in enforcing the law almost everywhere is a reproach to our civilization."⁷ In the period following the Civil War the outlaw Jesse James became famous for his daring robberies of banks and railroads. He was regarded as a hero, and following his death, folk tales and novels perpetuated his reputation as a modern Robin Hood.

PROSTITUTION AND LIQUOR

In 1910 a commission was appointed to study conditions of vice in Chicago. The commission reported that the "tolerance and indifference toward the law by the citizens" had occasioned the development of a

system of restricted districts under police regulation, the result of which has been to nullify the law and render it inoperative. . . . As a result of this attitude toward the law on the part of the community, the police department has been in a sense demoralized and has come to exercise a discretion which was never intended it should have.⁸

City after city in America allowed infamous red-light districts to prosper in

⁷ James Bryce, *op. cit.* note 4 *supra*, Vol. II, p. 366; Vol. I, p. 339; also Robert M. Coates, *The Outlaw Years*, New York: Macaulay Co., 1930.

⁸ *The Social Evil in Chicago* (Chicago: Gunthorp-Warren Printing Co., 1911), p. 144.

violation of existing laws and to serve as breeding places for crime, debauchery, and disease.⁷

Almost all efforts to control liquor in the public interest have met with failure. So commonplace were the violations of the liquor laws prior to national prohibition that there was a complete breakdown of the licensing system. This breakdown was in large measure responsible for the public demand for nation-wide prohibition. The Eighteenth Amendment, however, was unenforceable, and following its repeal there was a return in many areas to the flagrant abuses that gave rise to its adoption.⁹

TRAFFIC VIOLATIONS AND BLACK MARKET

The annual loss of life and property in the United States resulting from violations of the traffic laws presents an alarming picture.⁹ In Chicago, almost 20 per cent of the total personnel of the police department is assigned ex-

⁹ Scientific studies by the League of Nations and by the famous scientist Abraham Flexner, who wrote *Prostitution in Europe* in 1914, established the failure of the segregated district. It is probable, however, that the growing political influence of the American woman was more responsible than the scientist for abolishing the red-light district in the United States. See D. W. Brogan, *The American Character* (New York: Alfred A. Knopf, 1944), pp. 48, 49.

¹⁰ For a brief summary of the efforts to control liquor in the United States, see Virgil W. Peterson, "Vitalizing Liquor Control," *Journal of Criminal Law and Criminology*, July-August 1949. See also August Vollmer, *The Police and Modern Society* (Berkeley: University of California Press, 1936), p. 100; Lloyd Lewis and Henry Justin Smith, *Chicago, The History of Its Reputation* (New York: Harcourt, Brace & Co., 1929), pp. 72, 73; Raymond B. Fosdick and Albert L. Scott, *Toward Liquor Control* (New York: Harper & Brothers, 1933), p. 39.

¹¹ George Warren, *Traffic Courts* (Boston: Little, Brown & Co., 1942), pp. 3, 6, 7.

clusively to the enforcement of the traffic laws. Yet in many places such laws are poorly enforced. A survey in Cincinnati, Ohio indicated that nearly half of all persons found guilty in traffic courts were released without penalty of any kind. Even the court costs of \$2.00 were not assessed against them.¹⁰ There is widespread evasion of traffic laws almost everywhere, and in many places enforcement programs have been permeated with corruption. And much of the corruption is initiated by the so-called good citizen himself; for when he is caught, he offers a bribe to the arresting officer.

During World War II, "the government found over 1,000,000 violations and imposed serious penalties upon more than 200,000 businessmen" for engaging in black market activities.¹¹ This widespread evasion of regulations took place at a time when the entire populace was solidly behind all-out efforts to prosecute a war involving the Nation's very existence. Yet the typical citizen took it upon himself to decide which regulations he was justified in evading.

MORALISTIC ATTITUDE TOWARD LAW

Large segments of the population believe the existing laws are necessary and desirable, but too many citizens consider it their individual right to disregard those laws. When the citizen heartily endorses a program of strict traffic enforcement, he is usually thinking of violations committed by others.

¹⁰ Charles O. Porter, "Defects in the Administration of Justice in Hamilton County (Cincinnati) Ohio," *Journal of the American Judicature Society*, Vol. 32 (June 1948), pp. 14-22.

¹¹ Marshall B. Clinard, "Secondary Community Influences and Juvenile Delinquency," *The Annals of The American Academy of Political and Social Science*, Vol. 261, Jan. 1949, p. 51.

Professor Charles Edward Merriam has referred to the double standard of morality in dealing with prostitution, gambling, taxes, liquor, and similar matters. "In the abstract," says Professor Merriam, "every city is against gambling, and would vote strongly against the repeal of existing statutes forbidding it; but in the concrete, the citizens are not deeply interested in strict enforcement of the laws against games of chance." He also observed that it was evident that the "practical opposition" to prostitution "was not as strong as the theoretical."¹²

Some observers have contended that our moralistic attitude toward law accounts for widespread disrespect for statutes prohibiting gambling. Laws become disputable on moral grounds, and when a particular practice does not violate the individual's concept of morality, he feels free to violate the law.¹³ It is indicated that this attitude strengthens the rule of law when a statute prohibits conduct which is generally regarded as immoral, and breeds disrespect when the act forbidden is not considered a violation of the moral code. Murder is universally regarded as immoral. Yet America's murder rate is unusually high.¹⁴ In America, prostitution is morally condemned by almost everyone; but there has frequently existed a total public indifference to-

¹² Charles Edward Merriam, *Chicago, A More Intimate View of Urban Politics* (New York: The Macmillan Co., 1929), pp. 55, 56.

¹³ Gunnar Myrdal, *An American Dilemma* (New York: Harper & Brothers, 1944), pp. 15, 16.

¹⁴ In 1948 there were 326 murders in Chicago and 315 in New York City, while in London there were only 39 murders and 21 offenses of manslaughter. See *Uniform Crime Reports*, Federal Bureau of Investigation, Washington, D. C., Annual Bulletin, Vol. XIX, No. 2, 1948, pp. 97, 100; and *Report of the Commissioner of Police of the Metropolis for the Year 1948* (London: His Majesty's Stationery Office), p. 37.

ward the enforcement of laws prohibiting commercialized vice.

TOLERANCE RATIONALIZED

The obedience to or evasion of a law does not depend primarily on its moral support. Self-interest, personal convenience, and expediency are the principal motivating factors in widespread law evasion and in the public attitude toward law enforcement. When commercialized vice flourishes, the average citizen explains his tolerance of a practice which he would normally condemn as immoral, by remarking that the oldest profession cannot be effectively suppressed. Furthermore, he may reason, a wide-open town is good for business conventions and playboy tourists are attracted. Through the toleration of commercialized prostitution, the virtue of the decent woman is somehow made safe. To throw the professional prostitute out of work would create an economic hardship on the community, and in addition, he explains, it is impossible to legislate morality.

Similar rationalization figures prominently in America's high murder rate. In attempting to analyze the individual murderer, a well-known psychiatrist has observed that "in the interplay of mental forces the rationalization is as important as the impulse."¹⁶ And the murderer's rationalization frequently stems from the social attitudes prevailing in his community. Lynch murders are particularly vicious. Committed with design and premeditation, they are totally unsupportable on moral grounds, and they reflect a dangerous breakdown of duly constituted author-

ity. Local public sentiment, however, frequently has been with the lynch murderer.

The public reaction to gang killings is generally one of total indifference. The average citizen reasons that for one hoodlum to kill another is actually a public benefit. Yet gang murders occur only when criminals, through the operation of illegal enterprises, have become strongly organized and sufficiently powerful to wage private warfare against rivals. Gang murders signify a breakdown of government.¹⁶

When the murderer and his victim are both members of the same racial minority group, the general public is little concerned with repeated breaches of the sixth commandment. Judges and other law enforcement officers reflect the same attitude. In Chicago's South Side, where crimes of violence are commonplace, a Negro citizen complained, "Officials don't worry as long as we are killing each other."¹⁷ It is only when members of the dominant racial group are being slain that the general public begins clamoring for a rigid enforcement of the murder laws.

LAWS INTENDED FOR SOCIAL PROTECTION

The demand for efficient law enforcement is seldom felt by officials until large numbers of people begin fearing for their own personal security. While many of us refrain from personally committing acts which offend the moral code, whether the public demands that a particular law be properly enforced

¹⁶ Frederic Wertham, *The Show of Violence* (Garden City, N. Y., Doubleday & Co., 1949), p. 251. Rationalization is defined by Dr. Wertham "as the building of a worthy motive for an unworthy desire."

¹⁶ R. M. MacIver, *The Web of Government* (New York: The Macmillan Co., 1947), p. 368. Professor MacIver states: "Where armed violence occurs on a small scale, as between rival gangsters, it is because of failure or remissness on the part of the state."

¹⁷ Virgil W. Peterson, "Crime Conditions in Fifth Police District," *Criminal Justice*, No. 73 (May 1946), p. 21.

rests almost entirely on considerations other than those affecting morals.

Most laws governing modern society were never intended to regulate private morals. Their principal objective was social protection. Present-day conditions have inevitably resulted in the enactment of hundreds of laws and regulations unheard of before the turn of the century. With the development of modern transportation, for example, it became necessary to enact a mass of laws to control traffic. But laws regulating traffic, health, sanitation, wages, child labor, commerce, and many others, have no direct relationship with morals, though they are necessary to our public safety and welfare.

This applies also to laws prohibiting gambling. Their principal objective is social protection.

RATIONALIZATION OF GAMBLING

Too frequently discussions of the enforcibility of gambling statutes have been confined to moral issues. Whether gambling in itself is morally permissible or immoral becomes the principal point of contention. Perhaps such considerations are inevitable, since wide-open professional gambling has usually flourished to the greatest extent in an atmosphere of easy morals. Underworld history reveals that there has always been a close working relationship between the vice lords and the gambling kings. Often the control of both prostitution and gambling in a municipality has been -vested in the same individuals.

But any effort to determine the desirability or undesirability of the gambling laws on the basis of whether gambling in itself is moral or immoral serves no more useful purpose than to attempt an appraisal of the traffic laws by establishing the moral aspects of driving through a stop sign.

The emphasis frequently placed on the moral aspects of gambling has

added to the problem of enforcement in two important respects. In the first place, the insistence of some religious groups that the act of gambling in itself is immoral is resented by those holding a contrary view. This resentment has given rise in part to the erroneous assumption that the antigambling laws resulted from a Puritanical influence that attempted to impose its moral code on others. In the second place, the evasion of the law is justified by many on the ground that gambling is not immoral. Many character-building groups, including neighborhood and boys' clubs, patriotic organizations that specialize in developing good citizenship, and churches, resort to illegal gambling enterprises to raise money. They justify the law violation on the ground that gambling is not immoral—a type of rationalization which will permit an evasion of most laws.

The real motive, however, for disregarding the gambling statutes is "easy money." A well-known columnist, Herb Graffis, recently wrote: "Churches and charitable organizations run illegal gambling because that's the sure way of getting money for holy causes from people who otherwise wouldn't contribute if the Almighty pushed a .45 at them." But as to other law violators, Graffis observed, the attitude is usually expressed somewhat as follows: "Those commies—they ought to be run out of the country. They've got no respect for American laws."¹

Ironically, many gambling ventures for worthy causes are actually operated on a concession granted to racketeering elements. And there have been many honest police executives who have had their law enforcement programs sabotaged by the insistence of character-building groups that illegal gambling operations be permitted for their worthy

¹ Herb Graffis, *Chicago Sun-Times*, Oct. 18, 1949.

causes. Not infrequently these organizations have resorted to improper methods of pressure on law enforcement officers, identical with those employed by the criminal element. And these illegal activities, together with improper pressures, are all justified on the ground that gambling is not immoral per se, since the money raised through the law violation is for a worthy cause—in some instances to help others become good, law-abiding citizens.

Taking the cue from character-building organizations which evade the law, professional racketeers often engage in large-scale gambling enterprises which are identified with a real or fictitious charity. Recently in Chicago a large commercial bingo game was conducted by city employees, some of whom had long been associated with professional gambling. The alderman of the district admitted having given the venture his blessing. The promoters and the alderman explained that plans were being made to start a boys' club which would benefit from the proceeds of the bingo game. Commenting on the project editorially, a local newspaper realistically observed that "promoters and racketeers search for philanthropies which will lend the respectability of their name in return for a portion, often trifling, of the proceeds."¹⁹

A charity facade has long been utilized in connection with large-scale gambling enterprises, many times conducted by notorious racketeers. And when this subterfuge is not employed, the gambler rationalizes that morally his business is no different from the enterprise operated by a charitable institution. The patron, in turn, rationalizes that morally there is little distinction between his patronage of a gambling venture operated in part for charity or one conducted for the welfare

of an Al Capone. In either case, he is usually motivated principally by his desire to obtain "easy money."

LEGALIZATION, MASS GAMBLING, PROHIBITORY LAWS

The common assertion that America's antigambling laws stem from the early influence of Puritanism is without historical foundation. Mass gambling has always resulted in great social and economic ills; and almost every civilized nation in the world has from time to time found it necessary to resort to repressive legislation in an effort to protect its citizens. Egyptians, Greeks, Romans, and Hindus of ancient times invoked laws with severe penalties against gaming. The rabbis of the Second Temple classed gambling as a form of robbery and barred gamblers from the witness stand.²⁰

Since ancient times, laws pertaining to gambling have followed a rather similar pattern in many nations. The evils of mass gambling have led to prohibitory legislation, which in turn has frequently been poorly enforced. The never ending quest for new sources of revenue, plus the difficulty of enforcing the antigambling laws, often prompted their repeal and the enactment of statutes which licensed games of chance with the state sharing in the profits. Legalization schemes have in turn increased mass gambling to the extent that the nation has found it necessary again to enact prohibitory laws. On some occasions efforts have been made to restrict legalized gambling to tourists, and the laws have prohibited local residents from entering the gaming resorts.²¹

²⁰ Francis Emmett Williams, "A P-M Victory in Michigan," *The Lawyer and Law Notes*, Fall issue, 1946, p. 6.

²¹ John Philip Quinn, *Fools of Fortune* (Chicago: G. L. Howe & Co., 1890), pp. 100, 101.

¹⁹ "Bingo Pays Off"—editorial, *Chicago Daily News*, Dec. 16, 1949.

By 1882, the laws of virtually every state in Europe prohibited gambling.²² For many decades, legalized gambling has been a huge industry in South America. On April 30, 1946, the President of Brazil found it necessary to suppress most forms of gambling on the ground that it had become a "social cancer."²³

Lotteries in early American history

It was during the early period in our national life, when the Puritan influence was the strongest, that the United States had its longest experience with legalized gambling. Lotteries had been commonplace during colonial times. After the Revolutionary War the various states were badly in need of revenue. But "taxes the people would not bear," wrote the historian John Bach McMaster. Hence, lotteries were authorized to raise money for bridges, school buildings, churches, colleges, and public works of all kinds.

The *Pennsylvania Mercury* reported on August 24, 1790, that "the lottery mania appears to rage with uncommon violence." Lotteries were flourishing in every part of the United States.²⁴ Unscrupulous promoters incited the "get rich mania" among the people through high-pressure tactics. Lottery frauds became scandalous. Legislatures were bribed. The poor people in particular suffered. Money needed for the bare necessities of life was poured into the state-authorized lotteries in the false hope of obtaining easy riches. Illegal private lotteries sprang up everywhere. The lotteries became a menace to the

public welfare, and serious-minded citizens everywhere began agitating for their abolishment. As William Christie MacLeod has observed:

... the great mass of worthy citizens of New York and Massachusetts and Pennsylvania a century ago were opposed to public lotteries, not on abstract ethical grounds, but on the ground that they had become a serious social evil. . . . The campaigners against lotteries were primarily businessmen and professional men who saw around them everywhere the growing menace of the public lottery of the day.²⁵

When most states outlawed lotteries in the early 1830's, the evils were fresh in the public mind. And in addition to enacting laws declaring lotteries illegal, many states inserted provisions in their constitutions which were designed to prevent future legislatures from ever again resorting to the folly of raising revenue through legalized gambling.

Following the Civil War, when the Southern States were poverty stricken, some turned to legalized lotteries as a means of raising revenue. Louisiana, in particular, engaged in large-scale lottery operations. The Louisiana lottery came into existence in 1868 under the regime of Governor Henry Clay Warmoth, a typical Reconstruction period official. Warmoth, a native of Illinois, had an unsavory earlier history which included a dismissal from the Army by General Ulysses S. Grant and an indictment in Texas for the embezzlement of government cotton. For over twenty years the lottery ruled the state of Louisiana. Governors, United States Senators, and judges were completely under the domination of this vast gambling enterprise.

During the first six years of its ex-

²² Pierre Polonsky, *Monte Carlo Casino* (New York: Hillman-Curl Inc., 1937), p. 122.

²³ United Press dispatch dated at Rio de Janeiro, May 1, 1946.

²⁴ John Bach McMaster, *A History of the People of the United States* (New York: D. Appleton and Co., 1877), Vol. I, pp. 587, 588.

²⁵ William Christie MacLeod, "The Truth About Lotteries in American History," *The South Atlantic Quarterly*, April 1936, pp. 201-11.

istence, the Louisiana lottery spent over \$300,000 in bribes of legislators and state officers.²² The poor squandered their money on tickets. The lottery company steadily grew in opulence, and the abuse of its tremendous political power became intolerable. In an election for the governorship of Louisiana in 1892, the sole issue of the campaign was the lottery. The people voted it out of existence.

An established pattern

To attribute America's laws prohibiting lotteries to the influence of Puritanism which considered gambling a "sin" is to ignore historical facts. State-authorized lotteries generated mass gambling resulting in social, economic, and political evils which caused the people to enact prohibitory legislation. England had a similar experience. In 1808, a committee of the House of Commons reported that

the foundation of the lottery system is so radically vicious, that your Committee feels convinced that under no system of regulations, which can be devised, will it be possible for Parliament to adopt it as an efficacious source of revenue, and at the same time, divest it of all the evils which it has, hitherto, proved so baneful a source.²³

Various experiments with other forms of legalized gambling in the United States have usually resulted in mass gambling with attending social and economic evils to the extent that the licensing laws have soon been repealed. It is only in the state of Nevada that gambling in general is legalized in the United States today. And Nevada's liberal divorce and gambling laws "are" condoned by many as a matter of eco-

nomic expediency in lieu of more desirable ways of making a living."²⁴

LEGALIZATION LEADS TO ABUSES

Various attempts at liberalizing the antigambling statutes by permitting only certain types of games have usually resulted in many abuses, and the law enforcement problems have increased tremendously. In recent years the Montana legislature enacted laws permitting slot machines in private clubs. Punchboards were also legalized, with the state receiving 3 per cent of the value of each board. In the latter part of 1947, Governor Samuel C. Ford publicly deplored the gambling conditions in the state. He stated that his "two outstanding mistakes were when I signed the slot machine law and the punchboard law." Governor Ford said that he would recommend and insist "that both laws be repealed."²⁵ By 1949, there were over six hundred so-called private clubs in Montana, many of which were merely "fronts" for slot-machine interests.

In 1947, the Idaho legislature passed a law that enabled municipalities to license slot machines on a local option basis. Many communities took advantage of the law for the purpose of raising revenue. Because of the abuses which arose, several cities canceled all slot-machine licenses in 1949. Governor C. A. Robins of Idaho asked the 1949 legislature to repeal the law in its entirety.²⁶

Experiments with the legalization of games of chance for the sole benefit of charitable organizations have at times resulted in serious abuses. Several

²² Thomas C. Donnelly (Ed.), *Rocky Mountain Politics* (Albuquerque: University of New Mexico Press, 1940), p. 99.

²³ *Denver Post*, Nov. 23, 1947.

²⁴ State of California, *Second Progress Report of the Special Crime Study Commission on Organized Crime*, Sacramento, March 7, 1949, p. 66.

²⁵ Marquis James, *They Had Their Hour* (Cleveland: World Publishing Co., 1942), pp. 272, 273.

²⁶ John Ashton, *The History of Gambling in England* (London: Duckworth and Co., 1899), p. 238.

years ago in Massachusetts, gambling czars established a mass of dummy charities to comply with the law, and engaged in large-scale commercial gambling activities. In several instances, the churches which were the alleged beneficiaries received only a few dollars or nothing at all, while the professional gamblers were fattening on the proceeds. Wholesale license revocations were necessary when the gambling craze got completely out of hand.²¹

The fact that a person may attend a race track in many states and be permitted legally to wager has added to the problems of enforcing the anti-gambling statutes in general. Pool-rooms and handbooks have always been the source of many social and economic evils, particularly among the lower income groups. Proponents for legislation that would permit *pari-mutuel* wagering at the race tracks contended that their plan would eliminate the handbook. A witness before a Senate committee in Washington in 1936 testified: "Whenever you find legalized racing you find few bookies . . . the bookies close up shop rather than compete with the organized forces of the law. It's history that legalized racing runs the bookies out of business."²²

Such contentions were contrary to historical experience, which has established that the legalization of any form of gambling greatly increases its illegitimate offspring. Today it is well recognized that "bookmaking has increased enormously since the *pari-mutuel* machines were legalized in twenty-three states, although the conviction was that it would be uprooted."²³

²¹ "Beano and Bingo: Other 'O' Games Under Inquiry as Craze Becomes a Menace," *Literary Digest*, Aug. 29, 1936.

²² John Richard O'Hare, *The Socio-Economic Aspects of Horse Racing* (Washington: Catholic University of America Press, 1945), pp. 80, 81.

²³ *Ibid.*, p. 22.

The *pari-mutuel* system of race-track betting theoretically affords the customer gambling that is honest. When wagering is confined to the race track, state control and supervision are possible to a greater extent than in any other form of gambling. Yet the history of race-track gambling contains many sordid chapters involving fraud on the part of horse owners, trainers, and jockeys. Many underworld characters have been identified directly or indirectly with racing. And the problem of enforcement of the gambling laws in general has been increased tremendously through the legal sanction of race-track wagering in several states.

Police officers, public officials, and many citizens chant a similar refrain in justification of a policy of tolerating illegal handbooks or in support of proposals to legalize them. They say that since those who can afford to do so are permitted to wager legally at a race track, the poor man should be provided with equal opportunities to gamble in a handbook. Unfortunately in the matter of indulgence in luxuries of a material nature, the poor man can never enjoy equal opportunities with the wealthy. And the sole objective of any intelligent legislation dealing with gambling and kindred matters should be social control in the interest of public welfare.

GAMBLING IS EXPLOITATION

The distress caused by commercialized gambling has always fallen with greatest weight on families with low incomes. Gambling is merely a method whereby wealth is redistributed from the possession of the many into the hands of the few. The business of gambling is entirely parasitic, and exists for the sole purpose of exploiting a human weakness. The gambling-house patron as a class necessarily loses financially. The argument that handbook

operators or other gambling-house proprietors should receive official sanction to exploit those who can least afford to lose runs counter to all concepts of enlightened social legislation. In fact, much of our modern legislation is designed to prevent exploitation on the part of legitimate businessmen who perform a genuine service to the community. Some of the staunchest supporters of these laws change their viewpoint with reference to the dubious business of gambling. Under the guise of liberalism they adopt the position that the state should legalize its exploitation.

GAMBLING REVENUE AND POLITICAL CORRUPTION

In justification of such proposals, it is usually contended that the state would benefit in the form of increased revenue, and gambling would be placed under control. All legalized gambling schemes are primarily revenue measures; and legalized gambling as a means of obtaining revenue is incompatible with control. Since revenue is the principal end, it becomes expedient to issue more and more licenses in order to obtain more and more revenue.

Under our system of government the administration of the licensing laws inevitably falls into the hands of the dominant political party of a locality. Obviously, a political regime, including police, prosecutors, and courts, that has been impotent in the enforcement of the substantive laws prohibiting gambling, does not suddenly become efficient and honest with the mere enactment of laws which license gambling establishments. The issuance of licenses and the enforcement of the license laws would be based on political considerations with virtually unlimited opportunities for corruption. Given a legal status, gambling houses become located on main business streets and vie with competing places for patronage. Bright signs ad-

vertise their location. Over the radio, in the newspapers, and on huge billboards, people are urged to gamble. The "get something for nothing" appeal naturally is most alluring to the poor, to those who can least afford to contribute to the gambling fraternity. History has recorded that in America legalization has almost always resulted in mass gambling.³⁴

SOCIAL PROTECTION—NOT PRIVATE MORALS

The antigambling laws in the United States are not intended to regulate the private morals or habits of individuals. For example, "most antigambling statutes do not make it unlawful to play or bet at cards at a private house or residence, from which the public is excluded. . . .³⁵ In some jurisdictions, casual betting or gaming is not prohibited.³⁶ But most laws do prohibit the business of gambling which exists solely to exploit a human weakness and causes economic and social distress on entire families of many who patronize professional gambling houses.

Likewise, the laws that make gambling contracts unenforceable and gambling debts uncollectible are intended to afford social protection rather than to regulate private morals. It has frequently been contended that if a man wants to make a fool of himself by patronizing a gambling house, the law should not help him evade financial obligations arising from his folly.

The gambling-house proprietor relies on a mathematical percentage which assures him of financial success. The patron, on the other hand, defies the

³⁴ Virgil W. Peterson, "Gambling—Should It Be Legalized?" *Journal of Criminal Law and Criminology*, Vol. 40, No. 3 (Sept.-Oct. 1949), pp. 289-329.

³⁵ *American Jurisprudence* (Rochester: Lawyers Cooperative Publishing Co.), Vol. 24, p. 419.

³⁶ *Ibid.*, Vol. 24, p. 407.

laws of mathematics and logic. Governed by his emotions, in which superstition frequently plays a strong part, he contributes to the gambling establishment. Often this emotional appeal becomes so overpowering that he gambles away his entire wealth as well as his earnings for some time to come. The principal sufferers in such cases are members of his family who are wholly dependent upon him for support.

To permit the inherently illegitimate gambling business to invoke the courts of justice or enforce hardships on children and other dependents, or to make the community support them while gambling debts are being paid, would be a reactionary move of the most vicious nature.

Likewise, the history of gaming clearly reflects that dishonesty and fraud have always been integral parts of the gambling business. A well-known mathematician, who has made a scientific study of gambling for many years, has properly concluded that "gambling has always been and always will be a crooked business."²⁷

POLITICAL SIGNIFICANCE OF GAMBLING BUSINESS

The desire to obtain "something for nothing" is present in most people. It constitutes a strong urge in many, and an all-consuming passion in others. Customers for various professional gambling schemes are always available in sufficiently large numbers to make the enforcement of the antigambling statutes difficult. In addition, the tradition of lawbreaking which has become a part of the American character adds immensely to the problem. But gambling as a source of political power perhaps plays the most important role

in the nonenforcement of the anti-gambling laws. In many well-governed municipalities, the antigambling laws are well enforced. The business of gambling can be largely forced out of existence everywhere if the police so desire "and if they are permitted by higher authorities to do so."²⁸ A commercial gambling establishment virtually never starts operating without the permission of responsible officials. Wide-open gambling never flourishes unless it has the sanction of the duly constituted authorities.

Alliances between those in control of commercialized gambling and professional politicians on a ward, city, or state level are almost expectable products of the American political system. Men of unusual ability and high integrity are not easily attracted to political life. They are able to utilize their talents to a greater personal financial advantage in private business or in their professions. The salaries offered to those holding most city, state, or Federal positions do not compare favorably with those in business or the professions. Men seeking honor, prestige, and distinction seldom look to politics to achieve those objectives.

But political life does afford excellent opportunities for exploitation by those who are not troubled by a high sense of integrity and public duty. Consequently, the ruling political classes in too many localities are comprised largely of opportunists. In order to remain in power they must maintain an efficient political organization, requiring continuous financial support and numerous workers. The highly lucrative gambling business is willing to make regular financial payments to political leaders who are in a position to give them needed protection. The alliance

²⁷ Ernest E. Blanche, *You Can't Win* (Washington: Public Affairs Press, 1949), p. 11.

²⁸ Edwin H. Sutherland, *Principles of Criminology* (Philadelphia: J. B. Lippincott Co., 1934), p. 205.

between political opportunists and the underworld leaders who control gambling is one of mutual advantage. As a result of such alliances, the law violators gain substantial control over the law enforcers and dictate many of the law enforcement policies of the community.

In many places large campaign contributions have been made by gamblers toward the election of a mayor, with the understanding that they would be permitted to name the head of the police department. The Wickersham Commission in 1931 reported that through alliances between politicians and the criminal element the professional gamblers had gained control of the police department, in Los Angeles, San Francisco, Detroit, and Kansas City.²² These conditions are not unusual. They have been commonplace in American municipal history.

Control of elections and appointments

The political importance of the gambling business is not limited to its financial support to ward organizations. It is imperative to the gamblers that a friendly administration meets with success at the polls. Active election workers are furnished in substantial numbers. And these individuals have a selfish interest in the success of their candidates. For many years in Chicago, numerous precinct captains of the

dominant political machines were gambling-house proprietors. Several were in partnership with members of the notorious Capone gang. Some political leaders who have won national attention for consistently amassing huge pluralities in elections owe much of their political success to the financial aid of workers furnished by their underworld allies in control of gambling.

Whenever such conditions exist, it is only natural that considerable political power is vested in the gambling bosses. The political rulers must give consideration to their wishes when selecting slates of candidates for many offices, particularly those affecting the administration of justice or law enforcement.

The lenient attitude prevailing in many courts toward gambling offenders is easily explainable in certain localities. The tremendous political influence of professional gamblers would make it inexpedient for judges to arouse their ill will. In one important county, the gambling interests were so powerful politically that during a period of thirty years no candidate for sheriff was elected who pledged a policy of enforcing the gambling laws. The unlimited financial resources and election workers available to the gamblers made it political suicide to oppose them. At various times in many of our largest cities, gambling kings have also ruled over the political machinery and exerted tremendous influence over the police, the prosecutors, and the courts. Under such circumstances the non-enforcement of the gambling laws is no mystery.

²² National Commission on Law Observance and Enforcement, *Report on Police*, No. 14 (Washington: Government Printing Office, 1931), p. 45.

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The Facilitation of Gambling

By PAUL S. DELAND

A DISTINCTION should be drawn between friendly wagers on a game or contest and the point at which the professional racketeer crashes in for his "cut." It is the latter with which this discussion is concerned, rather than the former.

Gangsters and racketeers have seized and organized gambling in the United States, with stakes running into an estimated fifteen billion dollars annually, and have made it such a menace to good government and society that a concerted drive is being made to halt the debauchery and corruption that are disconcertingly evident. We are here concerned with the phenomenon by which that corruption has been facilitated.

The extent to which this debauchery has spread over the United States is almost unbelievable to the average person. Investigations reveal appalling conditions caused by the gambler, racketeer, and gangster who is enabled to carry on his crime with the money he "takes" from innocent bettors.

INADEQUATE FEDERAL LAWS

At present the Federal Government is handicapped, because of limited laws, in attempting to prevent or prosecute gambling. For the most part, laws designed to curb gambling are within the jurisdiction of the states as a matter of states' rights. Except for the prosecution of tax evasion by gamblers, about the only statutes under which the Federal Bureau of Investigation can operate are the following:

1. Title 18, United States Code, Section 659, known as the "Theft From Interstate Shipment Statute," makes it

unlawful to embezzle, steal, or unlawfully take by fraudulent device, scheme or game from a passenger traveling via railroad, car, bus, vehicle, vessel or aircraft operated by any common carrier and moving in interstate or foreign commerce any money, baggage or goods.

2. Title 18, United States Code, Section 1082, covers the operation of gambling ships. Briefly, this act prohibits the setting up, operating, owing, or holding any interest in a gambling ship or a gambling establishment on any ship, provided the ship is on the high seas, is an American vessel, or otherwise under or within the jurisdiction of the United States and not within the jurisdiction of one of the several states.

3. Title 18, United States Code, Section 1301, known as "Interstate Transportation of Lottery Tickets," makes it a Federal offense to transport via express, common carrier or otherwise in interstate commerce any paper, certificate or instrument purporting to be or to represent a ticket, chance, share or interest in or dependent upon the event of a lottery, gift, enterprise or similar scheme, offering prizes dependent in whole or in part upon lot or chance. It is also illegal to transport any advertisement of or list of prizes drawn or awarded for any such lottery in interstate commerce. A receiving clause is included. Penalty is \$10,000 fine or imprisonment not more than two years, or both.

STRONGER LAWS ASKED FOR

Many state laws are surprisingly liberal in permitting gambling, and since the gambling racket is an interstate problem, stricter Federal regulations

are thought to be necessary; and such legislation has been asked for by United States Senator Estes Kefauver of Tennessee. His reasons follow:

Responsible and nationally known reporters and magazine writers have for the past several years been writing of a national crime syndicate which they allege is slowly but surely through corruption gaining control of, or improper influence in, many cities throughout the United States.

On September 14, 1949, Mayor de Lesseps S. Morrison, as president of the American Municipal Association, and speaking for that association, asked the Federal Government to investigate the encroachment by organized national racketeers on municipal governments throughout the United States with the intent to control their law-enforcement agencies.

The Chicago and California crime commissions in 1949 reported the insidious influence wielded by this crime syndicate through corruption of public officials and its political and financial control.

The mayors of several large cities, such as ... Los Angeles, New Orleans, and Portland, and many others, have complained in the past year of attempts being made by national crime syndicates to control and corrupt the local political affairs of their respective cities, and that they do not have adequate means to cope with this well-organized and powerful criminal organization, and have asked the Federal Government for assistance in coping with this alleged criminal aggression.

There appears to be no adequate Federal statute which can be invoked against the activities of this organized syndicate. The resolution that I have filed would authorize and direct the Committee on the Judiciary of the Senate to make investigation to determine whether there is an organized syndicate operating in interstate commerce which is menacing the independence of free municipal governments, for the benefit of the criminal activities of the syndicate, and determine and report to the Senate their findings on whether the states and municipalities can, without Federal assistance, adequately cope with this

organized crime movement. The committee would also be directed to investigate the jurisdiction of the Federal Government over the activities of any criminal syndicate, and make recommendations for any necessary legislation.

The need for further Federal authority in this matter has been voiced by many students of law and social well-being.

WATCHING THE MAILS

However, the postal authorities are constantly watching the mails for possible violation of the antilottery laws, forbidding transportation by mail of any lottery ticket, advertisement, list of prizes, or ~~any other~~ phase of lottery.

When the normal volume of mail increases substantially just prior to the Irish Sweepstakes and in it are many letters of the same size and shape, indicating mailing by the same ~~interests~~, the mail is carefully scanned to discover the senders. The mail is stamped "believed to contain lottery matter," and the addressee is summoned to the post office to open the letter in the presence of the postal authorities. ~~If~~ it contains tickets, advertisements, or other matter ~~pertaining~~ to a lottery, it is disposed of according to law.

Nor are gambling interests content with the normal "take." They also pervert the practice by dealing in counterfeits. Tennyson Jefferson, inspector in charge of the Post Office Inspectors for New England, a few years ago conducted an extensive campaign against fake lottery tickets, resulting in the confiscation of thousands of spurious tickets for sweepstakes and other lotteries. A huge number of chance books for the Irish Sweepstakes, for instance, were found to have been published in Montreal, imitating the genuine books. Sale of these tickets gave the printer of the books the entire profit, rather than merely a commission.

Alertness of the FBI, even with limited laws, has resulted in the temporary • smashing of a number of gambling rings. On one occasion 78,000 Irish Sweepstakes books of tickets valued at \$1,800,000 were seized on an airplane landing here.

EXPERIENCE WITH LEGALIZATION

The history of gambling in the United States proves that its legalization has invariably increased gambling with all its attendant criminal evils. Of course, legalization means acceptance of a practice, putting an official O.K. or "go ahead" sign on it. While the intention ostensibly is to regulate gambling, nevertheless it opens the door to abuses, as experience has proved in Nevada and every other place where such procedure has been tried. There are those who argue that with legalization such practices can be held in check; but experience shows that thus standards of morality have been lowered and the devices for abuse have been legalized.

This is due in large measure to the fact that the penalties are inadequate. Instead of a retrogressive step, it would seem far more logical and effective to set a higher standard, making gambling nationally unlawful and then increasing the penalties for violations to an effective point.

Some states have legalized parimutuel betting on horse races, beano, and lotteries conducted for charitable benefits. A small bet on a horse race may seem harmless to some, but small and large bets together produce some fifteen billion dollars in rackets operated by professionals who control the industry and are uncontrolled by public officials. The most effective time to stop a fire is at the start. If you cannot control a small one, how can you control a conflagration?

The crime, misery, suffering, corrup-

tion, and general disorder and lawlessness that have followed legalization of gambling are graphically illustrated in the history of Louisiana, where the Louisiana Lottery Company once flourished. The New Orleans gamblers brought about unendurable conditions that aroused the citizens. As a result, some gamblers migrated to Vicksburg, where they created such conditions that the citizens revolted, raided the gambling dens, broke their equipment, tarred and feathered the gamblers, and drove them out of town, thus demonstrating that the gambler can be suppressed if the citizens so desire.

Nevada, which has less restriction and probably more gambling than any other state in the Union, has experienced an influx of gamblers, racketeers, and gangsters.

PROPOSAL TO LEGALIZE GAMBLING IN NEW YORK

To some degree nearly every state legalizes gambling, and thus the door is open. And now in New York, Massachusetts, and some other places efforts are made to open it wider, which is precisely what happens when the first step toward legalization is taken.

Mayor William O'Dwyer of New York City has made two moves. First he announced a city-wide crackdown on bookmaking and other forms of gambling, with fifty-one top police officials shifted. This was said to be in anticipation of the Attorney General's move to drive out gamblers. The second statement made by the Mayor was that he would not favor wide-open gambling, but gambling controlled by the state. Even in the face of a long list of contrary experiences, the Mayor claimed that the criminal element could not possibly endure in gambling, because of supervision by the state's licensing agency.

Those who believe that the only way to combat gambling is not to let it get even a toe hold through legalization, point out that when Fiorello LaGuardia was Mayor of New York in 1934-35 he drove out the gamblers, racketeers, and gangsters to an encouraging degree.

Reactions to proposal

The minute Mayor O'Dwyer issued his statement, the Federal Council of the Churches of Christ in America reacted to fight the proposal for state-controlled gambling, advocated as a source of added revenue. Of course it is a source of added revenue, but what is the cost? The council said it still stood on its gambling statement made in 1935:

The Federal Council of Churches reaffirms its vigorous opposition to gambling which we regard as an insidious menace to personal character and morality. By encouraging the idea of getting something for nothing, of getting a financial return without rendering any service, gambling tends to undermine the basic ideals of public welfare.

Dr. Robert W. Searle, executive secretary of the Human Relations Commission of the Protestant Council of the City of New York, does not think the legislature will respond to the Mayor's suggestion. He said:

A few years ago we had a series of scandals involving basketball and football in New York City. It is naïve of Mr. O'Dwyer to suggest that if gambling is legalized and consequently becomes more extensive, the "criminal elements" will be removed from gambling.

The very extension of the business would increase the desires of a parasitical group to tamper with participants, to rig games and contests, and further to victimize human weakness which creates the social disease of gambling.

If all laws are to be repealed simply because they are difficult to enforce and

because enforcement is expensive the result will be tragic.

Mayor O'Dwyer's proposal brought strong opposition from Governor Thomas E. Dewey, who, in a special message to the legislature, assailed the plan as "shocking, indecent, and immoral" and one that would produce nothing but poverty, crime, corruption, demoralization of ethical and moral standards, lower living standards, and misery.

While not all newspapers agreed editorially in condemning the Mayor's plan for legalizing gambling, the *New York Times* of January 11, 1950 ran an editorial headed "A Way to Spread Gambling," which gives everyone cause to pause and ponder. The *Times* took a strong stand. After taking cognizance of the weakness of human nature in wanting to bet, it continued with these three statements, which strongly support the theory that it is better to concentrate efforts on stopping gambling before it starts.

Nevertheless once the principle of legal gambling on the street corner is endorsed there is no stopping place. . . . That there would be a great deal more gambling than now cannot, we believe, be denied. . . . We cannot endorse a solution that would, in the end, only mean more misery for people who already have hardships enough.

ATTITUDE OF THE PRESS

Some newspapers and magazines may not oppose betting. Indeed, there is reason to believe that by publishing racing entries, "scratches," odds, and results (as many papers and radio stations do), they facilitate in their capacity as purveyors of news what so often they inveigh against editorially. Some lend their columns to the practice and thereby encourage it, while others vigorously crusade against it. But it is fair to say that they all strongly fight and expose racketeering, gangsterism,

and corruption, whether such evils are tied to gambling or not.

The Saturday Evening Post, *Collier's*, *Life*, *Business Week*, and many other magazines have published exposes of gambling rackets that should stir citizens into action. The *Providence Journal and Bulletin* ran a series of revealing stories written by George C. Hull, that not only reviewed the general law violations in Rhode Island but also touched upon the nation-wide extent to which gambling evils have spread. Boston, Chicago, and St. Louis papers especially, and those in practically every city, have crusaded against gambling evils.

The following is an editorial quoted from the *Christian Science Monitor* of June 1, 1945:

Morally and economically, the proposal to pay for costs of government in Massachusetts by licensing betting stalls throughout the Commonwealth is wrong. In legalizing the bookie business, the State would be abandoning its standard of ethics and admitting an inability to meet obligations from sources that do not capitalize on moral loss.

Adoption of such a proposal is a pat on the back to gambling and to other social irregularities. "You win," such legislation would say. "Henceforth you can operate freely in Massachusetts so long as you pay us a share. We are partners from now on."

It is axiomatic that the greatest loss in gambling is suffered by those least able to afford it. Even though the State's revenue appears to come from the roll of the dice or from the horse and dog tracks, the actual toll by the State is from the pockets of the poor.

No amount of profit from gambling can outweigh the inherent loss in moral values.

Every modern state, in Europe and America, has at one time or another employed lotteries as a means of revenue. But the harmful influence on the people has led to their prohibition nearly everywhere.

MAJORITY RULE

There is ample evidence to convict the organized racketeers who bleed the bettors, but to what degree they are punished depends upon public attitudes and with the officials who are empowered to prosecute. Whether the racketeers are to be driven out rests largely with those whose habits and desires result in legislation. While the number of gamblers is high, available figures do not indicate that they are in the majority. Since this is a democratic republic and a majority are said to be against gambling, their wishes should prevail. The question is, Should the majority rule, or surrender to a minority that plays into the hands of those who are robbing them to the tune of billions of dollars a year, used to corrupt officials, ruin lives, despoil youth, and generally wreck havoc with society?

Fortunately there is a powerful group of public-spirited citizens determinedly at work who will not surrender and eventually are bound to bring about better conditions, as history has shown and will repeat.

MASSACHUSETTS SURVEY

The latest survey of gambling conditions existing in the Nation has recently been completed by the Citizens Committee of Massachusetts, a joint venture by Boston businessmen and clergymen. Originally organized in 1940 for an attack on *pari-mutuel* gambling, the committee was reactivated after the war to attack all forms of gambling, which it points out sap the economic strength of the Nation.

The initial step in the committee's planned antigambling campaign is a four-months' survey of *pari-mutuel* gambling, *in-plant* betting, numbers pools, slot-machine pools, and the hu-

man tragedy following in the wake of these practices. The survey indicated that business and civic groups and even militant clergymen had little concrete information or clear recognition of the seriousness of the gambling problem. Yet the stakes involved in gambling were estimated by the committee to amount to upwards of twenty billion dollars a year.

The recommendations of the committee center around long-range programs to acquaint the public with the economic losses involved in gambling, to work closely with law enforcement agencies in securing important data now woefully lacking, and to build up community organizations for the procurement of funds and the achievement of larger representations in social, religious, political, and business fields.

The committee is definitely opposed to legalized gambling in all its variations. The chairman, Rev. Dana McLean Griteley, of the Arlington Street Church, summarizes the committee's project as follows:

Syndicated gambling activities now constitute big business. We must be just as big and more efficient that they are. Otherwise, it won't be long before off-the-track gambling is legalized along with some public lotteries.

CONDITIONS IN CALIFORNIA

For years, gamblers and underworld elements have been moving into the fertile territory of California, with the result that the California Crime Committee has been conducting an investigation.

Mayor Fletcher Bowton of Los Angeles has fought civic corruption, gambling, and gangsters, and a petition has been filed asking that he be recalled. He has characterized the recall sponsors as disgruntled losers and tools of a syndicated gang interest, who are

eager to get their hands on the rich Los Angeles till. He charges—and there is some evidence to support the charge—that the circulation of the petition has been financed by commercial gamblers and others of the underworld. It has not only been charged but it has been proved in many instances that those who want a free hand boast that they defeat those they cannot corrupt.¹

One of the most revealing studies of the menace of gambling is the second progress report of the Special Crime Study Commission on Organized Crime made to Governor Earl Warren of California.

Misuse of communications

The system of communications operated for legitimate business is one of the devices misused by the "bookies." The telephone and telegraph industries are among the public utilities which are used by the larger gambling syndicates with the knowledge of the utilities, and elaborate installations have been made to facilitate their use. The report of the California commission records efforts that have been only limitedly successful in cutting off wire service necessary to carry on horse-race gambling. Since wire service is an interstate matter, the report recommends that the Federal Communications Commission take action, and says:

The adoption of ... a rule by the Federal Communications Commission would unquestionably constitute a major blow to organized crime and racketeering throughout the United States. It would destroy the "wire service" and with it the book-making monopoly which is based upon it. It would reduce bookmaking from a major racket of national scope to a petty nuisance of local significance. Such action would also, of course, greatly reduce the

¹ See Virgil W. Peterson's article in this volume of THE ANNALS for similar conditions in Chicago.

total amount of money lost by the public throughout the country in bookmaking transactions.

Since that appeal, the Federal Communications Commission has taken limited action in certain instances, and further study is being made.

Plea for suppression

But the minute one avenue is closed the racketeer set about finding new escapes. This predictable result led to the conclusion that the most logical way to fight the "by-product" menace is, as summed up in the report, to extirpate it at the root:

It is claimed that licensing [handbooks] would remove criminals from the bookmaking racket, would end gang warfare, and eliminate the inducement for corruption. . . . Our study of the bookmaking racket, however, has convinced us that the licensing of off-track betting would produce precisely the opposite result. It would give free rein to our most menacing national racket and would inevitably result in a tremendous increase in racketeering and organized crime in many forms.

Reports on the investigations of the slot machine by the commission reveal reasons for abolishing these gambling devices, as the best way to control what has correctly been called the "one-armed bandit." It is not only the millions of dollars these "fixed so you can't win" machines take from women and children, but again it is the corruption connected with this organized business that threatens enforcement officers especially. On that phase of the problem, here is another condemning paragraph from the California report:

From these extraordinarily frank discussions of corruption, the commission's investigators ascertained that it is the common practice of slot machine operators throughout the country to pay 10 per cent to 20 per cent of their gross profit for

protection and graft, although the method of payment varies according to local circumstance. If the gross "take" of the national slot machine racket is in the neighborhood of \$2,000,000,000 annually, as it probably is, it is evident that 20 per cent of this amount, or \$400,000,000, is being spent annually by the slot machine racketeers for bribery and corruption of public executive officers, and that additional large amounts are being spent on a corps of lobbyists and a legal and public relations staff.

Hence, while some argue that the best way to suppress an evil is to license it, the California commission is convinced that the most effective action is to stop it at the threshold:

We need, first, a statute which prohibits the mere possession of slot machines and all other mechanical gambling devices. . . . Such a statute . . . would permit the seizure of the machines on sight . . . it would also permit seizure when the machines are in the hands of distributors and wholesalers and when in storage. Further, it would make possible criminal prosecution of the distributors and wholesalers, who, after all, are far higher in the racket, and more serious offenders than the location owners or the machine operators. . . . The mere enactment of such a statute in Minnesota broke the back of the slot machine racket. There is no reason to doubt that it would do the same in California.

GAMBLERS ANONYMOUS

As in the case of liquor addiction, many independent efforts are being made to "cure" addiction to gambling. Fashioned somewhat after Alcoholics Anonymous, a group, suffering in the pocketbook from gambling, organized Gamblers Anonymous in California in January 1949. At a social gathering one evening one speaker, who now directs the organization, mentioned that racing bets had cost him upwards of

\$20,000. His companions confessed to having dropped similar amounts. Before long there was a lively discussion, which resulted in the formation of a mutual-help group, with the purpose of encouraging people to cure themselves of the betting habit. From the original twenty-one, membership has now reached thousands in and outside of California.

As an ideal, a cohesive mutual goal, these people set for themselves the task of combating the source of the ~~evil~~—the race tracks themselves. In a comparatively short time they had compiled "thousands of affidavits" from merchants of every type in communities where race tracks exist. Clothing stores, appliance and furniture dealers, restaurant owners, department store people, all testified that racing had depleted the otherwise ready cash of thousands of people who might otherwise channel that ~~money~~—estimated at millions of ~~dollars~~—into community commerce.

At the same time, the Gamblers Anonymous collected some facts regarding the correlation of crime and criminals to the existence of race tracks. Being old track habitués themselves, they were aware that many known hoodlums who hold no jobs and have no visible means of support are constantly seen around the tracks dressed to the ~~nth~~ degree of smartness. The Gamblers Anonymous coupled this happenstance with some information they profess to have regarding the asserted throwing of races by stewards, grooms, and others on the "inside."

Gamblers Anonymous are aware that racing in California is an entrenched, wealthy behemoth, able to buy its way into legislatures and councils, mayoral ties and attorney generalships, with considerable success. Their first move is a petition to amend the state constitution to abolish horse racing in Cali-

fornia. The petition requires upwards of 200,000 signatures of plain citizens to qualify for the November 1950 ballot; and after qualification, Gamblers Anonymous fully expect to be exposed to every trick in the political bag, backed by funds overwhelmingly greater than they can hope to accumulate. Still, there is a chance that a campaign of this type can win if it is aggressively and shrewdly handled.

Naturally, Gamblers Anonymous realize that the evils of betting cannot be effectively combated by wiping out racing in only one state, since daily race wires cover racing everywhere in the country, and betting through the bookmaker far outweighs betting at the track. But, say they, their membership is growing so incredibly fast that they will soon be enabled to exert their efforts on a national scale. Already they are establishing branches in other cities, and in due time they expect to put anti-racing bills on the ballot in New York, Florida, Illinois, and Maryland.

QUESTION OF PUBLIC MORALITY

Whether or not these ~~and~~ other efforts will prevail over the vested gambling interests depends, in the last analysis, upon the moral tone of our present and future citizenry. To prohibit or legalize gambling involves law, and since laws spring from customs, habits, and practices of people, it is obviously necessary to go back into the agencies that inculcate, build, and control these habits. Important in this molding process are the church, the home, the school, motion pictures, books, magazines, and newspapers. Courts and police are prosecuting rather than preventive agencies.

To maintain a society with Christian character, we need a firm, solid foundation, with moral objectives higher than we reach on the average. Laws to

prohibit gambling and especially its attendant evils set a better standard than legalization and approval of gambling, based on the vain hope that the evil, vice, and crime that pile onto such a vehicle can be controlled. To claim that we should legalize gambling because people do it anyway is, according to many authorities, fallacious argument. If such reasoning were logically followed we would legalize murder, thievery, and every other crime.

The responsibility of the home and the school to indoctrinate children with a sense of value concerning the disproportionate risks in gambling is, or should be, clear. But often professional gamblers have invaded both home and school to bribe a player to "throw" a game. In the process, the student's morals, pride, and pocketbook become involved.

While many courageous officials and groups are attempting to cope with the gambling racket, it could be stopped most readily if the bettors refused to contribute their money. But some young people are lured by nearly all forms of gambling, even though the teacher can prove mathematically that "you can't win," which is the title of an excellent book written by Dr. Ernest E. Blanche, chief statistician for the

Logistics Division, General Staff, United States Army.² He says:

Despite "respectable" uses in the past, such as aiding in financing of Harvard, Yale, Dartmouth and other leading institutions of learning, the lottery is "a gambling device—seldom pure and rarely simple." Of the best known example in the United States today, the Irish Sweepstakes, a great deal of fanfare follows announcement of the winners, but no one salutes the losers, of whom there are many millions.

AN AROUSED PUBLIC

Not only are gambling and other attractive lures a threat to the financial and social security of the individuals, but gambling, racketeering, and organized gangsters threaten constituted authority and the body politic. To that extent they are a challenge to society. Reports everywhere indicate that an aroused public, realizing its grave responsibility, has initiated determined battle to restore a more law-abiding society. Leading in the fight are churches, parents, civic organizations, legislators, and public officials, who still believe in the principles upon which this Nation was founded, has prospered, and will endure.

² See also the two articles by Dr. Blanche in this volume of THE ANNALS.

Paul S. Deland, Boston, Massachusetts, is managing editor of The Christian Science Monitor, having been connected with that paper in various capacities since 1908. He was a member of the Conference on Metropolitan Boston in 1930 and of a committee authorized by the Massachusetts Legislature to investigate reasons for unemployment in 1931. He is a contributor to various journals.

Gambling in Nevada

By JOSEPH F. MCDONALD

WHEN the state of Nevada embarked on its wide-open gambling experiment nearly nineteen years ago, eyebrows were lifted throughout the Nation and there were many sermons preached on the sins of mankind and particularly the callous view of morality held by the people of Nevada.

Gambling has bloomed into a big business, entailing gross winnings by the gambling establishments of \$41,000,000 for the year 1949.

BACKGROUND OF LEGALIZATION

Because of her small population, 91,058 in 1931 when the gambling law was enacted, it was possible for Nevada to turn away from the beaten path. Her people, or at least the majority of them, believed that the best way to strike down an evil was to get it out in the open and control it. No other state in the Union could do it, and there is probably no other state in the United States today that could successfully control wide-open gambling. There are but an estimated 160,000 people in Nevada today, and only two centers of population where more than 10,000 people reside. The people know one another, and there are but a few citizens who do not know the ins and outs of wide-open gambling and how it is kept under reasonable control. There are no bosses and no political organization to deal out favors. The people will not tolerate such things, and they are close enough to the picture, because they are few, to know and understand what is going on.

Prohibition was in its waning years in 1931 when the Nevada legislature en-

acted the wide-open gambling law after three weeks of discussion and debate. Nevada, like most other states, was paying very little attention to prohibition at that time, but many of the county and state officials, and citizens too, were disgusted with the flouting of other laws, such as the gambling ban. Consequently, when the legislature opened consideration of a bill to legalize gambling, there was no concerted opposition.

Nevada was just beginning to feel the effects of the depression at that time, too, and there were members of the legislature, officials and businessmen in various communities, who visualized an era of better business in Nevada if the gambling lid was lifted and pay-offs for protection were channeled into city, county, and state treasuries in the form of license fees.

Nevada's 1931 law, amended from time to time to meet modern conditions, simply made legal what was going on under cover on a smaller scale from October 1910, when gambling was placed under legislative ban. Prior to 1910, wide-open gambling prevailed with few restrictions.

The 1931 act set up rules and regulations and set license fees for all types of gambling with the exception of lotteries (where tickets are sold), which are banned by the state constitution.

Until 1945 sheriffs of each county supervised gambling, and a county license board, consisting of the three county commissioners, the district attorney, and the sheriff, passed on the license applications. Each city council did the same thing after an applicant had obtained a county license.

That worked fairly well until the war years, when business boomed and the gambling establishments began going big time.

There was an influx of outside interests, particularly in Las Vegas about 1943-45, which made an effort to grab control of the big business, and the legislature took cognizance of the situation in 1945 and placed the control of gambling license applications in the hands of the State Tax Commission. At the same legislative session the state imposed a fee or tax of 1 per cent on the gross revenue of each gambling establishment. That fee was increased to 2 per cent by the 1947 legislature and it is 2 per cent today.

LICENSING PROCEDURE

When the legislature in 1945 tied the state into the gambling business by imposing the gross tax, it directed the State Tax Commission to do the collecting and set up a few rules; but a situation developed in Las Vegas within a few months that indicated that some of the "big shots" from Chicago and elsewhere were trying to move in. Bugsy Seigel was among them. There was evidence of possible corruption in issuing licenses in the Las Vegas area, and since the state itself was taking part of the gross receipts, the legislature enacted a law which requires all license applicants to apply first to the State Tax Commission for a license. County license boards and city administrations cannot issue a license until the applicant has cleared the state commission, and they do not have to issue a license even if the applicant has state clearance. This could open the door for county license boards or city officials to demand pay-offs from applicants approved by the state board to get a license, but the procedure is so well publicized that it would be almost impossible to make a shakedown stick.

The State Tax Commission is comprised of seven commissioners, including the Governor and the chairman of the State Public Service Commission, who is appointed by the Governor. The other five commissioners, appointed by the Governor on a bipartisan basis for staggering terms, represent mining, agriculture, banking, general business, and livestock. The commission was established forty years ago, and its membership has always been made up of substantial people, few of whom have ever taken active interest in politics (aside from the Governor and the chairman of the Public Service Commission), and consequently the commission is wholly honest, fearless, and also aggressive in law enforcement. Some effort was made on the part of certain gambling interests to set up a separate commission to administer gambling, but the legislature refused to entertain such a bill because of the splendid record and personnel of the Tax Commission and because of the dangers involved in setting up a separate commission.

The Tax Commission is the most powerful body in the state, as it administers the liquor tax law, the cigarette tax law, and the gambling tax law, sets the tax rates for utilities, livestock, and so forth, and passes on the budgets of the counties and municipalities in setting tax rates (ad valorem). No Governor would have the temerity to attempt to pack the Tax Commission in the interest of the gamblers or any other group.

The infiltration of mobsters has been more or less blocked. There has been no trouble in Reno aside from an attempt by Bugsy Seigel, shortly before he was killed, to move in with a race-track wire, and the recent attempt on the life of a gambler who once had Detroit connections. In Las Vegas there was a fight between rival mobs

from Chicago and elsewhere to control the race-track bookmaking and the wires. That led to enactment of the 1949 law. In the meantime the Tax Commission held hearings and revoked several licenses in Las Vegas. The commission now screens all applicants for past records, and rules out those who have been in trouble.

EXTENT OF GAMBLING BUSINESS

Based on actual figures for the first three quarters of 1949, it is estimated by the statisticians of the Nevada Tax Commission that the gross business on which the 2 per cent tax is levied reached \$41,000,000 for 1949.

Carried to a mathematical conclusion on the theory, which is open to some dispute, that 3 cents out of each dollar that passes over a gambling table is retained by the house, it is estimated that \$1,380,000,000 moved across gambling tables in Nevada during 1949. The same dollar went back and forth many times, no doubt, but in bets ranging from 25 cents to \$100 or more, placed by thousands of people twenty-four hours per day in twenty-five large establishments and scores of small ones, the figure of one and a third billions is not fantastic. However, statisticians for the State Tax Commission say that it would take Einstein and his theory of relativity, somewhat expanded, to find any given percentage to apply to the movement of a dollar before the whole thing became the property of the gambling house.

FEES AND TAXES

In addition to the 2 per cent tax, gambling-license holders must pay a table tax to the state as well as a license fee to the county and also a license fee to the city. The state and county fees are set by statute, while the city fees are set by the city councils and they vary in different cities.

The license fee, or table tax, imposed by the state is graduated depending upon the number of games licensed in each establishment, as follows: four games or fewer, \$750 per year; five games, \$1,750 per year; six or seven games, \$3,000 per year; eight to ten games, \$6,000 per year; more than ten games, \$1,000 per year per game.

The city of Reno collects license fees as follows: roulette, craps, faro, 21, \$200 per year per game; slot machines, \$50 per year per machine or per handle; poker, pan whist, and similar card games, \$60 per year; tango, bingo, keno, race horse pool, race horse books, \$1,000 per year; race-track bookmaking news distribution service, limited to one service in Reno, \$250 per year per client served. (There are eight such bookmaking places there now.)

The county of Washoe, of which Reno is the county seat, under state statute imposes the following license fees: roulette, craps, faro, 21, etc., \$600 per year; slot machines, \$120 per year; poker, pan, bridge, etc., \$300 per year; tango, bingo, keno, race horse pool, \$600 per year.

The fees collected by the county, however, are split three ways: the state gets 25 per cent, the county 25 per cent, and the city in which the games are licensed 50 per cent.

GAMBLING REVENUE

Gambling revenue has amounted to approximately \$1,125,000 in gross taxes and licenses and \$280,000 in table fees for the state of Nevada each year since the 2 per cent levy became effective. It has not solved the tax worries at all, and may have added to them because of the instability of such revenue. At the 1949 session the legislature considered, but finally rejected, a general sales tax. Such a tax may be enacted in 1951.

Reno obtains a large part of its reve-

nue from gambling license fees, but it also shoulders a considerable expense in policing. It has a police force of about 80 in a city of 35,000 population, and has to deal with assorted riff-raff and numerous petty crimes.

As of June 1, 1949 there were 2,168 slot machines in Reno and 220 other licensed gambling games. The revenue for the city amounted to \$336,800 for gambling license fees, including the city's share of county collections. The city's entire receipts from all sources for the year amounted to \$1,900,000. Reno has nine large gambling houses and many places with but one or two games. Six of the places are owned locally and three of them are tied up in some degree with operators out of Los Angeles.

At the moment the gambling business, through the direct tax and the license fees collected, is providing about 16.98 per cent of the state's revenue for administrative purposes, and about 18 per cent for cities such as Reno and Las Vegas.

This unhealthy situation is disturbing to discerning citizens, and there are many of them. The gambling revenue, easy to get, not only has served entrenchment purposes for the gamblers, but could very easily plunge the state into debt if the people should rise overnight and ban the business. The gambling-house owners and operators complain but little about the tax levy, because it is a small price to pay for a privilege which is lawful and makes it unnecessary to shell out to politicians, racketeers, or anyone else.

OPERATORS TAKE A LONG VIEW

All the games in the larger establishments and also the small ones here are operated on the square, because volume pays off well. There have been instances, however, at resorts operating a short season where the games were

crooked. Under the law now, with tax commission inspectors working, crooked games are few and far between.

The large gambling-house operators recognize that the business is only tolerated, and most of them co-operate 100 per cent with the law enforcement officers in trying to keep the riffraff moving. The gambling establishments, too, in order to impress public opinion, are the largest contributors to every civic endeavor, from the community chest to the erection and maintenance of churches. One establishment spends \$120,000 per year for scholarships for high school students who want to attend the University of Nevada.

A PARASITE HERE TO STAY

Prevalence of wide-open gambling has increased the relief burden for the Red Cross, the Salvation Army, and similar agencies, because so many people, some of whom have families, come here and lose all their money and are destitute. As for the local people, this is not the case except in a very minor way.

Generally speaking, the residents of the community pay little attention to the gambling establishments, but women do play keno to the detriment of their homes, and that applies to about 10 per cent of the local residents.

Aside from the slot machines, which are in every drug store, grocery store, and restaurant, and other places, as well as in the gambling establishments, wide-open gambling has little if any effect on the children. They are not allowed in the gambling establishments, and there is a real effort to keep them out. The slot machines, outside of gambling houses, are attractive to children and detrimental, too, although there are few places that let the children play them. There are 6,000 slot machines in the state.

Recognized by right-thinking people

as a wasteful, nonproductive business with absolutely no moral basis for existing, gambling on a wide-open plane in Nevada is here to stay, it appears, as long as the state keeps it clean and keeps the gangsters out.

The whole thing has worked into the

state's economic and business life to such an extent that it would be difficult to repeal the law unless there were shootings and gangland activities. Then it would go out in a hurry, as it did in 1909 when shortsighted gamblers tried to control the state's politics.

Joseph F. McDonald, Reno, Nevada, has been editor of the (daily and Sunday) Nevada State Journal for the past ten years, and has been engaged in the newspaper business in Reno continuously since 1915. His knowledge of Nevada conditions covers periods of illegal as well as legalized gambling.

Legalized Gambling in New York?

WHILE the Editors were assembling the material contained in this volume, the Honorable William O'Dwyer, Mayor of the City of New York, on January 10, 1950, addressed a communication to the legislative leaders of the New York State Legislature requesting legislative enactment for the regulation of betting on public sports events. Such legislation, if approved, would legalize and control betting activities in certain areas of gambling, notably horse races, professional baseball and football games, boxing matches, and hockey games.

On January 16, 1950, the Honorable

Thomas E. Dewey, Governor of the State of New York, addressed a special message to the New York State Legislature opposing the legislation sought by Mayor O'Dwyer.

Because the Editors felt that this symposium on gambling would not be complete without this most recent exchange of views, they reprint below both Mayor O'Dwyer's request and Governor Dewey's special message.

As this volume went to press, the New York State Legislature (which adjourned in mid-March, 1950) had not enacted the legislation requested.—
MORRIS FLOSCOWE and EDWIN J. LUKAS

MAYOR O'DWYER'S REQUEST

Honorable Sirs:

One of the most difficult problems confronting law enforcement agencies is the suppression of organized gambling on public sports events.

The basic difficulty arises from the widespread human instinct to gamble. This furnishes an easy avenue for criminal elements to engage in organized crime and reap tremendous profits therefrom. To prohibit gambling is simple; to enforce the prohibition, however, raises problems similar to those confronting us in the days of the Prohibition Amendment. Everyone is familiar with the evils surrounding that experiment.

No matter how vigorous the attempt to stamp out the criminality that necessarily flows from absolute prohibition of betting on sports events, the problem has over the years remained the same. The vigilance of our prosecuting and law enforcement officials cannot eliminate scandals involving the participants in professional and amateur sports. It is time to face the problem realistically.

Millions of dollars are spent to pay the expenses of police officers, magistrates, as-

sistant district attorneys, correction officers, court and prison facilities and clerical help. The full cost, both economic and social, cannot be measured in dollars and cents.

In dealing with a problem like this, past experience is our best guide. Prohibition was a failure, but regulation and control of liquor has proved successful. Why not do the same with betting on public sports events?

Instead of permitting a situation to exist where the underworld is able to and does obtain tremendous sums in carrying on their activities, the State, through regulation and control, should step in and not only obtain large sources of revenue, but also destroy the underworld's last major source of financial support. Such revenues should be used to give financial assistance to voluntary hospitals and charitable institutions.

Regulation and control would not mean that there would be gambling on every street corner any more than the elimination of Prohibition brought about the sale of intoxicating beverages on every street corner. Supervision similar to that of the

State Liquor Authority would control the number and character of persons and locations where betting may take place.

I therefore propose that the Legislature act now. It should amend Article I Section 9 of the State Constitution, and enact appropriate legislation to bring about effective regulation and control of betting on public sports events. Violation of these laws should be made a felony.

Furthermore, I urge that existing laws be amended now to make bookmaking, including the solicitation of bets, by telephone or otherwise, and collection by runners, a felony.

I repeat, "I don't favor wide open gambling, but strictly controlled gambling—controlled not by Municipalities, but by the State." Furthermore, my proposal does not include the sanctioning of slot

machines, roulette wheels, card games, lotteries, or any similar form of gambling. My proposal is restricted solely to regulation and control of betting on public sports events.

Yours very truly,

(signed) WILLIAM O'DWYER
Mayor

CITY OF NEW YORK
OFFICE OF THE MAYOR

HON. LEE B. MAILLER

The Assembly

HON. IRWIN STEINGUT

The Assembly

HON. ARTHUR H. WICKS

The Senate

HON. ELMER F. QUINN

The Senate

GOVERNOR DEWEY'S MESSAGE

To the Legislature:

On Wednesday of last week, when your honorable bodies were not in session, the Mayor of the City of New York had flown to Albany by New York City police plane for delivery at the offices of your leaders letters asking their support for amendments to the Constitution of the State of New York permitting legalized betting on public sports events. In so doing he said that his law enforcement officers were unable to "eliminate scandals involving the participants in professional and amateur sports."

I regard this as such a shocking, immoral and indecent proposal that I consider it my duty to lay my views before you immediately before the matter is considered. My objections to this legislation are as follows:

1. It is fundamentally immoral to encourage the belief by the people as a whole in gambling as a source of family income. It would be immoral for government to make available to all of its people a state-wide gambling apparatus with the implied assumption that the gains of chance were a fair substitute for or supplement to the honorable business of producing the goods and services by which the people of the nation live.

2. It would be an indecent thing for government to finance itself so largely out of the weaknesses of the people which it had deliberately encouraged that a large share of its revenue would come from gambling.

I recognize that the state and some municipalities now receive a comparatively small revenue from pari-mutuel betting at race tracks. I have always had personal doubts about the wisdom or the morality of this system but it is confined to those who are actually able to be present at the track and therefore is not a lure dangled before all people in all walks of life and near every home.

3. The Mayor's proposal is apparently to legalize gambling on professional and amateur sports. Obviously if the state puts the imprimatur of approval on the morals and decency of wholesale, universal betting on sports events of every kind, then there would be no logic whatever in refusing also to legalize lotteries, betting pools, dice games, slot machines and public gambling halls with all their attendant evils with which the American people are thoroughly familiar. There is no logical place at which the line could be drawn and law enforcement would then break down completely.

4. Every proposal that I have seen for state-operated legalized gambling of any kind involves licensing by the state of betting rooms scattered conveniently and in large numbers throughout the state. These thousands of legal betting rooms would provide a continuous invitation under the sponsorship of the state to husbands and wives to gamble away the money needed for the support of the family.

I cannot understand how anyone could relish the prospect of seeing husbands spend their time and the family's money in state-operated betting rooms. The prospect is no prettier in its inducement to wives and mothers and even children. What this proposal would do to the fabric of our society is quite difficult fully to comprehend, but it is clearly all bad.

There is an old adage that horse players always die broke. I should not like to see ~~this~~ happen to the families of our state as a result of an invitation issued by the Government of the State of New York while I was Governor.

S. Gambling on professional sports events has been the most demoralizing and destructive influence in American sports.

In the early days of baseball, there were organized baseball pools which nearly wrecked the game. In the 1870's there were similar scandals and again in 1919, the huge sums of money involved in gambling on the World Series resulted in corruption which nearly wrecked baseball permanently.

Baseball was saved by the device of setting up a man of unimpeachable integrity as an absolute czar of its operations, and since then baseball clubs have hired special police and exercised the most rigorous control in order to prevent gamblers from even entering their parks.

There have been scandals in horse racing for the benefit of gamblers. There have been scandals in the boxing field where the enormous sums of money involved in gambling were used for bribery and attempted bribery of boxers.

We have had these scandals even with gambling illegal. Should it become legal with the staggering sums which might flow

in, the stakes for the corruption of professional athletes by gamblers would become greatly increased.

The very idea of organized gambling, sponsored by the state, on events in which our sons and daughters in high school and college participate is entirely abhorrent. Amateur sports are even more precious to the American people than professional sports.

Millions of dollars would be involved if betting were legalized on high school and college basketball, baseball and football games, on track meets, hockey games and other events. These huge sums collected under the sponsorship of the state would provide unlimited funds to professional gamblers to seek to bribe the youth of the state.

6. The proposal is not new. Many other nations have had national lotteries and legalized gambling. I do not believe it is mere coincidence that most of these nations are in bad financial condition, and their people poverty-stricken.

7. These proposals are not new in the United States. In the early days in most sections of this country, gambling and lotteries were open, widespread and legal. Corruption and poverty flourished to such an extent that in state after state, the people themselves revolted against gambling and established stringent constitutional provisions against it.

I might add that New York State was one of the first, if not the first, to adopt this course at its Constitutional Convention in 1821. We are the first to take the sound position. I hope we will be the last to abandon it.

8. In recent times, we have seen the rise of powerful underworld figures built upon organized gambling in states where it was legal or winked at as a matter of state or city policy. In each instance gang wars, murder, corruption and poverty have followed in the trail of such policy.

In 1935 the State of Florida, by an act of the State Legislature, legalized slot machines. It took only two years for the crime and corruption which followed to cause the state to reverse itself, and in 1937 the action was repealed.

In 1945 the State of Idaho authorized the use of slot machines in so-called non-profit clubs. Within two years the statewide authorization was repealed and the matter was left for local control.

Even then the crime and corruption which followed created such a revulsion that all but one of the large cities of the state repealed their permissive local laws, and last year the Governor of the state asked the Legislature to repeal the law in its entirety.

In 1937 the Montana Legislature enacted a statute permitting the maintenance of slot machines, punchboards and other gambling devices for the benefit of the private membership of religious, fraternal and charitable organizations. The Attorney General of the state advises me that before long racketeers moved in and used the law to run open gambling, even displaying signs saying "public invited."

In 1947, the Governor of the state said: "The condition of the state is worse than it has been for many years with reference to gambling." He later added with regard to

his two terms in office: "The two outstanding mistakes were when I signed the slot machine and the punchboard law."

9. I have had a considerable personal experience in the administration of criminal justice. At one time I prosecuted a case based upon the charge that the "Dutch" Schultz gang, with money raised from the illegal numbers racket, acquired the influence which allowed them in 1933, through a political leader in the County of New York, to name and elect the district attorney of New York County.

I also know that with proper leadership and honorable administration of criminal justice, those conditions need never exist.

The entire history of legalized gambling in this country and abroad shows that it has brought nothing but poverty, crime and corruption, demoralization of moral and ethical standards, and ultimately a lower living standard and misery for all the people.

I am unalterably opposed to the proposal which has been made by the Mayor of the City of New York.

The Forms of Gambling

By OSWALD JACOBY

OVER the span of centuries the definition of gambling has undergone many changes. For example, what is currently regarded as one of the world's most prosperous and distinguished industries, namely, insurance, was once condemned as a forbidden wager on the outcome of an event—such as the successful completion of a ship's journey and its safe arrival in port, intact, cargo and all. Consequently, insurance was once conducted clandestinely, among private syndicates, the largest of which—Lloyds of London—still survives as a venerable institution.

To most people today, gambling means betting on such sport events as horse races, playing card games and the like for money, or taking part in lotteries. This loose definition is open to challenge, but we may consider these activities first, since they represent at least a conception of gambling in America.

BETTING ON HORSE RACES

In many states, legislators have decreed that those who attend horse races may bet on those races. A portion of all the money so wagered is paid over to the state treasury. By contrast, it is illegal to accept away-from-the-track wagers. When such wagers are illegally offered and accepted, no portion of that money is forfeit to the state treasury.

Most people cannot find time to go to the track. They nevertheless insist on betting on the races, laws to the contrary notwithstanding. How many people place bets of this kind? No figures are available. Many men and

women who bet regularly take great care to conceal that fact from business associates, spouses, ministers, tax collectors, and other traditional enemies. In these circumstances, any estimate is bound to be a guess.

The technique of placing an off-track bet is quite simple. If one comes well recommended, he may contact a bookmaker and place his bet by telephone. From time to time the bookmaker may find ways to let the bettor know that he has changed his telephone number. From time to time, also, he will send a runner to pay what the bettor has won or collect what he has lost. Such transactions are in cash, and no receipt or written memorandum changes hands. Appointments with a runner are almost invariably private, and sometimes quite secret.

Most bets are not telephoned, but are placed with the bookmaker or his runner. One visits a certain cigar store or barbershop or bar, names his bet, and puts up his money. If he wins, he seeks out the runner and collects his winnings.

How does one locate a bookmaker to begin with? Betting is by no means a completely secret activity. There are always companions with whom one discusses triumphs of the past and plans for the future. The neophyte, fascinated by the dramatic suspense of gambling, its aura of "cloak-and-dagger," or desirous of demonstrating adulthood and oneness with the group, is introduced to a bookmaker. He will presently have his own group of confidants with whom he will exchange comments on bookies as others comment on tailors, hairdressers, and the like.

In a strange town one would ask the hotel bellboy or elevator man. The newsdealer, who sells one a racing chart, would probably know and might tell one. So might the policeman on the beat, although this procedure is not recommended. If the bettor finds a bar or cigar store in which a radio is tuned at track time to racing results, he should have no trouble in establishing contact.

SPORTING EVENTS

A bookmaker is not content with accepting wagers on horse races. He will also quote odds on other sporting and athletic contests, such as football games, basketball games, hockey games, prize fights, and political elections.

Ordinarily this is done by means of handicapping. If Competitor A is thought more likely to win than Competitor B, a suitable handicap is arranged to equalize their chances. The customer may choose either competitor on the basis of the handicap. Thus, a weak football team may be credited with fourteen points against a stronger team. Those betting on the stronger team can collect if it wins by a margin of more than fourteen points. In a one-sided political election, Candidate A may be credited with 15,000 votes to put him on equal terms with Candidate B.

It would be an unusual business office in which one could bet openly on a horse race, but the stigma is not attached to all other contests. For example, football pools are fairly widely tolerated. On a Monday or Tuesday a list of the games scheduled for the following Saturday can be obtained, each game "equalized" with its handicap. The bettor makes a few selections and returns the marked list with his bet toward the end of the week.

Baseball pools are even more widely

accepted. Here no outside bookmaker is needed. The names of the major league baseball teams are written on slips of paper, and each entrant draws a folded slip to select a team. Each puts up an equal amount, and the entire amount is turned over to the entrant whose team scores most runs during the week. Some businessmen favor such pools on the theory that they promote office friendship and *esprit de corps*.

Some professional gamblers who concentrate on sporting events—such as football, boxing, baseball, and basketball—follow the traditional habit of trying to assure themselves of a "sure thing." Thus, they have frequently resorted to bribery (or attempted bribery) of one or more of the participants in those events. The most famous such episode was the Chicago "Black Sox" World Series baseball scandal in 1919, as a result of which a number of famous players were banned for life from the game. In more recent years, men have been sentenced to prison in New York for attempts to bribe professional football and college basketball players. These are fairly characteristic of the types of third-party criminality which can, and do, become by-products of certain forms of gambling.

LOTTERIES, PUNCHBOARDS, ETC.

Lotteries based on horse races are slightly more acceptable than ordinary bets on horses, perhaps because such lotteries are often conducted for the benefit of charitable institutions. Even more widely accepted, however, is the raffle for the benefit of a charity. Many of the pious folk who sell raffle tickets to add to church funds would indignantly repudiate the suggestion that they were helping to promote a lottery.

Almost equally common are commercially promoted punchboards. The ele-

vator man or perhaps the switchboard operator asks you to "take a chance on a turkey" at the approach of Thanksgiving or Christmas. You obligingly push out a rolled-up slip of paper from the punchboard and pay the amount indicated thereon. When a winner is declared, one turkey is presented to that person and another to the elevator man (or whoever).

Similar punchboards are made available at other times of the year, but with less success. Storekeepers sometimes use them to raffle off expensive merchandise.

Gambling in stores is made possible also by way of mechanical contrivances of various kinds. In some cases (slot machines) you pull a lever to spin dials. When the dials line up in certain preordained positions you collect from the machine ("hitting the jackpot"). In other devices (pinball machines) you propel a ball onto a surface studded with electrical contacts and springs. You win if you contrive to illuminate certain lights by means of the contacts touched by the ball. Not all pinball games are played for gain, but in many places they are so used.

Slot machines and pinball games have been outlawed in various communities, but often flourish despite such disapproval. Rare is the adult who cannot conveniently play such a machine if he wishes.

A somewhat different type of lottery is known currently as "bingo," although it has been played in many countries under different names. Each contestant is given a card on which numbers are printed, each card having "a different selection of numbers. An official draws numbers by lot and announces them as drawn. Each contestant crosses out or covers up any number on his card that is so called out. The winner is the player who first crosses out all the numbers on his card

or a particular pattern of numbers (a complete diagonal, horizontal, or vertical row). The winner collects the pool contributed by the other participants, less a percentage for the "bank." Bingo became so popular during the thirties that motion picture theaters organized brief games between showings to attract patronage. Churches and fraternal orders organized bingo nights to supplement their funds.

QUESTION OF PARTICIPATION

The person who bets on the outcome of a race or other athletic event may claim participation to the extent of selecting the most likely winner. The pinball game addict may claim that he can achieve better results, by virtue of his skillful play, than the tyro. For the most part, however, the bettor is a nonparticipant, almost a spectator, in the forms of gambling thus far discussed.

The situation is quite different in such forms of gambling as betting on games of skill, such as chess, checkers, backgammon, billiards, card games, or even dice games. Here the gambler is a true participant, since he is usually in a position to affect the outcome materially by the skill and judgment he exercises.

The case is clearest in gambling on games of chess. There is no large amount of gambling on this game, since skill is so overwhelming a factor that the result of even a single game can usually be predicted accurately. Nevertheless, it is customary in some clubs for amateurs to bet trifling amounts when they play against certain masters. This is more of a subsidy than a gamble. Players of equal ability sometimes bet 10 or 25 cents per game, more to add spice to the game than as a serious wager. Occasionally a strong player will offer a substantial handicap

to an opponent, and the outcome may be sufficiently in doubt to make a true wager possible.

The opposite may be observed of dice games, notably the game known as craps. It is very widely played by youths, by adults of little education, and by others who enjoy gambling. When the conditions are fair, the outcome of a single bet cannot be predicted. In casual games, the experienced player may win by superior knowledge of the odds. In gambling houses or in games where all the players are experienced, the skill of the player consists only in knowing when to stop playing.

CARD PLAYING

The popularity of card playing may be judged from the fact that in an average year sixty million decks of playing cards are sold at retail. In a six-month period in 1949 this amount was doubled by the meteoric rise of a new card game (canasta) for which special cards were devised and sold.

Some card games, such as poker, are invariably played for stakes of value. Other games, such as bridge, may be played for no stake at all. It is difficult to estimate how many players should be called gamblers, because many of the same individuals play both types of game. For example, about a million men and women play duplicate bridge with some regularity, no stake being involved; and probably half of the same individuals play rubber bridge for stakes at other times.

Most card playing takes place in the home. Sometimes it is couple against couple, in such games as bridge and canasta. Larger groups of women gather in the afternoons, taking turns at providing facilities and refreshments. Mah-jongg is another favorite diversion

of such groups. It is my informed opinion, based on no careful statistical study, that small stakes are involved in most of these games.

Most country clubs, tennis clubs, and athletic clubs have card rooms, as do also most large social and political clubs in the big cities. It may be that in such a card room a game is sometimes played for no stake, but I am inclined to doubt even the possibility.

Clubs maintained solely for card playing abound in the larger cities. Most bridge clubs, open to the general public, make available the equipment and the space, and serve as a meeting place for players of more than casual skill and interest in the game. The stakes are often quite small in relation to the means of the players, but a stake of some kind is usually involved.

LOCALE OF GAMBLING

The gambling casino plays a very small role in American gambling life. Few but the very affluent, and those in only a few cities, patronize the sort of establishment that provides roulette tables and other mechanical lotteries, such card games as baccarat and *chemin de fer*, and the like.

The poor man's gambling casino is the amusement park, the county fair, or the carnival show. Here he may play any of a multitude of games in which a small investment affords him a chance to win a large doll, a box of candy, or other prize of some value.

The rich man's gambling casino is, in many cases, not a casino at all but a stock exchange. Despite the strictures of legislators and of the Securities and Exchange Commission, a very large number of people still buy and sell stocks regularly for speculative purposes rather than for investment. The practice is not so widespread as it was

before 1929, when it appeared that the entire adult population was engaged in it, but it still engages the attention of a large and varied body of customers, customers' men, brokers, and assorted assistants.

It would be possible to demonstrate that little significant distinction can be drawn between investors and speculators; that a stock exchange serves a vital economic function; and that vast upsets would occur if stock exchanges were treated as gambling institutions. But it is difficult to accept the logic or the justice of condemning off-track bets on horse races when track bets are considered legal; of condemning ordinary lotteries when church bingo games are approved; of excoriating the cardplayer and making a vestryman of the stockbroker. (I have nothing against the stockbroker; but I know some cardplayers who would make excellent church elders.)

THE NUMBERS GAME

The most widely followed lottery in this country is the numbers or policy game. The numbers game is the only form of lottery that has continued on a large scale in the United States. It began as the poor man's lottery—almost, one might say, the pauper's lottery—while the persons at higher income levels bought their tickets in the Irish Sweepstakes and the various Latin American lotteries. In recent years the numbers game has been expanded to reach those who are able and willing to spend a dollar or more for a lottery ticket.

The numbers game is somewhat more than fifty years old. In its earliest form it was called "policy" (and often is still so described), because of the many Italian immigrants who continue to buy tickets (Italian *polizza*) in the

monthly Italian lotteries. At first, American "policy" was a true lottery, with drawings of numbers from a bag. Suspicion of chicanery (and well-grounded suspicion, judging by contemporary reports) led to the present system, in which the player can select any three-digit number, from 000 to 999, that strikes his fancy or coincides with a number bearing superstitious significance to him. This he notes on a "slip," which he then gives to a collector (with his wager), who in turn passes it on to the controller, and finally it reaches the "bank." There the collections are tabulated.

If the player wins, he is paid off at some figures from 499 to 534 to 1; that is, for each penny invested he gets back \$5.00 to \$5.35, depending on the custom in his locality. Thus, a ten-cent ticket would pay fifty dollars if its number showed up for that day.

The pay-off number is determined in a manner that has been shown to be influenced occasionally by the operators of the game. At first, the winning number was taken from the New York Clearinghouse figures published daily in the newspapers. To co-operate with reform groups, the newspapers stopped printing these figures in full, and the operators turned to other sources: the transactions on the New York or another stock exchange; the pay-off figures on *pari-mutuel* tickets; even the small cards in contract bridge hands reported in the newspapers. (The last-named method is common in the South.) It is essential that the winning number be available somewhere in a daily newspaper. The numbers game is played by so many persons that they cannot assemble in one place to learn the result, and besides, they will not trust operators as they do the newspapers.

As with other forms of American

gambling, observers cannot come close to agreement on how much money is bet on the numbers game each year. Few estimates go lower than one billion dollars per year; the highest estimate has been three billion. Most of the estimates appear in public statements and seem to be set unreasonably high. The following analysis may serve to modify them:

The numbers game traditionally thrives in metropolitan centers. The bulk of the slip collections are at 10 to 25 cents. Among those connected with the numbers game, an operator collecting \$50,000 worth of slips a week is considered a very big one. There are no doubt a dozen or more such operators in large cities, and numerous smaller ones; but it is improbable that they collect more than a million dollars' worth of slips each week. Assume for New York City a total play of fifty million dollars a year, assume that it represents at least 10 per cent of the national total (since the numbers game is a metropolitan one, and New York's share should be disproportionately high in relation to total population), and one thereby arrives at an annual national volume well under a billion dollars. The foregoing is, of course, based on conjecture (there being no reliable statistics), but because of rough comparisons which we may legitimately make with the known participation in other forms of gambling, it probably comes as close to accuracy as other estimates.

Condemned but tolerated

The numbers game is universally condemned in theory, for four principal reasons: First, its operation is frequently accompanied by political and police corruption; the game entails ticket sales through numerous "runners," or minor agents, and it is difficult

to avoid police surveillance. Second, the numbers game preys on the poor. Third, the game is often characterized by swindle. Fourth, it puts large sums of money into the hands of the unscrupulous with which susceptible others may readily be corrupted.

But the numbers game is by some condoned in practice. The small units of betting, the dimes and quarters, do not seem important enough to call for determined public action. Only the aggregate cost to the people is large enough to be impressive, and it is spread so thin that to stanch the total flow is regarded as impossible.

Numerous obstacles exist to rigid enforcement of the law against numbers playing. One is that the organization of a numbers game has been shown to include one or more people highly placed in political circles. Perhaps the most notorious example is that of the James Hines case in New York City. In 1939 Hines, a prominent Tammany Hall figure for many years, was convicted and imprisoned for conspiracy in connection with the operation of a huge numbers syndicate, in which "Dutch" Schultz, a famous gangster, was involved. Governor Thomas E. Dewey, then a special rackets prosecutor, rose to prominence on the basis of his trial of that indictment.

Other obstacles are: many police officers and others who are in position to enforce laws against lotteries; the "bank" which ultimately collects the money received from ticket sales and which pays out the prize money; and an extensive selling organization composed of cigar-store clerks, poolroom employees, newsboys, shoeshine boys, janitors in apartment houses, laborers in large factories, elevator operators in office buildings—almost anyone whose daily work brings him into contact with numerous prospective ticket buyers. There are middlemen who collect from

the runners and remit to the bank. Each takes his cut from the gross amount received.

Why they flay

During recent years I have asked many numbers players why they participated in the lottery. Few hoped to

win substantial sums of money, although several thought that they won more than they lost. A few enjoyed a feeling of contact with a larger world, where the more affluent were able to bet on horse races or buy shares of stock. Some had a feeling of adventure. All enjoyed the suspense.

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Bookmaking

By Louis A. LAWRENCE

THE bookmaking industry in the United States today occupies an unusual place in the national economy. Illegal in all the forty-eight states with the exception of Nevada, the "bookies" conduct an annual business amounting to some 8 billion dollars. Various surveys have placed this figures as low as 3 billions and above 10 billions. It is of course impossible to establish a completely accurate figure because of the very nature of the enterprise. Recent inquiries and checks from large as well as small cities point to the above total as being thoroughly acceptable as a minimum. The growth of this colossus and its *modus operandi*, in the face of legal restraints and reform movements, hold the center of the gambling stage in America.

The horse-racing business, now legalized in twenty-six states, is in itself an enterprise of major proportions. Expanding rapidly since World War I, the most recent statistics, those for 1948, show a total of slightly over \$1,600,000,000 bet through the mutuel machines, accounted for by paid admissions of 25 million persons. Revenues to the states permitting betting came to \$95,803,000. Back of the actual track activities is the breeding industry, with its tremendous investment in plants and their upkeep, comprising some 800 farms led by the King Ranch of Texas, whose area exceeds that of the state of Rhode Island. The number of employees who make their livelihood at the race tracks is over 33,000. All in all, racing is definitely "Big Business," and there is every likelihood

that it will remain so in the foreseeable future.

EVOLUTION OF BOOKMAKING

The rapid increase of "off course" wagering through bookmakers has kept pace with, if not exceeding, the growth of its legalized parent. In colonial America, men of means raced their horses against those of their neighbors, usually for sums contributed by themselves in the nature of a side bet. The partisans of each owner likewise bet among themselves.

As the practice grew, the stakeholder became more in evidence. For a commission, usually 5 per cent, the stakeholder held the bets and duly made payment after the event was run. With the organization of the first race track, it became impractical to handle wagers in this way, and a small group of men set themselves up as a sort of glorified Stakeholders Association, taking bets from all who cared to back their opinions. They found no dearth of willing customers. The odds against each entrant's chances were adjusted in proportion to the amounts bet, so as to leave the stakeholders a profit regardless of the outcome in most cases. With the gradual increase of race meetings, and the programming of events for a number of contestants, the business of accepting wagers became more complicated, and the Bookmaker's Percentage Table came into wide use.

Bookmakers became prominent in the 1860's, when the Saratoga Race Track was opened in New York State. This signaled the advent of what is now

known as Big Time Racing. By 1875 there were four major meetings held each year, with tracks operating in New York State, Maryland, Kentucky, and Louisiana. The bookmakers handled all the betting, though there were sporadic attempts made to introduce the *pari-mutuel* machines. The public evidently preferred the "books" at that time. As racing began to flourish, however, the bookmakers became dissatisfied with their 5 to 8 per cent profit, and began to shorten their odds so as to increase their percentages to 10, 15, and in some cases 20 per cent. In addition, they became horse owners themselves, racing their charges under other names, instigated jockey rings, bribed trainers, and in short practically dominated the sport.

As these abuses grew, concerted efforts by the opponents of racing finally forced legislative action, and in 1906 racing was at its lowest ebb, outlawed in all states except Maryland, Kentucky, and New York. In 1910 New York also banned racing by the passage of a statute making betting at a track illegal. In 1913 New York tracks reopened with a strange spectacle of betless betting, known as oral betting. This scheme permitted the bookmakers to accept the bet as long as no money was in evidence. A notation of the wager was jotted down on a slip of paper and settlements made the following day. The "books" did an enormous business under this plan until finally, in 1936, the state legalized the track bookmaker. At that time New York State was the principal remaining stronghold of the "books," the other states that permitted racing having legalized the *mutuel* machines and outlawed the bookmakers. In 1940 New York State followed suit and the heyday of the track "books" was over. Meanwhile, betting away from the tracks was mushrooming with ever increasing vigor.

THE WIRE SERVICES

The backbone of the bookmaking industry is to be found in the wire services which disseminate all pertinent information throughout the country. With the increase of betting away from the tracks, the need arose for accurate and speedy information, particularly as to the fluctuations of the odds, last-minute jockey changes, late withdrawals of entrants, and of course the order of finish with the official track pay-off on the "in the money" horses. Prior to 1927 there were a number of small independent wire services spread throughout the country. These were loosely organized and generally speaking inefficient, with frequent breakdown of service. However, in 1927, in the city of Cincinnati, one John Payne, seeing the tremendous possibilities for profit in a well-organized and efficient wire service, started a company to serve the local bookmakers and those in the surrounding communities. Shortly thereafter he had spread his network of leased wire services as far as Chicago, where he was asking and getting as high as \$300 a day for the information supplied.

Payne subsequently lost control of his companies to a Chicago group, but not before he had demonstrated that there was a veritable gold mine in this field of operation. By 1929 there were seventeen wire services operating in the United States, and the United States Treasury Department estimated there were 15,000 "books" being serviced. Competition for control of as lush an enterprise as this found many factions at odds with one another. By 1939 the real control of what was by then an empire in itself rested in the hands of Moe Annenberg of Philadelphia.

Annenberg, who already owned the *Daily Racing Form* and other racing publications, as well as numerous "scratch" sheets, finally fell afoul of

the law on matters concerning his income tax returns. At his trial in 1940 it was brought out that his nation-wide network of leased wires placed him as the fifth largest customer of the American Telephone and Telegraph Company. After Annenberg's conviction on the income tax evasion charge, the services were again split up and are today in the hands of a number of independent companies, with three major concerns more or less dominating. In addition to the thousands of books served by the wire services, a much greater number carry on their business without any leased wire tie-up. The books are in fact almost everywhere.

NUMBER OF BOOKMAKERS

Many approaches have been used in trying to form an estimate of the number of bookmakers operating in the United States, and in determining the scope of the operation. One survey of a few years ago estimated that 30,000 books were operating in and around the metropolitan New York City area. Another source showed one-third of that figure.

The disparity can be accounted for in part by the fact that two different methods of counting were used. A fairly large bookmaker will employ anywhere from four to ten agents. The average bettor deals with his agent or runner; to him the agent is the book. Such a count would include every person who will handle a bet as a bookmaker. Furthermore, the really large bookmakers operating in the bigger cities control groups of smaller bookmakers who are ostensibly in business for themselves, though in reality under control of the central book. The best estimates can be drawn from the figures showing the number of books subscribing to the wire services. There are in the neighborhood of 20,000 subscribers. In addition

there are some 40,000 books operating without the service.

THE PERCENTAGE TABLE

In theory, the basis of a successful bookmaking operation is the use of the Booking Percentage Table. A perfect mathematical booking of any race would ensure a profit regardless of the ultimate winner. In practice, this result cannot be achieved, nor is it necessary that it should be. The table is, however, used as a guide in order to prevent the book from becoming overloaded with bets on any particular horse whose winning would result in a larger loss that would be warranted by any possible gain on the event in question. The table sets up percentage figures calculated on the total amount bet on each horse in relation to the amount bet on all horses. If there is \$10,000 bet on a race, with \$5,000 bet on Horse A, the percentage figure for Horse A is 50 per cent, and the true odds even money, or one for one. In a perfectly balanced book, offering true percentage odds against each contestant, there would be neither loss nor profit, regardless of the result. Hence the odds are shortened to a point which will allow profit.

When the books operated at the tracks, this shortening of the odds made the operation financially secure. The "off course book" does not set the odds, and pays off to the winners on the basis of the official track mutual pay-off, limited to certain maximums—usually 20 to 1 on win bets, 8 to 1 on place bets, 4 to 1 on show bets. With bets pouring in over his telephones, the bookmaker cannot make any accurate estimate of the percentage standing of his book. When any entrant appears to be receiving an inordinate amount of play, his recourse is to refuse any further wagers, or bet some of the excess with another bookmaker in order to pro-

tect himself. In betting parlance, he "lays off" part of his bets. Under these conditions no strictly percentage book is possible, and the profits are attributable to other factors.

CLASSIFICATION OF BOOKMAKERS

The network of books throughout the country may be classified by groups according to their setup and method of operation. There are a great number of individual bookies who maintain no office but serve a limited clientele through personal solicitation, calling at their homes or places of business each morning, taking their bets, and making settlement for the preceding day's transactions. These men work a restricted area and are usually referred to as "hand books." Their customers are small bettors, one- and two-dollar bets predominating.

The next group is numerically the largest, and is made up of small to medium operators who maintain one, two, or three telephones, but are not direct subscribers to any wire service. The operator in this class employs a few agents or runners who collect bets and make payments and collections. He obtains his results and pay-off prices by arrangement with some larger book or over the radio in the larger cities. The big books are subscribers to the direct wire services and in many cases control a string of smaller books whom they finance at least in part. They maintain a battery of telephones and will handle large wagers from their customers as well as "lay-off bets" from smaller books. In a case now before the courts in a large western city, where a finance company was allegedly acting as a front for a large bookmaking operation, thirty-eight telephones were being used.

While the greater part of all the bookmaking business is handled over

the telephone or by meeting of bettor and agent, there are still many "horse rooms" in operation. Here the bettor will find the entries from four or five tracks posted on the walls or written on huge blackboards. The track odds and their fluctuations are posted as the information is received from the leased wire services. Bets are made with the betting clerks, and cashiers pay off after each race. A running description of each race is given over the loud-speaker system.

Most of these rooms are located in the suburban areas of the larger cities, though there are a few in the cities themselves. As these "horse rooms" can usually accommodate from 100 to 300 persons, they are the first targets of the antigambling elements, as their locale and operations are more easily traced than those of their companion "phone" books. When they operate in the cities, the flouting of the law and the obvious political "fix" become too evident for comfort. The "horse room" situation around New York City is typical of the general method employed. While there are some few rooms in the city itself, most of the establishments are located in the nearby New Jersey smaller communities. These rooms provide automobile transportation for their New York patrons. Their cars leave from designated points during racing hours, and for a token fee of 25 cents provide service to the betting room and return after the last race. On a Saturday it is not uncommon to find over a thousand customers in the larger rooms.

NUMBER OF BETTORS

The number of people who bet on the horses away from the tracks has been the subject of greatly conflicting estimates ranging from 3 to 15 million persons who wager with some regularity. The actual figure, though neces-

sarily an unknown quantity, is an extremely large one.

The first requisite of the would-be bettor is access to printed information setting forth the day's entries and the tabulations of results. Therefore the betting element of the population is found in those centers where the press furnishes this information. The huge rural section of the country, with no such information at its disposal, contributes almost nothing to the book-making fraternity. The central localities that provide the major portion of the wagering public are those served by the *Daily Racing Form*, which is the standby of the horse betting enthusiast. The *Racing Form* is published daily in New York City, Los Angeles, Chicago, Houston, Seattle, Miami, and Toronto, Canada, with bureaus and branch offices in Lexington and San Francisco. From these points the *Form* is either flown or rail-shipped to nearby cities.

As the public at large does not read racing papers or racing news purely as a matter of academic interest, where the *Racing Form* or other race track news is found, there the bettor is found, and of course the bookmaker. Approximately 60 million people live in centers where racing information is readily available, and as the bettors are drawn from this group, any such estimate as 15 million regular bettors must be far from an accurate figure. Two to two and a half million would be nearer the mark. Tabulations recently at hand from bookmakers in widely separated areas of the country, showing the average daily amount bet by individuals, would account for the total of 8 billion dollars bet by about 2 million persons yearly.

QUESTION OF PROFITS

A bookmaker has often been characterized as a man who never has a win-

ning day but rides about in a Cadillac nevertheless. While this is an exaggeration on both counts, it is a fact that most bookmakers are reluctant to admit that their profits are worth talking about. It can be stated as a positive fact, however, that no well-managed booking establishment whose capital requirements are commensurate with its volume of business has ever gone broke. Before the books were replaced by the mutuel machines at the New York tracks, the same bookmakers were in evidence year after year. The off-track book is in many respects in a more advantageous position than the book that formerly operated at the track. The factor which contributes most heavily to the off-track book's profits is the tremendous diversity of play on races not at one track, but at four, five, or six tracks a day during the height of the racing season.

An indication of the profits expected by the book may be adduced from the percentage the book is willing to expend in order to get business. Apart from whatever sums are to be used for the buying of protection from the local law enforcement agencies, any book is ready to give up 50 per cent of the profits to his agents for procuring business. Each agent's total monthly returns are tabulated, and 50 per cent of the net losses of the customers dealing directly with him provides his compensation. (In the unlikely event that any particular month shows a net loss to the book, the account is carried over to the next month.) Once the agent has contacted a prospective bettor and furnished him with the telephone number of the book, the customer merely calls the book and places his bet, mentioning the name of the agent who is to receive credit for the transaction. There are a few localities where the agent's commission is 35 per cent, but 50 per cent is the general rule. An agent with an

active clientele among the fairly well-to-do class has a sinecure which is hard to beat.

Where the bookmaker is himself handling his own customers in addition to those secured by his agents, he will often propose to his larger clients a rebate of 50 per cent of their net losses each month on condition that they do all their business with him. These facts might well give the prospective bettor pause to consider just what his chances of winning are likely to be. In addition, there are wire service expenses (if the bookmaker is a subscriber), telephone charges, office rental, and salaries to clerks, and the very considerable expense of protection, which will be discussed separately.

THE PLAYER'S DISADVANTAGES

The real reason the book can expend a total of 60 to 70 per cent of his total winning action¹ to conduct his business and still retain a very considerable profit for himself is to be found in the nature of the problem that confronts the horse player. The several millions who comprise the horse-betting public are drawn from every stratum of the American public. There would be no valid argument to support any belief that as a group they are any less intelligent than the bookmakers, considered as a whole. The success of the bookmakers lies not in any particular display of business acumen or any better appraisal of the situation than that evinced by the bettor. The fundamental factors which cause all horse players, with too few notable exceptions, to find themselves losers on balance are threefold.

For one thing the average horse player is at a tremendous disadvantage on the point of his available capital as

contrasted to that of the bookmakers. Considerations of capital requirements are of vital concern in all enterprises of a speculative nature. Even under the most favorable auspices—that of an even chance—a person with \$10, tossing a coin with \$1 bet on each toss, would be an almost certain loser if he played long enough against another with \$50.

The second factor, which might properly be called a psychological one, is more of a disturbing element in horse betting than in any other form of gambling. Visual evidence of one of these psychological factors can be seen by reading the daily betting slips at any bookmaker's. As the greater part of all betting with the books is done on credit, with settlement the following day, a glance at a customer's betting sheet tells the whole story. In the case of a small to moderate bettor, the first few bets made will be in amounts of \$2 to \$5 each. As the day goes on, and if the customer is losing on the balance, the bets increase until the last few races will show bets of \$10, \$20, and \$30. There are no mathematical calculations which purport to show a bookmaker's "edge" in terms of the breakdown of morale which is experienced by an enormous percentage of horse players. Betting with bookmakers on credit is not similar to betting at a track, where cash is required for all wagers. A player at a race track may well lose all the money he has brought with him; whereas with his book the temptation to bet beyond his intentions, in order to get even, is ever present.

In the course of any year, every bookmaker expects that some of his clients will close the year owing him money which he will never collect. When the books were operating under the "oral" system of betting at the New York tracks, one of the larger bookmakers had outstanding slightly over \$100,000 at the end of the season. Asked what

¹ Action may be defined as a bet made, accepted, and determined.

he was going to do about it, he said, "Try to collect what little I can. Call off the rest, and let them start again with me next season. If I don't, they will simply bet with someone else, and I might as well get what I can before they go overboard again." Numerous books take the same view. In contrast to a business where merchandise has been delivered or a service performed, a bad debt to a bookmaker represents merely a profit he might have had; there is no out-of-pocket loss.

While it is certainly true that these uncontrolled betting habits play the major part in the player's inability to cope with the bookmakers, the question may remain as to what the probable outcome would be if the betting public were to become suddenly endowed with a large measure of self-control as well as a more accurate method of making their selections. While this would undoubtedly cut into the book's profits, it would by no means solve the problem, as there is a third factor mitigating against the player's chances. Unlike most forms of gambling, betting on horse races is a self-defeating proposition. As the weight of moneys wagered in the mutuel machines sets the final pay-off prices, any sudden increase in the public's ability to select the winning horse would drive the price down to such a low figure that the increase in the number of winning transactions would be offset by the lower odds.

The other contributory factor which makes the bookmaker's operation more secure is to be found in the mass of conflicting, and generally speaking worthless, information to which the race player is exposed. In addition to the daily racing papers and the local press, there are numerous "scratch" sheets, which, in addition to giving the scratches—that is, names of horses that are withdrawn from their races—furnish selections and probable odds. Tipping serv-

ices and essentially fraudulent touting bureaus surround the horse bettor. Systems all purporting to be infallible are published by the thousands.

Perhaps one race player in several thousand may be able to avoid all the pitfalls and stay ahead of the game. The rest inevitably keep the bookmaking industry in its flourishing condition. While every conceivable difficulty besets the bettor, the book need but observe the most elementary method of procedure. He needs solely to have working capital commensurate with the average-size bet handled, and the horse player will do the rest.

PROTECTION ;

The persistent growth of the bookmaking industry, in spite of the illegality of the operation in 47 of the 48 states, would seem to offer definite proof as to the validity of the axiom that "it is easier to control than to prohibit." No enterprise of such magnitude could possibly continue without the connivance and support of political and law enforcement agencies.

The amounts paid as protection moneys, the methods of payment, and the ultimate recipients vary greatly in different localities. Where the political machine dominates the scene, the protection pay-offs are continuous contributions to the coffers of the party. In such cases the police and detective forces do not participate in the division of the spoils to any appreciable extent. Under such a setup in a large midwestern city in the early 1930's it was known to be less hazardous to hold up a bank than a bookmaking establishment. This was protection with a vengeance. The horse rooms ran wide open, immune from interference. This is the most expensive type of protection to be bought, with the rake-off usually calculated on a basis of the number of tele-

phones employed and the size and location of the room. Pay-offs ran from as little as \$100 a week from the smaller fry who operated only by telephone, to several thousand dollars per week from the room operators.

Where the local party in power is not in alliance with the gambling element, and where indeed it may be making the most strenuous efforts to stamp out the books, the situation is in the hands of the police department. In recent years and particularly at the present time, the trend in the larger cities is away from direct party control of the bookmaking fraternity. This leaves the field wide open to the law enforcement agencies to demand protection money. There is no way out for the book. If he would play, he must pay. Those who try to evade payment find themselves in court with almost monotonous regularity, until, after a succession of fines and 30- to 90-day cooling-off periods as the guests of the municipality, they either quit the game or fall in line.

During those times when police departments are undergoing one of their periodic shake-ups, and particularly just before and after local elections, the "heat" goes on. The press blazons forth the good news that at last the city is to be purged of the books. Arrests follow arrests. The book play right along as part of the game. They expect to take their "raps" from time to time, pay their fines, satisfy the hue and cry, and open up next day in a new spot. Finally, election is over or the new police commissioner isn't news any longer, and "business as usual" takes over.

THE PUBLIC ATTITUDE

The acquiescence of the public in this state of affairs is readily understandable. The 20-odd states that, by virtue

of their willingness to condone public gambling on horse races, have become partners in the enterprise by sharing in the proceeds, have set up a situation which appears ludicrous to most people. Two-dollar bets at the track are not only legal but encouraged. The same two dollars bet over the phone is beyond the pale. If bookmaking is a corrupting and evil institution, it can be driven out by legislation which will close all tracks throughout the country. If that be neither feasible nor desirable, then the only alternative is to legalize the books and have each state so doing derive revenue through taxation. The plan has worked well in Nevada, and it is difficult to see why it should fail to do so in other states. Most assuredly, gambling is an economic waste. It is no less so at a race track than in a bookmaker's room.

As is usual in all cases where unpopular prohibitory law prevails, it is the public that is caught in the middle. Under the present setup, the player who wishes to make a bet, and cannot get to a race track, is reduced to making a more or less furtive phone call, slipping his bet surreptitiously to his corner bookie, or going to some horse room which may be subject to one of the periodic raiding parties. In spite of all this he still manages to make his bet, along with several million fellow Americans. If he thinks about it at all, he may realize that he is in part responsible for the graft and corruption that goes hand in hand with undercover gambling. However, when Saturday afternoon comes along, he can venture out to the track and lose his money, all the while clothed with eminent Respectability. Why, even the Governor may be there! As the horse player's chance of ever emerging anything but a loser on balance is a small one indeed, and as the bookie is going to get most

of the money in any event, it is high time that the industry be put under legalized control and made to pay its

way through the tax bureau instead of through the prevailing graft and protection methods.

Louis A. Lawrence is a professional handicapper, formerly in the insurance business. He has made an intensive study of various forms of gambling, with special reference to bookmaking at and away from race tracks. He is now preparing a volume on "Speculation and Gambling" among non-professionals.

Horse Racing and the Pari-mutuel

By JOHN I. DAY

THE racing of horses is a couple of thousand years older than Christianity; but, like the Thoroughbred breed, racing as we know it today began in England. Every Thoroughbred racing today is traceable to one of three Eastern stallions—the Byerly Turk, the Godolphin Arabian, or the Darley Arabian—but in speaking of the ancestry of a Thoroughbred one does not have to go all the way back. Only three descendants of the Eastern trio founded enduring male lines, and every registered race horse today is traceable to Eclipse in most cases, Matchem in some, or Herod in a dwindling few. As for the sport itself, there is in existence a Hittite treatise on the training and feeding of race horses written somewhere around 2000 B.C. Homer, Ovid, Herodotus, Xenophon, and others were among the early "turf writers," but today's horse racing is patterned after the sport which received the patronage of kings in England.

ROYAL PATRONS OF RACING

Large and lusty Henry VIII (1509-47) was fond of racing and was one of the first to pass laws affecting it, though his edicts were aimed primarily at breeding. He favored a horse of size and substance, perhaps because he needed as many as eight or ten mounts on a hunt. He ruled that stallions for breeding were to be confined to stables away from public land, and ordered that all male horses grazing on the commons be castrated. The period is still referred to by equine historians as "The Age of Geldings." He also ruled that dukes and archbishops should maintain seven saddle stallions. Other titled

persons were required to own a certain number, and subjects whose wives wore silk gowns or "french hoods" were compelled under severe penalties to keep one stallion.

However, it was in the seventeenth century, under the reign of James I (1603-25), whose native Scotland banned horse racing, that the sport began to take on the aspect of England's national pastime. Whatever else the son of the tragic Mary, Queen of Scots may have done or failed to do for England, he put horse racing on the map. When he attended the races, which was whenever he heard a meeting was to be held, he took his court with him, and he established official sporting days which accounted for about half the year. He not only sought out and attended race meetings, but he made suggestions for improving the grounds. Frequently what had been merely a convenient spot for a race meeting became a permanent turf center after one of King James's visits.

It was in the seventeenth century that the stakes race, a race in which the owners of the horses put up monetary stakes, all of which go to the winner, was devised. The race course itself was any convenient straightaway marked by flags, and later, at the King's order, roped off near the finish. England has never adopted the precisely engineered oval course common in America, but the first "round" course was built at Newmarket in 1666. It was also during that period that the first racing "chart" was printed and the first racing officials were noted. The officials were called "tryers," and served in much the same capacity as a second in a duel. The

tryer's duty was to look after the interests of a particular horse, watching the others for foul riding or interference. The modern counterpart of the tryer is today's steward, racing's chief magistrate. In America today stewards represent the race track and the State Racing Commission, and in New York and in Delaware Park (*Stanton, Delaware*), which operates under the aegis of The Jockey Club,¹ one steward represents The Jockey Club.

During the rule of Charles I (1625-49), racing became an issue in the rising political strife. Civil war and Puritan reaction led by Oliver Cromwell closed the race tracks for a period until the Stuart restoration. Oddly enough, Cromwell, a former cavalryman, loved horses himself, and while there is no mention of his racing, he was a breeder on a large scale. In his *Oliver Cromwell*, John Buchan writes: "Horses were his abiding passion. He suppressed bear-baiting and cock-fighting because of their cruelty, but his prohibition of horse-racing was only local and temporary, and due solely to its political danger as an excuse for royalist meetings."

As has been noted, certain rudimentary steps were taken toward the organization and regulation of horse racing in the seventeenth century. The sport continued to grow but without any central authority until the establishment in 1750 or 1751 of The Jockey Club at Newmarket, which laid down a definite code of rules and regulations pertaining to racing.

EARLY AMERICAN RACING

These rules, along with the term Jockey Club, followed the Thoroughbred to America. The written record

of early American racing is fragmentary and in spots contradictory, but the sport was well established here before the United States came into being. George Washington was himself a breeder, raced his horses, and officiated at race meetings.

The culture and agriculture of the South made it a natural center for the development of the American Thoroughbred, but one of the first permanent racecourses was established on Long Island's Hempstead Plain by Governor Nicolls in 1665.

The name Race Street in Philadelphia, and in other cities, locates some of the earlier courses. When racing down the main thoroughfare became too popular and a menace to commerce and safe passage on the road, the town fathers legislated it into more organized existence. Permanent tracks were laid out, frequently near the church so that Sunday worship and Sunday recreation—where they were not incompatible—could be combined. Then, too, where the modern racing fan has only to worry about traffic jams, the race-going colonist had to keep an eye peeled for Indians, who, for motives other than reform, were wont to disturb race meetings.

From early quarter-mile dashes down race paths soon worn smooth of turf by pounding hoofs, evolved the laid-out skinned, or dirt, track, usually a rough mile around, and with it a type of horse peculiarly American—the four-miler who raced in heats. These four-mile heat races were responsible for a colorful chapter in the history of American racing, particularly in the era of the North-South match races which, preceding the War between the States, attracted national attention and throngs of 60,000. In Francis *Barnum* Culver's *Blooded Horses of Colonial Times*, it is observed that during the middle eighteenth century racing was established at

¹ Not to be confused with jockey club as applied to an individual race track such as Pimlico, which is operated by the Maryland Jockey Club.

"almost every convenient town and public place in Maryland, Virginia and the Carolinas."

Racing did not come to a full stop even during the Civil War, and as the country reunited, the sport boomed; but control and supervision were strictly up to the operators of each track, many of whom would not be granted a franchise by today's state racing commissions.

BEGINNING OF REGULATION

Conditions toward the end of the nineteenth century became intolerable to the men who considered racing a sport rather than merely a means for gambling. Consequently these men banded together to try to control and regulate the sport.

The events leading up to the formation of The Jockey Club, today American racing's oldest administrative body, are outlined by W. S. Vosburgh in *Racing in America—1866-1921*:

Until 1891 there had been no concerted action on the part of racing associations toward general government of racing. Each association was a law unto itself. Each selected the dates for its meetings, each had its own code of rules. While all the clubs of the Metropolitan district raced under the rules of the American Jockey Club (operators of Jerome Park), each of them had special rules for racing over its own tracks. The growing popularity of racing and the organization of new associations, however, convinced turfmen that the time had arrived when it was necessary to exert some control and a uniformity of procedure in racing affairs. . . . It was Mr. Pierre Lorillard who took the initiative at a dinner given by him to the representatives of the different clubs and owners of horses. He stated that unless some control were exercised growing abuses would soon, and seriously, affect the popularity of racing.

The outcome of the Lorillard dinner was the formation of the Board of Con-

trol, organized on February 16, 1891. It was composed of seven members representing the race tracks and the owners of horses. The Board of Control thus began the first step in the general government of racing. Jockeys and trainers were licensed, the rules of racing were revised, and certain tracks were outlawed.

However, while a good-sized step in the right direction, the Board of Control was not the answer to the problems confronted by a fast-growing sport which was no longer the private pastime of kings and cavaliers. In 1893 the horsemen met to discuss dwindling racing revenue which had caused a reduction in the purse money put up by the racing association. James R. Keene, one of the most prominent owners and breeders of the period, led the move toward further progress of control and regulation. He said that the Board of Control was unequal to dealing with the situation, and suggested the formation of a Jockey Club patterned after the one in England, with power to allot dates for meetings, license jockeys and trainers, enforce forfeit lists, appoint officials, revise and unify the rules of racing, and, in effect, constitute a final court of appeal in the interpretation of rules, with power to discipline all persons under its jurisdiction.

A committee met with the Board of Control, and The Jockey Club came into being in 1894. Though the authority of The Jockey Club today is limited to New York and to Delaware Park which operate under its rules, its effect on racing is felt nationally. The rules and regulations adopted by The Jockey Club have served as a pattern for the rules under which racing is operated in every state. One of the most important functions of The Jockey Club has been the keeping of the American Stud Book in which every Thor-

oughbred is registered. No horse is permitted to race at a recognized track unless he is registered in the Stud Book, and the naming of horses is also passed upon by The Jockey Club Registry office.

STATE REGULATION

As racing grew in popularity, the state governments began to take cognizance of it. Kentucky, in 1906, was the first to undertake local control and regulation by the establishment of a State Racing Commission. However, there was no immediate rush on the part of the state governments to sponsor racing. By 1920 only five states had taken official recognition of horse racing. During the depression years, however, legislators saw the popular sport as a means of added revenue, and by 1940 state racing laws were in effect in eighteen states. Today the number has grown to twenty-five, and the aggregate state taxes on the betting alone comes to some hundred million dollars annually.

With the creation of many new state racing commissions in the early 1930's another move toward national regulation was made with the formation in 1934 of the National Association of State Racing Commissioners. This group has from the outset sought unified action on various racing problems, but inasmuch as any step taken needs individual legislative action in each state, the effect of the NASRC as a national policy-making group has been more influential than actual. It does serve a very useful purpose, however, in bringing racing problems to the attention of the commission in each state, and reciprocal action on many rulings is thus brought about.

Prior to the formation of the individual state racing commissions, anyone who could raise the necessary money and obtain the necessary land might

go out and build and operate a race track almost anywhere. Today the racing commission grants the franchise for race track operation, dictates the number of tracks which may operate, limits the number of days of racing, approves purse schedules, passes on the appointment of officials, and licenses jockeys and trainers and in some cases the owners as well.

MEANS or REGULATION

To a large extent, credit for the regulation and control of racing must be given to the larger tracks themselves. They were prompt to adopt scientific and mechanical aids such as the saliva test for the detection of stimulation of horses; the photo-finish camera which eliminates the chance of human error in the placing of horses in a close finish; the mechanical starting gate which has eliminated much of the danger from the hoofs of fractious horses and all of the delay, which in the case of the American Derby of 1893 was 90 minutes; the motion picture patrol which photographs the entire race from different angles and is available to the stewards for review in a matter of minutes following a claim of foul or an accident; and, of course, the totalizator.

The totalizator, a mechanical method of recording bets and computing odds, based on the amount bet on each horse in relation to the total amount in the betting pool, has done as much for racing as the invention of the linotype did for printing. Betting through the totalizator is a refinement of the *pari-mutuel* form of betting which was invented in France in 1865 by Pierre Oiler. Oiler, it seems, did not like accepting the arbitrary odds made by bookmakers, and devised a system whereby tickets were sold on each horse in each race, with the odds determined by the number of tickets sold on the winner in relation to the amount bet on all of the

horses. In effect the bettors were thus wagering among themselves, hence the name **pari-mutuel**.

Until the invention of the ticket-vending machine and the totalizator, however, there was room for abuse of the pari-mutuel system. There was no absolute check on the number of tickets sold or the amount of commission to be taken from the total pool, and an unscrupulous operator might falsify the records, take an exorbitant commission, and pay off what he pleased, within reason, pocketing the difference. The invention of the ticket-vending machine and its use in conjunction with the totalizator eliminated the danger of human error or dishonesty. What was once a series of manual and mental manipulations is now accomplished by pressing a button. The ticket-vending machine, a development of an English firm, prints and issues the tickets at a rate of fifty per minute. An adaptation of the dial telephone system, it sorts, adds, and transmits the totals to the indicator boards in the calculating room, which show at all times just how much is bet on each horse and in each **pool—to** win, to place (run **second**), or to show (run **third**).

The first completely electrical totalizator was conceived and built in the United States in 1927 and 1928 and taken to England in 1929 where it was adopted by the English Race Course Betting Board and put in general use. It was not until 1933 at Arlington Park (Chicago, Illinois) that the first totalizator was used in America. Today it is standard equipment at all of the recognized race tracks.

WHAT THE TOTALIZATOR DOES

As can be readily seen, an important aspect of the totalizator is the elimination of personal interest, except on the part of the individual bettor, as to which

horse wins. The track deducts a percentage, prescribed by state law and shared by the state and by the track, from each betting pool. The remainder of the money in the pool is divided among the winners. In the case of the place pool, wherein place tickets on both the winner and the second horse are cashable, the amount in the pool, after deduction of the commission percentage, is first divided into equal parts and then apportioned to the holders of returnable tickets.

The track is not affected, whether the favorite (the horse on which a majority of the people have bet) or a long shot on which only a few have bet is the winner. In rare cases a "minus pool" is created, as was the case with Citation on frequent occasions.¹ The track must pay off at a legal minimum, usually five cents to the dollar. In a case of a horse like Citation, however, so much might be bet on him to run third that when the legal commission is deducted and the remainder of the "show" pool is divided in three parts to provide payment on the other two placed horses, not enough remains to reclaim the outstanding tickets on Citation at the legal minimum. In such a case, the racing association adds to the "minus pool" to make up the difference, paying off at \$2.10.

In the days of the bookmakers, an individual book might be wiped out should a particular favorite win, while according to the "balance" of his book he might stand to win a greater or less amount should any other horse in the race win.

¹ In California the state law provides that "after the aggregate mutuel handle for the season reaches \$27,000,000, all minus pools are paid from the breakage collected by the state." In the recent (1950) Santa Anita Handicap, when the Calumet Farm entry of Citation, Two Lea, and Ponder ran second, third, and fourth respectively, minus pools for place and show totaled \$58,764.47.

THOROUGHBRED RACING ASSOCIATIONS AND PROTECTIVE BUREAU

With all the improvements of racing, however, and in spite of its national character, race tracks for the most part were still operating individually and often competitively, and over-all regulation had not kept pace with racing's expansion.

At a meeting of representatives of all phases of racing called by the National Association of State Racing Commissioners in Chicago in 1942, to plan racing's adjustment to wartime conditions, a new national organization was formed. It was incorporated in New York under the name of Thoroughbred Racing Associations of the United States, and had twenty-two charter member race tracks.

The immediate function of Thoroughbred Racing Associations was obvious; it unified the sport, cleared necessary procedure with governmental agencies, and helped to raise some \$25,000,000 for various war funds. Racing's unity and the strength of its new organization met a stiff test when on January 3, 1945, War Mobilization Director James F. Byrnes requested the suspension of racing. While this was perhaps desirable for purposes of austerity, it was obviously discriminatory. Thoroughbred Racing Associations' policy of full co-operation was quickly ratified by its members, and when the ban was lifted three months later the sport was commended by Washington.

Thoroughbred Racing Associations has continued and developed as a policy-making body, and today has thirty-seven members. In 1945 it announced the formation of the Thoroughbred Racing Protective Bureau, headed by Spencer J. Drayton, former executive assistant to J. Edgar Hoover in the Federal Bureau of Investigation.

Today the Thoroughbred Racing Protective Bureau is a national organiza-

tion with offices in Los Angeles, Chicago, New York, Boston, and Baltimore. Its files contain pertinent data on all connected with racing, from the anonymous but important groom to the steward. A fingerprinting program includes more than 42,000 sets of prints and will ultimately cover everyone who has anything to do with Thoroughbred racing. A strict check on identification does not stop with the humans in racing; a lip-tattoo system of identification developed by the Thoroughbred Racing Protective Bureau has made "ringing," or the switching of identity among horses, an impossibility at a TRA track. Today some 17,000 race horses are tattoo-branded on the inside of their upper lip with a letter denoting the year of birth and certain digits of their Jockey Club registration number.

Thoroughbred Racing Associations also adopted a Code of Standards for racing which in effect ensures racing on the highest possible plane of operation at its member tracks.

Sharing a common interest in a sport which has become an industry with a billion-dollar turnover and an investment running into some 500 millions, The Jockey Club, the Thoroughbred Racing Associations, and the National Association of State Racing Commissioners work in co-operation.

LEGISLATIVE HAZARDS

One of the oldest and most colorful of sports is today one of the best regulated and most honest. All of these groups—The Jockey Club, TRA, and NASRC—have vigorously opposed legislation designed to legalize betting at offices away from the race track. Such legislation, inspired by hope of additional revenue from racing, would of course mean additional profit to the race tracks, but, as the past history of open gambling has proved, would eventually kill the sport. Today some twenty-odd million

go to the races annually, and if their sole motivation was the desire to make a bet, they could readily do so with illegal bookmakers. Racing today is the most heavily taxed of sports. As has been noted, the state taxes on the amount of money bet comes to some 100 million dollars annually.

The principal problem of racing today

is not the individual cheat, but the perhaps well-meaning but ill-advised legislator who would impose additional taxes or legislate conditions such as off-course betting or night racing, which would lead to abuses and ultimately cause a reaction against what is a traditionally fine sport and an economically significant industry.

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Slot Machines and Pinball Games

ANONYMOUS¹

THE bell slot machine is the subject of more laws, court decisions, newspaper articles, indictments, and police raids than all other types of gambling devices and paraphernalia together. Law enforcement officials, journalists, educators, clergymen, and public spirited citizens almost universally agree that the slot machine is a menace to our communities and a threat to good government, and that its by-products are corruption and economic waste.

How, then, has the slot machine become big business and how has this industry successfully challenged the forces of law and order for half a century?

The slot-machine network has for years capitalized on the apathy and the gullibility of the American people, and corrupt and incompetent local officials and inadequate antigambling laws have been its principal allies. The slot-machine manufacturer knows that his chief asset is the American people's appetite for gambling, and he is ever striving to produce a faster and more enticing gambling device.

BEGINNINGS OF THE SLOT MACHINE

The slot machine was first devised by Charles Fey in San Francisco, California in 1895. It made its appearance when San Francisco was a wide-open town with glittering gambling palaces. At about the time of the San Francisco fire in 1906, Herbert Stephen Mills of Chicago started production of a slot

machine similar to the one invented by Fey, which had met with such great success in California. The company started by Mills still bears his name and is today the world's largest manufacturer of slot machines. The first machine, though crude in appearance compared to the streamlined, chrome-plated modern version, was little different in general form from devices now being produced.

The slot machine quickly became a familiar phenomenon on the American scene. It put commercialized gambling on a five-cent basis and made gambling easily accessible to the general public. No other machine was ever invented from which the profits derived were so fabulous on so small an investment, and with so little effort. Other companies followed Mills into the field, until today ten substantial firms are engaged in the manufacture of slot machines and other, closely related, coin-operated gambling devices. All ten of these manufacturers are located in Chicago, making that city the slot-machine capital of the world, the heart of the slot-machine network which sprawls over the United States.

EVASION OF THE LAW

The history of the slot machine is one of constant effort to devise ways to evade the law. Thus, the first innovation in the original slot machine was a subterfuge designed to circumvent antigambling statutes. One of the larger companies in the early twenties produced a machine which vended a mint candy bar each time a coin was inserted and "paid off" in slugs which could be replayed and, of course, redeemed in cash. This machine was

¹ This article is written by thoroughly competent persons whose names, by reason of their present connection with an investigation of slot-machine operations, are not here disclosed.

The Editor

known as a "mint vending" machine, and it was the subject of litigation in local, state, and Federal courts in every part of the country.

The slot-machine people in these cases argued that the "mint vending" machine was not a gambling device, since the player always received value for each coin deposited. A large number of courts gave credence to this sophistry, and enjoined law enforcement officials from molesting the "mint vending" machines. Ultimately, however, a majority of courts penetrated this subterfuge, and by the end of the twenties the "mint vending" slot machine became extinct.

The next innovation came in the middle thirties and brought the first substantial change in appearance and design. The new machine was a large deluxe table-type electrical model. The conventional lever or handle, from which the "one-armed bandit" derived its name, was eliminated. The industry called the new machine a "console," to distinguish it from the bell slot machine. The console has never replaced the original slot machine, but is still manufactured today in limited quantities by five of the slot-machine firms.

The name console, plus its radical difference in appearance, often serves as a thin disguise for just another slot machine. The console, curiously enough, has been accepted in some localities where the conventional slot machine is frowned upon. In such places, officials often say for the record, "There are no slots operating here." Thus, there are localities known in the trade as "console territory." In some instances, cities not only wink at consoles but license them.

The console has an even greater earning power for the owner than the slot machine, because of multiple coin chutes which permit more than one player to gamble at the same time. The princi-

pal reason for their limited use is the price, which today ranges from \$500 to \$1,250, compared with an average of \$175 for a bell slot machine. Operators are often reluctant to use consoles because they cannot afford to have such an expensive device confiscated, and because of its size and weight it cannot be easily concealed or moved. This leaves the bell slot machine still the peer of gambling devices.

STRUCTURE OF THE INDUSTRY

Since the slot machine has always been illegal in almost all the states, how does the network conduct its business? Many believe that the business is conducted "underground," like the narcotic racket. This is not the case; the slot machine is manufactured and distributed openly. The ten principal slot-machine companies have large, well-staffed plants and advertise widely in trade journals, and some are members of the Chicago Association of Commerce and Industry.

To get their machines before the public the manufacturers deal through distributors located in most of the large cities in the United States. In addition, the leading companies make direct sales, principally to clubs, fraternal and veterans' organizations.

Anyone can purchase a new or used slot machine from a distributor, but his chief customers are the operators. The operator owns the machines, services them, and shares the profits equally with the premise owner in most cases. The operator must compete with other operators for choice locations, and it is this intense competition that often produces violent conflict between competitors.

It has been estimated that the slot-machine network is made up of approximately 175 distributors and 10,000 operators. About 70,000 establishment

owners are reported to have slot machines on their premises, and siphon off large profits from the machines though they are not necessarily a part of the network.

There is a close relationship between manufacturer and distributor, an equally close connection between distributor and operator, and a partnership between operator and premise owner. Between the manufacturer and the premise owner there is no direct relation, nor does the manufacturer often come in contact with the operator. But when trouble is brewing, and law enforcement officials spring sporadically into repressive action, the network unites for concerted defense.

The general public believes that the industry is controlled largely by gangsters. This belief is misguided. At the manufacturing level we find educated men, active in civic and church affairs, who contribute generously to charity and are often socially prominent.

At the distributor level are men whose primary business is the sale of legitimate coin machines. In many instances, slot machines constitute only a small part of their gross sales. Some refuse to display slot machines, dislike handling them, but insist they must sell them to satisfy customer demand. Many of these men are also highly respected members of their communities, but some are alleged to have gangster connections.

The ten thousand operators claimed for the network are mostly men with small slot-machine operations. Many of these are engaged in legitimate businesses as well, and are accepted in their communities. However, it is at the operator level that we find the powerful underworld figure with hundreds of machines and strong political connections.

SIZE OF SLOT-MACHINE INDUSTRY

What profits are drawn from the slot-machine network? Fairly accurate

figures are available at the manufacturers' and distributors' levels, but these do not reveal what slot machines earn when placed on locations for public use.

The Bureau of Census of the Department of Commerce in a 1949 publication discloses that 49,271 slot machines, including consoles, with an f.o.b. plant value of \$11,192,000, were shipped by manufacturers in 1947. If distributors handled the bulk of the slot-machine output, they sold to operators and clubs about \$16,000,000 worth of machines.

The Bureau of Internal Revenue has indicated that for the fiscal year ending June 30, 1949, a \$100 coin-operated gaming tax was paid by 69,786 premises in the United States. This figure does not reflect the number of machines in operation on these premises, since the Bureau issues only one tax receipt to each premise, regardless of the number of machines in operation.

To determine the total number in operation, the figures from Wisconsin, a typical slot-machine state (until 1945 when its drastic antigambling law was enacted), can be taken as a basis for estimate. In 1944, the Federal gaming tax was paid by 5,596 premises on 15,225 machines in this state. This is slightly less than three machines per premise. Illinois figures support this ratio.

If this figure is applied to the 69,786 premises in the United States, then there are 207,828 slot machines operated by the network. The state of Washington, for example, taxes slot machines and collects 40 per cent of the gross profits. Some \$3,200,000 was collected in 1948 from 2,977 slot machines alone, which would place the gross earnings at \$8,000,000 or \$2,680 annually for each machine, or approximately \$50 a week. Another \$3,000,000 was collected from 12,066 one-ball machines, another type of coin-operated gambling device (to be discussed later). The California Crime

Commission in its Second Progress Report also arrived at the \$50 figure in discussing slot-machine operations in California. Several former operators interviewed agreed that this figure is near the national average.

If the \$50 weekly figure is applied to 207,828 estimated machines in the United States, the network's annual total gross profits are \$540,352,000. Unquestionably, the gross earnings are in excess of this figure. There are thought to be more than 69,786 premises with machine installations. The average premise owner operating slot machines is not above ignoring tax formalities, and there is no criminal prosecution provided for failure to pay the slot-machine tax. Furthermore, the tax is loosely enforced because investigation is left to the Alcohol Tax Unit, which is primarily concerned with the many Federal liquor taxes. Allowing for a reasonable margin of error in these calculations, the gross "take" of all the slot machines in the country may be placed at one billion dollars per year.

While the bulk of these profits goes to the network, a large percentage goes exclusively to private clubs. Such organizations, using the slot machine as a revenue-raising measure, place themselves above the law, except in the few states where slot machines are legal in clubs. The "club" business has been shrewdly developed by the manufacturers, not only because it is profitable but also because it lends respectability to the slot-machine business.

PUBLIC APATHY AND OFFICIAL CORRUPTION

Of course, these enormous profits provide adequate incentive to operate slot machines, but how does the slot machine industry continue to be big business after fifty years when it is almost universally illegal? This phenomenon is

due essentially to apathy on the part of the average American towards widespread gambling and corruption. It is an apathy bordering on lawlessness, and the thriving slot-machine industry is only one of the symptoms of this moral illness. With this apathy as its strongest ally, the companies justify their existence on the ground that the public wants slot machines. This argument is comparable to the racketeers' argument during the prohibition era.

Another major ally of the slot-machine network is the large number of incompetent or corrupt local officials who, in most of the states, are solely responsible for enforcing the state anti-gambling laws. The slot machines' fabulous earnings make available to the network enormous cash funds with which to control and corrupt local officials. Certainly, in most localities, the network is not above this practice. The network is well aware that a law is no better than its enforcement.

For these reasons, the slot machine is an important social and political problem, not only because it draws from the American public hundreds of millions of dollars annually, *but because it undermines the integrity of many public officials and helps finance gangster and underworld operations. The slot machine has thus become a threat to good government.*

Of course, not all law enforcement officials follow this pattern. Most are competent, determined, and above reproach. But often this type of official has difficulty in suppressing slot machines because present-day anti-gambling laws are inadequate. Most of the anti-gambling laws are at least thirty years old, and some antedate the Civil War.

When a slot machine is placed on a premise in a state forbidding its use, it is, in most cases, the consequence of a conspiracy between the operator and

the owner of the premises to evade the state's criminal law. While both parties are in violation of the law, the operator is rarely, if ever, punished. It is the premise owner or whoever has custody of the premises at the time of the raid that is prosecuted. Thus, the law operates, though not intentionally, so that the operator goes virtually unmolested.

MOVEMENT TOWARD SUPPRESSION

Although the network continues to prosper, there is a definite movement toward the suppression of slot machines. One of the first major blows was struck by the Federal Government when, in 1941, it enacted a tax on gaming devices of \$50, now \$100. This tax was levied for revenue purposes, but it developed into a penetrating spotlight on the extent of the slot-machine network.

The Federal tax produced much undesired publicity for the network, and, as a result, brought about other significant developments. For example, following the publication in September 1949 of the names and addresses of the establishments paying a Federal gaming tax, state officials in several states issued statements against slot machines, and some even by-passed local officials to enforce the law.

Early in January 1950, Governor Adlai E. Stevenson of Illinois, in his report to the people of the state following his first year in office, bluntly declared that commercialized gambling was the "top headache" of his administration. Illinois is the leading slot-machine state, with 6,691 premises listed by the Government as paying the \$100 gaming tax. The Governor stated that in those counties where gambling "never stops, the State administration is under incessant pressure to come in and take over local law enforcement." He said the situation was "a dangerous acknowledg-

ment of the failure of local government," and he stressed that "commercialized gambling with its attendant corruption and corroding disrespect for law is even more dangerous."

New York, with double Illinois's population, had only 624 premises paying the tax. Other states, in grappling with the problem, have adopted legislation designed specifically to eliminate the slot machine, but by far the most effective has been enacted in Wisconsin. Passed in 1945, the law has virtually eliminated the slot machine. In 1944, Wisconsin had 15,225 slot machines in 5,596 premises on which a Federal gaming tax of \$100 had been paid. In 1946, the first year after the new law went into effect, only 14 premises were listed. In 1949 the Federal Government reported that taxes had been paid by 27 premises, and 24 of these were located on Indian reservations under Federal jurisdiction, and have since been eliminated.

The Wisconsin law has achieved these amazing results in two ways. First, it invests the State Treasurer with the same powers conferred upon sheriffs and municipal police officers to enforce the antigambling laws. The Division of Beverage and Cigarette Taxes, under his jurisdiction, has under constant surveillance taverns, night clubs, and other establishments selling liquors and cigarettes, all lucrative locations for slot-machine operations. Thus, the Wisconsin law recognizes that local officials cannot be given sole responsibility for the enforcement of the antigambling laws, and that the slot machine is most effectively suppressed by both local and state forces working in concert.

The second part of the act aims a devastating blow at the slot-machine interests by providing for the revocation of all state liquor and municipal food and beverage licenses where slot machines are found in licensed premises.

The tavern and restaurant owner's principal asset is his liquor and food licenses, and he is reluctant to do any thing that will jeopardize his right to stay in business.

In 1947, Minnesota amended its anti-slot-machine law to include the revocation of all licenses for offenders. The law, though modeled after the 1945 Wisconsin act, does not delegate to a state official concurrent jurisdiction with local authorities to enforce the antigambling statutes, and falls short of the Wisconsin law in several other aspects. Nevertheless, the Minnesota revocation law has been highly effective. The Federal Government reports that for the fiscal year ending June 30, 1949, the Federal gaming machine tax was paid on 621 premises as compared to 5,609 in 1946, before the new law went into effect.

What is happening to the network in the face of this persistent, however slow, movement to suppress slot-machine operations? If the number of premises taxed by the Federal Government is an indication, the industry is losing ground. For the fiscal year ending June 30, 1949, the number of premises paying the Federal slot-machine tax was the lowest since the tax went into effect in 1941. The highest figure reached was 85,987 premises in 1943. In 1947, the figure was 84,088; in 1948, 71,511; by 1949 it had dropped to 69,786.

QUESTION OF LICENSING

One solution to the slot-machine problem often offered is the legalization, licensing, and regulation of slot machines by states and municipalities. This is said to be the slot-machine network's program, and this approach to the problem is supported by a considerable number of outstanding citizens sincerely interested in good government and civic betterment. Today, five states permit

the operation of slot machines. Nevada permits all types of gambling; Idaho has legalized slot machines on a local referendum basis; Washington and Montana permit slot machines in "private" clubs; and the Maryland legislature has legalized slot machines in two counties of the state.

But even in these states, apparently, the licensing of slot machines is not a satisfactory solution to the problem, according to some officials. Under the Idaho Slot Machine Law, enacted in 1947, substantial revenue was received by the state and those cities which elected to license slot machines. However, on January 1, 1949, Twin Falls, Idaho canceled all slot-machine licenses and thereafter prohibited operation of the machines. Four other Idaho cities—Boise, Nampa, Rupert, and Pocatello—have taken similar action. On January 4, 1949, Governor C. A. Robins of Idaho asked the Idaho legislature to repeal the 1949 slot-machine act, stating, "The state cannot gamble itself into prosperity." The legislature, however, refused to act.

The Twin Falls police commissioner reported that many of the slot machines were controlled by a syndicate and that the owners of the machines were defrauding the city (which had licensed the machines at 50 per cent of the gross proceeds) of its share of the proceeds. The commissioner reported an increase in the number of armed robberies, and added that "relief agencies said their rolls were growing and that the slot machines were a contributing factor. Businessmen reported an increase in overdue accounts."

In Iowa, Attorney General Robert L. Larson, after several weeks of an anti-slot-machine campaign at the end of 1949, declared that professional men and businessmen throughout the state reported that business was better and old bills were being paid.

Other states have experimented with slot machines and ultimately suppressed their operation. The devices were licensed in Florida for two years (1935-37), and were brought into Louisiana during Huey Long's reign; but economic distress and racketeering caused both these states to outlaw the machines.

HISTORY OF PINBALL GAME

Some consider the "pinball" game to be a gambling device and part of the slot-machine racket. However, the pinball business is today part of the coin-operated amusement industry.

The first pinball game was manufactured in Youngstown, Ohio about 1929. It was a simple, mechanical, bagatelle game, bearing no resemblance to the modern version. Unlike the slot machine, the pinball game was originally designed for amusement only, and had no gambling feature.

In 1931 the first pinball games were manufactured in Chicago, and today all pinball games are manufactured in that city. By 1933 the machines were electrically operated and flashing lights and sound effects were added.

In 1934, for the first time, pinball machines were constructed to pay out cash for winning scores. Although the earlier models had been universally acceptable, the first cash "pay-off" models were prohibited in most cities. The newer models were then designed to pay off in slugs (redeemable over the counter), and when this subterfuge did not work, machines were built which ejected tickets for winning scores.

These gambling features were soon abandoned, and by 1937 or 1938 the "replay" or "free play" pinball machine made its appearance. This game permitted the player to continue playing the machine without inserting additional coins, as a reward for successful play. As first devised, the machine in-

cluded a meter which permitted the location owner, if he desired, to record the number of free plays which he redeemed in cash or merchandise.

After the war it became apparent to the manufacturers that the pinball game's greatest appeal was as an amusement device, and that the majority of pinball machines in the country were being so operated. Further, manufacturers realized that in those localities where the machines were operated as petty gambling devices, their industry was doomed. A survey made by one of the leading manufacturers disclosed that 90 per cent of the operators were using pinball machines as amusement games only. As a result, all pinball manufacturers eliminated the meter to assure that their games could not be readily used for awarding prizes.

THE ONE-BALL GAME

One slot-machine manufacturer, shortly after the war, eyed the widespread acceptance of pinball games and set his designers to work on a gambling machine which would have all the appeal and earning power of a slot machine, and yet be acceptable as a pinball game by law enforcement and licensing officials. The result was an ingenious machine which was like a pinball game in general appearance only, but was able to rival the slot machine in earnings.

The machine was called a "one-ball" game, because it offered only one ball for play, as distinguished from the five balls used in the pinball machine. The one-ball's cost was roughly \$700 as compared to \$225 for the pinball machine. Because of its price and gambling feature, the one-ball has been placed in the "console" class in the trade, and is never referred to as a pinball machine except when an amusement license is sought. The one-ball device is manufactured in two models; one

ejects nickels automatically like a slot machine, and the other uses the replay meter.

Most officials quickly recognized the one-ball as a disguised slot machine, and it was banned in many parts of the country. However, in some cities the manufacturers and operators were able to persuade authorities to license the devices as an amusement game. Those cities are known in the trade as "one-ball territory." Increasingly, public officials are learning more concerning this machine, and the one-ball territory is gradually being narrowed. In the past year, many cities have prohibited these devices; the Supreme Court of Washington and the Attorney General of Oklahoma in the last two months of 1949 held them to be illegal.

AMUSEMENT MACHINE MANUFACTURERS FIGHT GAMBLING

The pinball and other amusement game manufacturers recognized that the one-ball and the slot machine were competition which they could not meet. In slot machine, console, or one-ball territory, the amusement machines, including pinball games, disappeared completely. Where gambling devices are licensed, the conventional pinball games are virtually unknown. The pinball game with a national average weekly gross of approximately \$15 cannot compete with the slot machine's or one-ball machine's tremendous earnings, which can run as high as \$400 weekly. Because the general public often links the pinball machine with the slot-machine racket, anti-slot-machine campaigns have often resulted in subjection of pinball games to restrictive legislation and high taxes, with a resulting loss of sales.

For both of these reasons, the pinball and other amusement machine manufacturers are determined to divorce

themselves from the gambling part of the coin-machine industry, and through their trade association, Coin Machine Institute, have embarked on a vigorous anti-slot-machine and antigambling program.¹

Coming from within the coin-machine industry, this attack has placed an authoritative and compelling weapon in the hands of public officials and others interested in suppressing slot machines. Since this program has been in effect, the slot machine, console, and one-ball manufacturers have formed a trade association under the name of the American Coin Machine Manufacturers' Association, with headquarters in Chicago.

DEPRESSION IN PINBALL INDUSTRY

Because the pinball manufacturers engaged in war production, there was a tremendous demand after the war for pinball games, which was satisfied within a two-year period. Since that time a depression has struck the industry, which accounts for the fact that five of the pinball manufacturers have deserted the field for other types of amusement games. The depression has resulted from loss of many foreign markets and inflation in this country. The pinball operator cannot raise his price, since the nickel is still the heart of the pinball industry.

QUESTION OF FEDERAL ACTION

Although the Federal Government imposes a \$100 tax on slot machines, it has taken no other steps toward regu-

¹ The Federation of Tax Administrators, an organization made up of the revenue commissioners of the forty-eight states, in its Research Report 24, entitled *State Taxes on Gambling*, published February 15, 1949, states that pinball machines and other types of games are designed for diversion only and "comprise essentially a reputable branch of the amusement industry."

lating or suppressing this gambling device.

It has often been asked, If the slot machine is a menace to our communities and a threat to good government, why doesn't Congress do something about it? Undoubtedly, some members of Congress regard such action by the Federal Government as an invasion of state rights. However, Congress may

shortly be called on to provide an answer, as a bill to prohibit the shipment of slot machines in interstate commerce has been introduced in the House by Representative Preston of Georgia. If the measure is enacted into law, and state laws modeled after the Wisconsin Anti-Gambling Act are passed by state legislatures, the bells may soon toll for the slot-machine network.

Lotteries Yesterday, Today, and Tomorrow

By ERNEST E. BLANCHE

THE \$64 question making the rounds these days is: Should the United States establish a legalized national lottery?

While most people are inclined to answer "yes" or "no" without giving the matter much serious consideration, the question is not one that can be passed off lightly. Indeed, there are so many ramifications of the subject of lotteries that even those who are in favor of national lotteries urge caution in the establishment of the events.

There is reason enough to be cautious, for all lotteries are a form of gambling, adjusted or scaled to meet the pocket-books and the propensities of the gambling public. Strictly speaking, a lottery is any event in which participants pay money or other consideration for the privilege of competing for prizes which are awarded on the basis of chance. It is for this reason that manufacturers who conduct contests always insist that with your box-top or empty carton you submit something "in twenty-five words or less."

Under the guise of charity or religion, many civic and social organizations presently conduct forms of lotteries for the purpose of raising money, and many municipalities and counties have legal provisions for such games. Bingo, bank night, raffles, drawings, and guessing contests are established gambling games that are conducted in many churches, schools, civic clubs, and business associations, as well as organizations which have no intention of using proceeds for worthy purposes.

Throughout these United States, reaction to the lottery fluctuates between two extremes. The one is a strict in-

terpretation of the lottery as a gambling device and therefore no legal sanction; the other is the wide-open conduct of lotteries every few minutes in Nevada, where all forms of gambling have been legalized.

But let us look into the history of the lottery before we decide whether or not there should be a legal lottery.

YESTERDAY'S LOTTERIES

The original lotteries way back in the old Roman days were joyous affairs. Hosts of parties and entertainments always distributed gifts to their guests by means of drawings for which each guest had a free ticket. This custom became quite popular and spread throughout Italy. From that beginning, commodity lotteries were arranged by merchants to dispose of unsalable goods. With the Italians so lottery-conscious, the first money lottery in 1530 at Florence was an immediate success. Northern Europe and Britain accepted this Italian innovation to raise money for public works.

When Queen Elizabeth proclaimed the first English lottery in 1569, drawn at the west door of St. Paul's Church, the rules of the drawing provided, as in Roman times, that each person who bought a ticket should receive a prize. Tickets sold for ten shillings (about \$2.50), and the prizes ranged from 50 cents to \$25,000. The early English lotteries, up to 1694 when the Parliament approved the Million Adventure, were authorized by Royal Proclamation or Letters Patent, one of which concerned America. In 1612 the Virginia Company of England was authorized to hold a lottery to raise money "for

the present plantation of English colonies in America." Early French government lotteries were looked upon with suspicion because the King was a winner in 1681.

Thereafter, European lotteries had a checkered development. The respective governments permitted individuals to conduct lotteries to dispose of unwanted or unmarketable articles, notably objects of art. Later they permitted businessmen to operate lotteries, with the result that lotteries became the medium of large-scale gambling. Sharps and racketeers initiated a separate betting system, called "insuring," which was based on the government lottery drawings, but from which the government derived no income. In effect, these racketeers illegally cornered most of the play, and the government realized less and less. By 1823 England had its fill of lotteries, regurgitated, and passed a law abolishing the government lottery after 1826.

Other European countries have alternately abolished the lotteries, re-established them, re-abolished them, and so on.

In American history

Americans were exposed to lotteries from the very beginning. The Virginia Company, having launched its English colony and having replenished its treasury with funds from the 1612 lottery, sent Sir Thomas Gates back to England to plead for supplies. Out of this expressed need, there developed a recommendation in 1615 for a "great lottery" to supplement the "running lotteries" of smaller adventures being conducted in St. Paul's Churchyard. However, the "great lottery" was unpopular and after a few years was overthrown, while the "running lotteries" continued.

The American colonists followed their English contemporaries in setting up lotteries to raise funds for carrying on

the necessary functions of the government. At one time or another, all thirteen colonies established and operated lotteries; but as early as 1682 the Quakers of Pennsylvania passed an act against lotteries, cards, dice, and "such like enticing, vain and evil sports and games." The Quakers put teeth into this law when they passed a more drastic version in 1705. However, the Queen of England, acting on the advice of the Privy Council, repealed the act of 1705 as an "unreasonable restraint on the King's Subjects from taking innocent Diversions." But the rumblings against lotteries were being heard elsewhere.

A group of ministers, meeting at Boston in May 1699, published their serious consideration of the lotteries, summing up their judgment that "in a lottery so contrived, that when all prizes are drawn, they do not make up, and fetch out, near the whole sum that was deposited by the adventurers, there is a plain cheat upon the people."

But while these few isolated voices were being raised against the lottery, the gambling fever flamed high through the colonies. Most of the lotteries were run to finance roads, bridges, canals and schools. In 1750 Connecticut used a lottery to raise money for a new building at Yale; Columbia University's predecessor, King's College, was founded with funds largely derived from a lottery; and such institutions as Harvard, Dartmouth, Brown, William and Mary, and Union benefited from early lotteries.

During the Revolutionary War the Continental Congress authorized a national lottery to raise ten million dollars, but this lottery was unsuccessful and was discreetly called off.

By the 1800's the lottery had achieved tremendous popularity, and during the single year of 1832 approximately 420 lotteries were drawn in eight states, according to the *Boston Mercantile Jour-*

~~real~~. The total sum paid for tickets in these lotteries was 66 million ~~dollars~~—five times the expenses of the Federal Government for that year.

It is interesting to note that when Thomas Jefferson found himself in dire financial straits at the age of 83, after having served eight years as the Nation's ~~President~~, the Virginia legislature in 1826 authorized him to conduct a lottery to dispose of real estate. However, the scheme was abandoned after Jefferson's death a few months later.

The turn of the tide

The combination of the financial drain on the economy, the use of spurious and fraudulent lotteries, and the increase in crime and poverty brought about the establishment of many societies for the suppression of lotteries. In 1833 Pennsylvania and Massachusetts passed acts prohibiting lotteries and the sale of lottery tickets; New York followed in 1834; and by 1840 many other states had joined the reform. The Southern States continued to tolerate lotteries on a small scale, and after the Civil War they endeavored to use them as a means of raising funds; but public indignation stamped them out, the last embers dying in Louisiana where the Louisiana State Lottery, chartered in 1868 for 25 years, gave up its fight for an extension in 1890.

Congressional action in 1890, forbidding the distribution of lottery material and tickets through the mails, sounded the death knell of the lottery, while the 1895 action forbidding interstate transportation of tickets was the coup de grace.

TODAY'S LOTTERIES

The only government lottery now operating legally under the American flag is in Puerto Rico. Deprived of a na-

tional lottery in 1898 when the United States military governor abolished the old Spanish provincial lottery, Puerto Ricans agitated for the scheme until the Puerto Rico legislature approved it in 1934. Though the United States retained the power of veto over territorial legislation, the United States Congress failed to exercise this prerogative, and the Puerto Rico lottery began operating that same year.

Government lotteries are conducted in many countries of the world—those of Central and South America, Spain, Italy, France, Russia, China, Australia, and Turkey, to name a few. These lotteries differ in price, conduct, and awards, but essentially they consist of the selection by chance of numbers or tickets which entitle some few ticket holders to cash or bond prizes.

In the United States there is no national lottery. Present Federal laws prohibit sending lottery tickets or information through the mails or transporting them from state to state, and state laws prohibit the manufacture, distribution, and sale of lottery tickets. Any proposal to set up a national lottery would have to provide for exception from the existing Federal and state laws—a herculean task, to say the least.

Legal lotteries in this country, except those in Nevada, are relatively minor municipal events for merchandise, such as bingo or drawings for automobiles, television sets, or similar prizes. Such lotteries are subject to the approval of local authorities under city ordinances usually set up to permit fund-raising for worthy purposes. Occasionally local sponsors violate the law by offering cash prizes, sending notices through the mails, or making excessive charges for playing.

Since such bingo games and drawings are considered smalltime, they are seldom supervised by authorities and are often engaged in by children who

thereby develop an interest in and attraction for gambling games.

All other types of ~~lotteries~~—football pools, baseball pools, numbers game, policy game, sweepstakes, chain letters, pyramid clubs, and a myriad of variations—are prohibited by law, but the operators who conduct these gambling games surreptitiously distribute their tickets through "runners" with shady pasts and questionable futures.

The numbers game (known also as policy, clearing house, the bug, butter and eggs and other names) operates every day except Sunday throughout the year, players wagering anything from a penny upward on a three-digit number (000 to 999). The daily winning number is determined, according to the locality, by a clearing-house figure, stock-exchange activity, some sequence of horse-race betting pay-off figures, or some similar public announcement. (Operators take from 46 to 64 per cent of all money so ~~wagered~~.)

Sweepstakes tickets sold in the United States are usually counterfeit, the proceeds finally reaching some racketeer's pocket. It is an achievement indeed when a person can get his wager into Ireland's legal sweepstakes, for it is a Federal ~~offense~~ to bring such tickets here or to sell them or send them back to Ireland.

While the Irish sweepstakes is best known in this country (\$2.50 tickets for chances to win prizes going up to \$200,000), sweepstakes and lottery tickets representing events in other countries are also circulated surreptitiously. The annual value of such foreign sweepstakes tickets has been estimated at various times to run as high as a billion dollars, but there is no yardstick by which an accurate figure can be obtained.

Perhaps the greatest lottery attraction in these days is the football pool, where gullible Americans bet any

amount from 50 cents upward that they can pick winners of college or professional football games. Any element of skill is erased by the "handicap" or "spot" which the operator attaches to each team. As a result of the wide appeal of the sport, betting cards find their way to every village and hamlet in the country, embracing as many as 25 million players. (Depending on the number of winners a player tries to pick, the operators pocket from 37.5 to 80 per cent of all the wagers.)

The summer variation of this gambling game is the baseball pool, usually built around the thirty-two teams of the four largest leagues in the country. Combinations of four or five teams are sold, and prizes are awarded for daily and weekly high total runs or low total runs. Considering the fact that there are 35,960 different combinations of four teams and 201,376 different combinations of five teams, the baseball pool offers almost the same setup as the old European lottery. (Operators take from 50 to 80 per cent of the money wagered.)

Local drawings for merchandise are as pernicious as the other gambling games, for ticket sellers offer such inducements—25 cents for one ticket or five tickets for a dollar. Players buy many tickets in the hope of winning, with the result that \$10,000 worth of ~~tickets~~ may be sold for prizes worth in total only \$2,000. Suit and blanket clubs, in which players pay \$1.00 a week for a weekly drawing, are illegal lotteries. Chain schemes for distributing and selling ~~merchandise~~ are variations of the illegal chain letter. The pyramid club scheme is simply a modern version of the chain letter, providing pay-offs to only $\frac{1}{50}$ of 1 per cent of the participants.

It is often the gambling spark ignited in a city or town during the conduct of such events that fans into a flaming de-

sire for and support of "big-time gambling" and the national lottery.

TOMORROW'S LOTTERIES

What will tomorrow's lotteries be like? Well, just look at some of the schemes that have been offered by Congressmen and other reputable citizens who advocate the national lottery.

The depression days of the thirties brought forth a number of lottery bills, the first in June 1933. The national lottery bill to **raise** funds for the Veterans Administration, introduced by Representative Kenney (D., N. J.), came up for extensive hearings in 1934, but the Ways and Means Committee failed to act on it that year or the following three years. Though Kenney circulated a petition in 1937 to discharge the Committee from further consideration, he was unable to get the necessary signatures to bring the measure to the floor. Speaker Rainey summarized the opposition when he said, "The country has not yet been reduced to the extreme of accepting such a revenue measure."

The Kenney bill provided for the sale of lottery tickets at \$2.00 each, of which the Veterans Administration would retain 80 cents (40 per cent), the remaining \$1.20 being distributed in prizes. In order for the Government to gross one billion dollars, it would have been necessary to sell 1,250,000,000 tickets, which at that time was equivalent to about ten tickets for every man, woman, and child in the United States. The cost of conducting the lottery and selling tickets would have reduced the Government's gross income by as much as 50 per cent, though such costs would probably have been hidden in the maze of Federal appropriations.

Immediately after Pearl Harbor the flow of lottery bills increased. In De-

cember 1941, Senator Thomas (D., Okla.) proposed that the Government sell "Remember Pearl Harbor Savings Certificates" in \$1.00 denominations for \$1.10, the extra 10 cents representing the price of an attached numbered coupon for a monthly drawing of prizes in defense savings bonds. The certificates themselves would be redeemable at any time for \$1.00 or could be used to purchase savings bonds.

Representative Knutson (R., Minn.), in February 1942, introduced a measure which after the emergency would be used to finance an increase in old-age pensions to \$60 a month, the plan being to have post offices sell tickets at \$2.00 each (half-tickets \$1.00) for a monthly drawing.

In March 1942, Representative Sabbath (D., Ill.) introduced a resolution calling for sale of \$1.00 lottery tickets. Of the gross income, 50 per cent was to go to the Treasury Department as miscellaneous receipts and 37.5 per cent to prize winners (**one-third** cash, two-thirds in twenty-year war **certificates**), the remaining 12.5 per cent being returned to nonwinners in "non-interest bearing, negotiable script, certificates or other evidences of indebtedness maturing 20 years from date of issuance." The preamble of Representative Sabbath's proposal states that "this sale of tickets should provide the Federal Government with several billion dollars as well as being a medium of checking inflation." This was interpreted by many to mean that the Government was being asked to cheat people out of money which they might use for other purposes.

In 1946 Representative Sabbath dusted off his national lottery plan, revised the myth about billions of dollars for the Government in the lottery business, and suggested that winners be paid in war bonds rather than cash. The Associated Press quoted him as saying, "People have a lot of money. They

can't spend it because many of the things they want aren't available, and if we can siphon some of it off into the Treasury in an honest gambling proposition, nobody will suffer."

Early in 1949 Representative Clemente (D., N. Y.) submitted a bill for a national lottery for the benefit of disabled veterans. The proposal called for the sale of tickets by the Post Office Department for monthly drawings, at which there would be forty winners of \$3,000 cash each. Of these 480 winners in a year, one would be selected for a \$50,000 tax-free annual grand prize. Earnings from the lottery would be placed in a special fund for use in construction of veterans' hospitals and for the care of disabled veterans of all wars.

While the Treasury Department has not commented on war-bond lotteries by the Federal Government, it has disapproved the use of war bonds as prizes in private lotteries, punchboard, pinball, and "other games of chance where an element of personal profit is involved either directly or indirectly." The Treasury Department has indicated no objection in the case of contests of

knowledge or skill, such as quizzes or slogan contests.

LOTTERIES—A FRANKENSTEIN MONSTER

The entire cycle of the ups and downs of the lottery has been traversed, and many people are ready for another ride. The worthy purposes which won support for the lotteries hundreds of years ago are being cited in this new American drive for legalized gambling. The present situation boils down to the use of the tenet that the end justifies the means.

Morally and legally wrong and outlawed, lotteries do more than mulct the rich and poor alike; lotteries change the very pattern of living, distort the sense of values, and incubate the eggs of crime. Examine the sociological and economic implications of the lottery, and you will behold a Frankenstein monster capable of consuming both those who run the lotteries and those who play them. The financial returns, insignificant in proportion to the national income or the Federal expenditures, are like the thirty pieces of silver paid for the betrayal.

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Gambling Odds Are Gimmicked!

By ERNEST E. BLANCHE

FIFTY million adult Americans gamble regularly, butting their heads and dollars against gambling odds and gimmicks that make it impossible for them to win. But even continued losses over long periods of time do not deter them from taking another chance or from pursuing the mythical Lady of Luck. Nearly all these gamblers are motivated by the desire to get something for nothing, or to "get rich quick." Blinded by the prospect of huge returns from small wagers, they fail to realize that there are two reasons why they cannot win.

First, the mathematical odds or probabilities in all gambling games are so determined that only the operator or proprietor or bet-taker can win during the continued conduct of the games. This mathematical advantage runs from a minimum of 1.5 per cent to a maximum of about 90 or 95 per cent. Expressed in layman's language, that means that the operator or proprietor or bet-taker devours from 1.5 to 95 per cent of all the money wagered by players.

As if that were not enough of an advantage, the "professional" operators use various types of gimmicks and gadgets to control their games and give the players no chance of winning. Such games are known to members of the "trade" as "fixed" or "gimmicked."

Only one gambler in a hundred knows that the odds are stacked against him. In spite of this knowledge, such gamblers continue to play. While some can afford to pay huge amounts for such "amusement," the majority are like "Canada Bill" Jones, who, when warned by a friend that he was playing in a crooked game, remarked, "Hell, I know

it's crooked, but it's the only one in town."

For that latter group of half a million, there is no hope. No amount of experience, of continued losses, of explanation or education, will keep them from their self-appointed rounds. But for those who still retain the powers of reason and evaluation, the following summaries of the more popular ways of losing money may make each suggested game a loathsome, sickening purgative.

BINGO, LOTTERIES, RAFFLES, AND POOLS

Twenty-six million Americans play bingo, buy lottery tickets, take part in raffles, or attempt to beat the football and baseball game pools that are so widely circulated. Bingo, just as much a gambling game as the lottery, has such great appeal because there is a winner in each game; but the players fail to realize that the prize is usually worth less than half of the money paid by the players. Thus, the bingo operator pockets a profit of 50 to 80 per cent.

Lottery and raffle tickets are widely sold to people who hope to win prizes that are worth somewhere between 20 and 40 per cent of the total proceeds. For such large lotteries as the Irish sweepstakes, racketeers print counterfeit tickets by the thousands, with the result that most Irish sweepstakes tickets sold in the United States are fraudulent. Even in the legitimate sweepstakes in Ireland, only 20 per cent of the total money goes to the Irish hospitals, and 20 per cent to the few winners. The remaining 60 per cent goes to the operators and ticket sellers.

In football and baseball pools, the percentage "take" by the operators often runs as high as 80 or 90 per cent. Trying to pick winners out of the football selections offered each week is a painful pastime. In addition to retaining all money when there are tie games, the operators grab from 37.5 to 80 per cent of the wagers when there are no ties, the percentage increasing as the player attempts to pick more winners.

DICE AND CARDS

About twenty-two million Americans play dice and cards for money. (Of course, there are many more who play cards or dice, but not for money or any other stake.)

Most card and dice games are crooked. Sharpers, switch artists, palmers, and manipulators usually work in groups of two to five in a crooked card game or an unbeatable dice game. Members of such groups frequently "switch" phoney dice for the legitimate ones—that is, dice that always throw sevens and eevens; dice that never throw sevens; "tops and bottoms" or loaded dice or special shaped dice which are favored to throw certain totals more frequently than expected. Gambling houses often use tables which have a plate that can be magnetized by throwing a switch to make specially prepared dice throw losing totals for players.

Some gambling houses have gone to great lengths to make the games appear honest; but even if the games are honest and aboveboard, the operators take from 1.5 to 30 per cent of the money wagered by players, depending on how the wagers are made.

In the standard *chuck-a-luck* game (three dice in a cage), the operator takes 8 per cent of all the money wagered. In the game under seven-over seven—exactly seven, the operator takes between 17 and 27 per cent, depending on the pay-off on exactly seven.

While card games are considered by many to be even contests, that is far from the actual case. In most card games, the "professionals" often use marked cards, trimmed cards, polished cards, and hold-out gimmicks for retaining certain cards. Manipulators deal from the bottom, deal seconds or thirds from the top, stack and deliver winning hands to confederates, and perform all types of tricks to deceive the unwary and the gullible.

When gambling houses run games like faro, black jack, seven-and-a-half, or banker, the dealer always retains an advantage even when the game, the cards, and the dealer are fair. This advantage runs from 1 per cent to 20 per cent, depending on the game and the rules.

GAMBLING ON ATHLETIC EVENTS AND ELECTIONS

Some nineteen million Americans bet on the outcome of athletic events and elections where there are usually two contestants, and the wagers are considered to be "even." However, when wagers are placed with bookmakers, the man favoring Team A must put up 6 units against the bookmaker's 5. Likewise, the backer of Team B must put up 6 units against 5. If the bookmaker has equal amounts wagered on A and B, then he takes one unit out of every twelve wagered, regardless of whether A or B wins. Thus, bookmakers clear at least 8 per cent of the money wagered.

PUNCHBOARDS

Those brightly colored punchboards that are displayed in restaurants, taverns, newsstands and small shops attract about fifteen million adults who pay nickels, dimes, and quarters for chances to win cash or merchandise. How many million children spend their pennies attempting to win candy on penny-boards will never be determined. Whether it

be the adults or the children that play, the shop proprietor pockets between 50 and 70 per cent of the cash paid for punches. If he supplies the merchandise for prizes, he takes as high as 75 to 85 per cent profit, since the merchandise is usually worth only half its tagged price.

SLOT MACHINES AND PINBALL

The fourteen million slot-machine addicts wage a perpetual losing battle with the one-armed bandits, because all slot machines are fixed to take from 40 to 80 per cent of the coins put into them. There is no legitimate or fair slot machine, and the operators adjust them to suit the locale or their needs. The shiny machines, ranging from the nickel type to the silver-dollar cart wheel, provide a rather expensive form of exercise. Jack pots are few and far between. Even when the machine operates under the least take, jack pots appear only once in about 4,000 spins.

Pinball machines are the little brothers of the "one-armed bandits," differing only in the fact that one or two minutes of amusement are furnished for each coin. While the crediting of winning plays or free plays gives a semblance of "play for amusement only," many operators pay out cash or merchandise awards. Since this pay-out feature and the gambling among players and observers who surround the pinball machine are known only to habitues, pinball machines have not yet attained the same reputation as slot machines.

THE NUMBERS GAME

About eight million Americans waste their time and money trying to beat the numbers game, a form of lottery which is very popular in large cities and is generally classified as the poor man's form of gambling. The numbers operators take bets ranging from one penny upward on any three-digit num-

ber. Though there is only one chance in a thousand of selecting a winning number, operators pay off at the rate of only 400 to 600 to 1, depending on the locality and the play. Since runners deduct 10 per cent on winners, the numbers racketeers thereby take from 46 to 64 per cent of the money wagered.

HORSE-RACE BETTING

Although most of the eight million horse-race bettors know that the track takes from 10 to 22 per cent of all the money wagered legally through pari-mutuel machines, they persist in trying to overcome this bite. Of the thousands of systems devised, not one can show a profit over a long period of time. Those systems which call for increasing the wager after each loss really lead to the realization that "the more you bet, the more you lose."

About half the states have legalized betting at the tracks, and these states get from 3 to 6 per cent of the money wagered. Track operators get the rest.

But legalized horse-race betting accounts for only a small part of such wagering. For every dollar wagered legally at the tracks, a hundred dollars are wagered illegally with bookmakers throughout the country. No system of control will ever eliminate the bookmakers, because they handle most of their business from people who telephone from offices and shops and stores with "Five to win on Joe's Mistake in the fifth at Jamaica."

CARNIVAL GAMES AND ROULETTE

Carnival games are strictly gyps. Most carnival wheels are controlled by the operators, who can make them stop where they please. The milk bottles at which people toss balls are weighted so that the players cannot knock them off the pedestal. Money games have a 20 to 40 per cent edge in favor of the carnival. Rolling ball games are rigged

so that no player can win. In short, you cannot win at carnival games.

An honest roulette wheel with 0, 00, 1 to 36, paying 36 for 1, takes about 5 per cent of the money wagered, but most gambling house proprietors have

their wheels fitted with electrical or mechanical devices so that winning numbers can be predetermined—always where the big money is not.

No matter how you try or how long you play, **YOU CAN'T WIN.**

present viewpoint, she seemed to have counted for very little in the lives of the children, especially his life, after childhood.

Paul's father was professor of religious philosophy in a small college, and pastor of the local church of his denomination. Paul described his father as a modern version of an Old Testament prophet, aloof and austere. He said,

I can remember nothing except my fear of him, and whatever I say about him is prejudiced and colored by that fear. At one time I thought he just hated us kids, especially me, and couldn't stand to have us around. When we were bad or had brought home poor marks from school, he would call us into his study, where we'd have to stand absolutely still while he lectured us about sin, the Devil, Hell and Heaven, and then whaled the tar out of us with his cane. I hated him with all my guts and was glad when I could get away from home.

At the age of 12 Paul was placed by his father in a military school which he described as a hellhole with ~~over~~-bearing instructors and disagreeable ~~older~~ boys, where he "learned everything there is to learn about nastiness and rottenness."

At age 18 Paul graduated from military school and went to college on a scholarship awarded because of his father's profession. He worked to meet his expenses, and occasionally received a few dollars from his father, accompanied by a grudging letter. He made occasional reluctant visits home at his father's insistence, and was glad when he was mustered into the Army. ~~Since~~ for about two years he did not have to make excuses for not visiting the family.

On leaving college Paul secured a position in a city which was enlarging its port facilities. He apparently gave satisfaction, for when the first assignment was finished, he was one of two

engineers invited to remain with the city.

Meanwhile, Paul married a Catholic girl, for which his father forbade him ever to come to the house again, disinherited him, and forbade the mother and brothers ever to speak of him again in the father's presence. For about two years Paul corresponded with his mother and brothers through a post office box. Then his father died. Shortly afterward Paul's daughter was born, and his mother visited the family for a few months.

BEGINNING OF GAMBLING

About that time, Paul being 25 years old, he went with some of his friends one night to a fashionable club. He did not drink, and knew very little about such places. There was a gaming room, and rather out of boredom and curiosity, he drifted over to a crap table and watched the game, which he understood, having played it in college for nickels a few times. While he watched he got a sudden impulse to play, and before he could check himself he was in the game. He won a little at first, then began to lose. He said, "The whole thing was very unreal to me: I was excited and very much alive." About one o'clock in the morning his friends "went home. He was then low in funds, so he borrowed some money from one of his friends and played until the place closed at three o'clock, when he was well ahead. He walked home in a kind of dream, said nothing to his wife or mother about the matter, and the next day he returned the borrowed money. For the next few days he worked as usual and thought nothing of the incident. But contrary to his custom, he did not deposit his winnings in the joint account he had with his wife, but kept them in his pocket. Toward the end of the week Paul began to feel restless. He said,

My mother was still visiting us and she'd been getting on my nerves—at least that's how I excused myself. Anyhow, before I knew it I was calling my wife to tell her I had to remain at work late. That night I ate alone in a restaurant and then walked to the speakeasy. I stood around a few moments and then started to play. I was very excited; my hands were so wet you'd think I was washing them, and my heart was going a mile a minute.

That night Paul soon lost all his money and got home early. The next morning he drew from the bank half of the money there, and without calling his wife about coming home, he went straight to the speakeasy from work. He lost about a third of his money, but by midnight had almost recovered his losses. Another player suggested that they go to a larger establishment he knew, which was open all night and ran bigger games. They rode to a magnificent gambling house just outside the city limits, which was equipped with all sorts of devices and games that were new and exciting to Paul. He lost steadily, and about five o'clock in the morning he was cleaned out and the "house" gave him cab fare home. He continued the story:

The next day I went to work as usual, but before I left the house I took the small solitaire I had given my wife the year before that was her only piece of jewelry, a watch my father had given me when I graduated from college, and a few other odds and ends. These I pawned on my way to the office. That afternoon, around two o'clock, I pretended to be sick and left work [and went to the suburban house]. My intention, of course, was to recoup my losses and quit. I told myself that if I could once get even I'd never gamble again. All I wanted was to be able to get back the money I'd lost the night before, return it to the bank and take the jewelry out of hock. I soon had more than enough to do this, but of course I didn't quit. I got ambitious once I passed the mark I set myself, and thought it

wouldn't matter if I lost my winnings. I was running sortie real luck and wanted to stay with it. At first I kept winning, more and more, until I thought I was unbeatable. But then the tide turned again. To make a long story short, when I left that place at three in the morning I was cleaned out except for a few dollars I'd saved to get me home. • •

Confession at home

When I got to my house I was really sick. I woke up my wife and confessed the whole thing. She cried a lot and carried on, but she forgave me when I promised I'd never gamble again. I swore all kinds of oaths, cried, asked her to believe me and finally felt clean enough to go to bed. The next day I spent at home with the family, did a few household chores and began to feel like a new man again, like someone getting over a sickness. My wife was wonderful to me. We told my mother, who offered to help us where she could if we needed her. Everything was fine—for about a week. Almost a week to the day after I had sworn off, I was back at it, this time with the rest of the money from the joint account. It went fast.

For almost two years that's the way I lived. I ran through everything we ever had, what little my mother could give us, whatever I could beg or borrow. Sometimes I'd win and things would look brighter. At home, there were always tears, scenes, fights. I'd make promises and break them the next day. My wife always forgave me and I'd start out swearing I'd never look at a pair of dice or a card or a roulette wheel again. But it was no use. I had the fever and couldn't shake it. When I was winning I couldn't stop and when I was losing I couldn't stop. I realized what this was doing to my wife and kid, but nothing seemed to matter. Finally, I lost my job. They fired me for inefficiency because I was paying no attention to my work. When this happened I saw what I had to do. One day I left the house, as usual, pretending to look for work—by the way, my wife was working at the time—and I just never went back.

I've done nothing but gamble ever since then. I've been way up at the top and way down at the bottom. I make promises to myself and break them. I've never really been able to quit, no matter how far I've been ahead or how far I'm behind. Once, in the Far East, I swore off and managed to stay off for a few months—almost a whole year, as a matter of fact. I got a good job with an English outfit and thought I was out of it at last. But I was just kidding myself. Believe me, I hate it and hate myself. But what can I do?

PARALLEL WITH DOSTOEVSKI

As I listened to Paul's hurried recital, I was impressed with the fact that the story I had just heard was the story of Feodor Dostoevski, at least in its skeletal structure. Word for word, point for point, character for character, pattern for pattern, this man was bringing to life, evoking as by witchcraft, the image of the brooding Russian novelist. (Even today, as I write this seven years after my last meeting with Paul, I am impressed with the parallels—so impressed that in order to check my data I have had to read another biography of the tortured creator of Raskolnikov, Stavrogin, Ivan Karamazov, and Prince Myshkin.)

Here was the same stern father—Paul and his brothers, like Feodor and Mikhail, even had to stand at attention while the patriarch thundered lessons and abuse at them—righteous, overbearing, miserly; the same frail mother—retiring, weak, worshipful; the same schooling, almost—military academy, engineering; and, of course, the same sick passion for gambling. But these were not all; the very words Paul had used evoked *The Gambler* and the much maligned Anna Grigorievna's *Diary*.

Consequently, conscious only of these curious, challenging parallels, I offered to analyze Paul. He was reluctant and

without hope, and our work together began with the handicap of his disbelief and despair after he had given his hesitant consent.

ANALYSIS OF PAUL

To recapitulate the psychoanalysis of the gambler, Paul, would be a lengthy and arduous task. Here, then, I shall do no more than touch on the high lights of the many hours we spent in that most intimate of all associations. In the following paragraphs are condensed almost two years of analysis.

Despite his initial resistance to the whole idea of analysis, Paul made a rapid and unequivocal transference. In analyzing it, he recognized that he wanted me to forgive him, and that the inferred promise of absolution from the analyst accounted primarily for the fact that his original defenses against the analysis were so quickly overcome.

Behind the analyst soon emerged the figure of Paul's father: it was he from whom Paul wanted forgiveness. At first the trespasses remained vague, but a flood of memory relating to the sermons and lectures of the father, the ineffable boredom of Sunday afternoons, and the wretched feeling of always being "under the all-seeing eye of God" gave body to the sense of sin. The very earliest trespass concerned the aggressive wish that the father would go away, disappear, be swallowed up or drowned.

Here it developed that Paul had been enuretic to his sixth year, and that his father's response to it had been a fastidious disgust. The design and aim of the enuresis had been to attract the mother from the marital bed. Because of her hearing defect, his cries when he soiled annoyed the father. As far as could be ascertained, it appeared that this led to scolding and punishment, and eventually a technique was worked out which required the mother to arise

at intervals during the night to take care of Paul. An early competition with the father was thus initiated.

As for the "swallowing up," this was projectively arrived at by the usual inversion of the hostile wish Klein has so well described.⁷ But with the accumulation of knowledge, these at first vague notions collected into a powerful death wish against the father, and, under the impress of the obsessive religiosity that governed the entire household, this was a cardinal sin. In short, much of Paul's chronic psychic activity was concerned with poorly disguised wishes for his father's death, and he was consequently dominated by an all-pervading guilt.

Very early in his life Paul developed an obsessive pattern. He recalled how he used to employ his playtime activities in the service of his obsession by compulsive acts. His toys had to be arranged "just so," and his smallest acts became disguised rituals conceived and executed to counter the obsessive ideas and wishes.

Second trespass

The second major trespass for which Paul sought forgiveness was of a sexual nature. It was a complex affair, interwoven with the first and yet separate and distinct from it. Infant and childhood masturbation had as its unconscious object the mother, who was later to be hidden behind screen figures as Paul grew older and as the masturbation continued into adult life, through and beyond his marriage. By organ association it was involved with the enuresis, and when the latter disappeared, self-manipulation substituted for bed-wetting. It evoked the mother and provoked the father, thus becoming an exceptionally powerful weapon in the psychic armamentarium, and one

not lightly to be surrendered. More—by that curious and magic "reasoning" peculiar to the psychic processes, the penis was endowed with very special qualities. It was an instrument for expressing Paul's hostility against his father and a means of punishing himself.

The last two ingredients in this potent sexual stew had been contributed first by Paul's own biology and morphology, and second by the character of the father as it reflected upon the boy. As with all bright children, Paul had been sexually precocious, and the expression of the precocity had become manifest earlier than in most. This fact was due to the enuretic-evocative use of his penis in combination with the aggressive-provocative and the usual self-indulgent-onanistic functions.

In any event, Paul's initial and tentative masturbating efforts were severely condemned, and thenceforward Paul interpreted his male parent's highly vocal preoccupation with the Devil, Sin, Badness and Company—whether it was so meant or not—as aimed specifically at his (Paul's) onanistic exercises and temptations. Now it will be seen how the aggressive-provocative potentiality of the organ was increased when it is considered that Paul actually used it in this fashion; that is, for hostile purposes and, as it were, in defiance. But still it served a self-punitive function, bringing the father's wrath down upon Paul when he was observed at masturbatory play or when he engaged in it with the very aim of calling down upon himself, for both the death wishes and the onanistic trespass, the thunder and lightening of disapproval.

The two themes—death desires for the father and the masturbatory complex—emerged in the analysis of Paul as the basal responsible agents for the gambling. But, it must be remembered, neither of them is simple. If anything,

⁷Melanie Klein, *The Psychoanalysis of Children*, 1932.

they may be compared with the geneticist's chromosomes, each enclosing a full code-script of the destiny of Paul founded upon its characteristic genie components, and so complexly interwoven—internally and with each other—that two years of analysis were required merely to identify them and to indicate their possible effects.

Test of omnipotence

The death wishes Paul had nourished against his father from the tenderest years remained with him until his father actually died. Then it was as if all Paul's hopes and secret desires had been fulfilled. Yet, at the same time, it was also as if the child that Paul had unconsciously remained was indeed omnipotent, and this confirmation of omnipotence was hard to bear, since it involved an excessiveness of guilt. So long as the wishes were there and his father remained alive, the burden of guilt was not so heavy; but when the father actually died, the death was unconsciously regarded as due to the wishes that had been such an important if unacknowledged part of Paul's life. Now, in the interest of his continued psychic equilibrium, it became necessary for Paul to "put this omnipotence to the test. Obviously, the compulsions he had employed to counter the obsessive thoughts had not worked, for, after all, his father *had died*; and so a new series of compulsions were in order. But these had to have as their design, not the countering of the obsessive wish for death, but *the denial that the wish had caused the death*. The death could not be denied: to do that would have been to court insanity. Yet the question, Did I (my wishes) kill him? tormented the young man; and this was one of the questions that took Paul to the gaming table and kept him there.

Paul had to know whether his wishes had been powerful enough to cause the

death of his father. The secret obsessive idea that they had been effective tortured him, and he desperately wanted to be unconvinced. Yet, this involved a terrible dilemma, and one that could be resolved only when Paul was completely analyzed and so made aware of the unconscious question that was a link in the chain of his neurosis. With every cast of the dice, with every turn of the card, and with every spin of the wheel, Paul asked this question. Winning was a proof of his omnipotence: it meant that wishes came true, that one could influence the unseen powers by one's secret desires and hopes, that wishes could and did kill. Winning, in short, meant an affirmative answer to the question. Losing, on the other hand, meant the opposite, and with the negative answer came a great relief from guilt. But losing also meant the shattering of the fiction of omnipotence, a delusion so strong and so deeply embedded that the psychic pain consequent upon its loss is an acute one.

This, then, was a kind of Hobson's choice. Two immensely powerful, if unconscious, motives were at work here: one sought relief from guilt, the other sought the confirmation of omnipotence. It would be a mistake to say that they alternated. The fact is, they coexisted and formed a typical neurotic conflict.

Withal, however, Paul wanted to lose, even at the ~~expense~~ of his infantile omnipotence. As a matter of fact, it was of the utmost importance for his sanity that he did lose, since by this he was relieved of the burden of guilt and confirmed as to his innocence of causing his father's death. If he could have lost consistently—strange as this seems—he could have remained at peace. But the vicissitudes of chance are such that one occasionally wins, and thus, for the inner balance to be maintained, it becomes necessary that winning be paid

for by losing. Nor is a single loss, even if it be of the same amount as a previous win, enough to balance the interior books. The answer to the question has to be clear and unequivocal. Thus and finally, *Paul gambled to lose.*

Significance of money

Paul not *only* addressed this unconscious question to the fortunes of the *game—he* also sought to influence its answer. The analysis disclosed that the money he invested in gambling had a significance beyond the obvious use of money as a possession to risk at betting. In his unconscious, *it represented a bribery.* It had the same meaning for him that the monetary gifts with which grace and absolution and other indulgences were purchased from ecclesiastical vendors before Protestantism had for the folk of that time. It bought for *him—or*, better, was meant to buy for *him—the* negative answer he so desired.

Beyond this, money unconsciously represented an atonement for the thought-crime of having desired the death of his father. When Paul could not obtain it readily, he would, as he tells us in his history, go to the most extreme lengths to get it, engaging in actual crime and degrading himself to the farthest depths. This was because it was not only his passport to the oracle of the game as the place where his unconscious question could be answered, but because both bribery and atonement became integral parts of his obsessive neurosis.

Lastly, money, by its very nature, is a remarkably apt tool with which to implement any compulsion; it can be handled, counted, and distributed in a way that few other instruments for combating obsessive thoughts *permit.*² In Paul's case, because of his father's

great concern with it during his lifetime and what Paul called his "miserliness," its significance was increased.

Desire for mother

It is time now to turn from the psychic chromosome of the death wish in the genesis of Paul's obsessive gambling neurosis to that of the masturbatory complex. It will be recalled that Paul's history as a masturbator began early and that many factors accounted for its persistence. It was a source of satisfaction on a number of scores, and when joined to the enuresis it became a definite means to an end. When, with repression, the mother as the prime sexual object was replaced in fantasy by substitute figures, and after *onanism* had completely displaced the enuresis, the aims which both of these sought exerted great unconscious pressure. None of the tentative sexual excursions Paul made *as* a young man were as satisfactory to him as solo *gratification*; and even during his marriage he could never achieve full sexual satisfaction with his partner. In the analysis this much was revealed, as well as the very significant fact that the fantasies accompanying the act throughout the years before and after marriage were unquestionably maternal ones.

Therefore, despite Paul's objection to and rather summary treatment of his mother during the initial recital of his *case—his* dismissal of her as unimportant in his *life—it* appeared that she was not so lightly to be regarded. Indeed, the role she played was equally as strong as the part assigned to the father in the development of the gambling neurosis. Throughout his life, Paul's mother represented the ultimate sexual temptation. That he competed for her with his father is well established; the enuresis, after all, was designed as a lure for her attention.

But beyond this, Paul feared that his

² A further significance of money for Paul and for all gamblers will be considered below.

father knew of his incestuous wishes, and that this also lay behind—was, in fact, the meaning of—the strong injunctions against sex inferred in each sermon and in the totality of the father's behavior toward him. An early reinforcement of the masturbatory drive reverted to an underlying fear of castration, with self-manipulation resorted to as continual reassurance that Paul had not, as he unconsciously feared, been deprived of his member.

Yet even this common form of reassurance was not enough for him. To divert his father's attention from Paul's incestuous preoccupations—which, I must again stress, he unconsciously believed his father to be aware of—Paul married his Catholic sweetheart. (This is not to say that he was not, when he married her, in love with his wife; but this motive certainly played no small part in his choice of just that girl.) He thus unconsciously meant this act as a kind of appeasement of his father, as if to say that by marrying a girl from a different faith—a faith against which his father had always expressed unreasonable and violent prejudice—he was making a public renunciation of his love for and designs upon his father's wife. Like all appeasements, however, this one miscarried: the father did not have the psychic perceptiveness attributed to him by his son; he chose instead to regard this act in its second or other aspect, that of simple defiance, and he forthwith disinherited and disowned Paul.

Effect of being disowned

Now the disowning of Paul had an unintended and drastic effect on the young man's future. Paul related that until that time he had had only infrequent contact with his mother; after this, and for the next two years, although distant from her, he was closer to her than at any previous time since

he had left home to go to school. Unconsciously, the act of disinheritance, the public proclamation that "he is no longer my son," had a secret meaning for Paul, which the reader can easily guess. The possibility was increased that the screen figures which had always served him for his masturbatory fancies would now be revealed in their true and horrible identity. So, in the period just prior to the death of his father, the young man was threatened by the return of what he had so long repressed.

The climax of the anxiety that was so strongly stirring within him came with his mother's visit. As a matter of fact, Paul told me in his first recitation that one of his rationalizations for returning to the gambling establishment the second time was because his mother was "beginning to get on my nerves." This meant more than the words themselves convey. Actually, his irritation with her was nothing more than the defense he erected to counter the temptation she presented.

Parallel satisfactions

Here we must pause to record a most curious and significant fact. Paul, who had been a chronic masturbator from earliest childhood through marriage, abruptly put a stop to this habit when he began to gamble. In the analysis he distinctly recalled this, stressing the fact that no effort was required to accomplish it, and stating, "It just happened that way." Now gambling and masturbation present a wide variety of parallels that spring to the attention with ease. Both are repetitive acts, both are compulsively driven, and the nervous and mental states accompanying the crucial stages in the performing of each are almost impossible to differentiate.

The parallels between the two are remarked upon consistently by patients

under analysis. One, whom I am analyzing at this time, is a habitual slot-machine player. He has called my attention to the rhythmic-repetitive nature of his preoccupation with "the one-armed bandits" and to the correspondence between his mental and physical states when indulging this pastime and his recollections from adolescence. This patient has also related "hitting the jack pot" to orgasm, and believes the "teasing" nature of each play is equivalent to the masturbating youth's manipulations of the genitals with the unexpressed question, How far can I go without having an ejaculation? Paul, too, remarked on the orgasmal nature of winning, and emphasized especially the mounting pleasurable tension of the interval between the bet and the outcome of the play. The current patient, who had also been enuretic, discussed the "stream of coins" that was discharged from his *machines*; with Paul a similar but more involved symbolic equation was arrived at.

So we cannot avoid the conclusion that for Paul, gambling literally took the place of masturbation, in this case amounting to a transposition of the habit to a sphere and in a form removed from but related to the earlier compulsion, and undertaken with the design of minimizing the anxiety mobilized by the threat of the return of the repressed.

Need for forgiveness

That this subterfuge did not work, however, is revealed by Paul's own statement that he required forgiveness for his activities when he returned from a session at the gaming tables. But—it should be carefully noted—he asked for this forgiveness *only when he had lost*. This must mean—and the analysis substantiates it beyond dispute—that losing had for him a special significance, apart from the social significance of gambling as a reprehensible

activity and the superficial significance of the loss of goods and property.

The clue to what this might have been will be found in Paul's statement that when he had been forgiven, he "felt clean again." What it meant was, essentially, that losing was connected, in his unconscious, with disapproval for his masturbation. The disapproving agent was, of course, his father. The unverbilized formula that existed in Paul's mind was: If I win, it means that my father approves of my masturbation (sexual desire for my mother) and will reward me [see below]; if I lose, it means that my father disapproves of my masturbation and will punish me.

Therefore, when Paul lost, he understood by this that a punishment was in store for him, a punishment beyond the mere loss of his possessions. The analysis penetrated to the core of the expected punishment, which was castration, the ultimate unconscious fear. Made frantic by this fear, and desperately in need of forgiveness from some source, Paul had to turn to his wife; but the most she could provide—because, after all, she was not his father—was a kind of intermittent relief through her gracious pardoning of his transgressions. And this wiped the slate clean—for a brief while.

The phantasy

A final genie strand in the sexual chromosome remains to be considered. It will have been remarked by the reader that, contrary to the unconscious aim of Paul's gambling from the side of the death wish, *the orientation provided from the sexual side was toward winning*. By this time in Paul's analysis I understood why Paul had to lose, and also why he had to win. But I remained dissatisfied with the rewards of winning—or what I understood of them—for a personal reason.

I was then writing a book on crime and was collecting data on the role of alcoholism and drug addiction in criminal behavior, and had uncovered what I believe to be a central feature of alcoholism, to which I have given the name "the alcoholic phantasy."¹ By this term I mean that the psychoanalytic exploration of the alcoholic (and the drug addict, too) never fails to disclose that he cherishes an infantile, megalomaniac sort of daydream or reverie which it is one aim of his indulgence to evoke. This phantasy regularly stems from, and can be traced back to, the omnipotence experienced in infancy and early childhood, and is a characteristic of all addictions.

Gambling, in its structure, is also an addiction—although of a specific kind—and I suspected the presence of the phantasy here as well. But where, in this psychic puzzle, would it fit? Obviously it had to be related to the omnipotence, not only because this was itself a feature common to all addictions, but because omnipotence was the only genie element in the death-wish chromosome without its parallel in the sexual. Further reasoning localized the phantasy in connection with winning.

One of the rewards of gambling with which Paul now dealt at great length and in detail was the phantasy, which was indeed megalomaniac and omnipotent. In it Paul was a monarch unlimited in his power, unrestrained in his ambition. With the huge sums at his disposal he dispensed a fabulous largesse, conducted important philanthropies, and won renown as a benefactor of the race. It was his money—won at the gaming table—that found the cure for polio, sheltered uncounted orphans, endowed great temples of religion and learning, and rescued the

fallen. In this dream, this phantasy spun in the far reaches of the mind as it made bets, calculated odds, and sought to penetrate the intentions of an opponent, Paul was everything and had everything he never was and never had.

THE FINALE

With the revelation and examination of the phantasy, the last piece in the mosaic of Paul's gambling neurosis fell into place. The remainder of his analysis, the reintegrative part, is none of our concern here.

Through analysis, Paul entirely recovered from his illness. After leaving prison he eventually located his wife. He then learned that he had been declared legally dead about ten years after his unceremonious leave-taking, and that she had remarried. Paul is now a minor executive in a manufacturing company, has married, and has two small children. I get a card from him every Christmas.

A MODEL CASE

I have presented the case of my former patient, Paul, chiefly because I believe that both his history and the dynamic study of his personality can serve as models for the careers and psychic structure of all gamblers. He represents a rather pure type, his complaint as he brought it to analysis uncomplicated by other major symptoms or distresses. In this sense, he is rather a *rara avis*. Bergler makes the significant observation that "gambling is in every respect a losing proposition," especially for the analyst, since "it rarely happens that a gambler of his free will seeks treatment." I agree with this, completely. In a decade of psychoanalytic practice, in and out of institutions, Paul and the patient with whom I am presently working are the only two instances I have known where treatment has been freely sought.

¹ Robert Lindner, *Stone Walls and Men*, 1946.

On two additional occasions I have been consulted about gambling neurosis. One inquirer was a screen actor whose passion had involved him in unbelievable indebtedness; the other was a businessman facing total ruin because of his preoccupation with cards. Both scoffed when I prescribed treatment, and I never saw either of them after the first interview. On the other hand, I have had many cases wherein gambling was one symptom among many in a neurosis, or where the passion had existed transiently, usually as a phase in the progressive development of an obsessional neurotic pattern. An agoraphobic woman who is under analysis with me now fits into this latter category. But in no case in my experience have the dynamics been different, to any marked degree, from those exhibited in the case of Paul.

SCIENTIFIC CONCLUSIONS

The study of this "pure" case enables us to advance somewhat the conclusions reached by former investigators. The first opinion that calls for revision is technical in nature. Current nosology places gambling among the so-called "impulse neuroses." Fenichel so classifies it in his classical work, although in the latter part of his brief discussion of the gambling syndrome he appears to be somewhat doubtful himself.¹⁰ But I think that placement is in error and results from the fact that too little attention has been paid to the underlying obsessional content the passion discloses under analysis. Furthermore, at no time is the compulsion egosyntonic, that is, a thing which the gambler wants to do and in which he takes pleasure: it is always ego-alien or dystonic. The gambler is not a psychopath with a perversion, as the term "impulse neurotic" suggests: he is

an obsessional neurotic engaged in what might be called the making of magic. The proof of this lies in the course of the illness, and is best demonstrated in the instances where gambling is a temporary stage in the development of an obsessional neurotic pattern.

The impossible necessity

The oracular nature of gambling appears to be established beyond dispute. Reik, who first called attention to this, was not misled by his anthropological knowledge and clinical data, but I believe his formula was incomplete. The gambler does not ask one, but two questions of destiny: Did I kill my father by wishing his death? (or, in the case of gamblers with living male parent: Are my wishes powerful enough to cause the death of my father?) and, Will I be punished or rewarded for my secret sexual desires (incest)?

Herein lies the great dilemma which literally chains the gambler to his place at the gaming table. If he wins, the omnipotence of his wishes is thereby proved and his incestuous aims condoned, *but—he* is at the same time rendered and adjudged guilty of patricide and vulnerable to the tortures consequent thereon. If he loses, he is relieved of the burden of unconscious murder which is too much for sanity to bear, *but—he* forfeits the omnipotence on which he has based his life and exposes himself to the terrible penalty to be exacted for his incestuous desires. We owe it to the astuteness of Bergler that the trenchant paradox—the gambler wants to lose—has been made comprehensible. But it now appears that the gambler must win and lose, at the same time, for his sanity's sake, and this can never be done.

The role of money

The role of money, too, has been clarified by our study. It appears to

¹⁰ Otto Fenichel, *The Psychoanalytic Theory of Neurosis*, 1945.

serve the function of bribery and is used to buy the favor of the fates, to influence the oracle. Unfortunately, coins and bills do not spontaneously stand on end, and this is what the gambler is, in a way, demanding of them, because he does not know what answer he wishes, and is made miserable by either. It is possible that if he could obtain, for his bribe, an equivocal reply such as the Delphic sibyls and their like were wont to ~~give—a~~ reply that could be interpreted either way at the same time and so satisfy both ~~aims—the~~ gambler would be content. But this also he cannot have. And apart from the unconscious use of money for bribery, its far-reaching symbolic uses are apparent. To win is to achieve an orgasm, to attain the potent manhood of ejaculation. Lastly, money unquestionably relates to the eliminative functions.

The phantasy factor

That a phantasy arising from the omnipotence was an important factor in the gambling of Paul is evident, and I have no doubt that it always exists. Like the carrot that dangles before the donkey's nose, it constitutes a call to futurity and promises a bright reward if captured. It is a lure, of course, and serves the function of insuring ~~that the~~ ~~omnipotence—wished~~ for and at the same time hoped ~~against—will~~ be recharged constantly in its magnetic attractiveness.

Common factors

I believe the evidence speaks in favor of a number of common genetic

factors in the morphology of gamblers. They seem all to be strongly aggressive persons with huge reservoirs of unconscious hostility and resentment upon which their neurosis feeds; and chronic masturbators to boot. Freud's remarkable discovery relating masturbation and gambling stands unimpeachable. The correspondence is so close that, as we have seen, the one can and does substitute for the other.

Now the aggression shared by gamblers appears rooted in the relationship toward the authoritarian figure in his family, the father, who in every case conforms to type. These fathers are strong, domineering, moralistic, sustained by their convictions of self-importance, lacking in warmth or the expression of warmth toward their offspring, and niggardly in money matters. They are the recipients of near-adoration from their weaker wives, and for this and for their personal qualities they are hated and feared by their children. The masturbation not only expresses the aggression borne against them, nor yet only the complimentary and contrary feelings for the other and beloved parent, but in addition to these and the remaining ordinary gratifications from the habit, it serves as a transitional practice toward gambling ~~itself~~. If the analogy is not too strained, we may regard it as the avenue of approach to the divinitory altar where the oracular sticks are thrown, the entrails examined, and the omens read.

Thus the psychodynamics of gambling, that queer passion that with Erinyan fury has pursued some of the ~~best—and some of the worst—of men.~~

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The Pomo: A Profile of Gambling Among Indians

By BURT W. AGINSKY and ETHEL G. AGINSKY ¹

VARIOUS theories are advanced attempting to explain man's proclivity for gambling in modern times. Some maintain that gambling is a normal recreational activity; others, that it is a manifestation of "greed"; some, that it results from an underlying drive for social status; others, that it is a product of our highly competitive economic system. These attempts to account for the prevalence of gambling in our culture are as numerous as they are diverse, and the list could be expanded considerably.

It may be illuminating, therefore, to examine another culture, different from our own, where gambling was held in high repute, gamblers were highly honored, and the occupation of gambling required almost a lifetime of training for recognized proficiency. Here a family was happy to have an apprentice gambler as a prospective son-in-law, and each family supported in every way possible a family member who was a gambler. It may be noted that in some ways, gambling in the contemporary scene is strangely reminiscent of reported American Indian tribes. We

have selected one such tribe as an illustration, typical in some respects, atypical in others.

CHARACTERISTICS OF THE POMO

We speak of the Pomo Indians of northern California, the center of whose territory lies approximately 110 miles north of San Francisco and 35 miles east of the Pacific Ocean. These people lived in an area approximately 80 miles by 80 miles in size. The population was divided into a large number of tribes, each having its own government, its own language or sublanguage, its own social organization, and the other components generally thought of as being present in what we call a culture.

These people had a "bimetallic" currency, the lowest denomination being a "bead" made by professional money manufacturers from the thin portion of the clam shell. In our terminology we could say that a thin bead was the equivalent of a penny. A rather thick bead made from the heel of the clam shell was the equivalent of five cents. A higher denomination of hard money was what was called Indian gold (magnetite), the value of which was based on its size and weight. Furthermore, baskets, depending on size, perfection of workmanship, and design, made up another type of currency ranging in value up to the reported case of a sun basket which was sold to a white person for five thousand dollars. Although barter and exchange were current, they were relatively unimportant compared with the actual buying and selling by means of money.

Among the Pomo there were various

¹ Research on the Pomo Indians and the northern California community of which they are a part has been pursued intermittently by the authors since 1932. This research is part of the work of the Social Science Field Laboratory, of which the authors are directors. They wish to thank the Viking Fund, the Social Science Research Council, the Social Science Research Council of Columbia University, the Maxwell Graduate School of Syracuse University, and the many private donors who have contributed so generously to the financing of the work.

A partial bibliography is appended at the conclusion of the article.

occupations which could be considered professions, since they required, as mentioned in relation to the gambler, almost a lifetime of apprenticeship and training before the individual was considered a full practitioner. Some additional occupations functionally the equal of professions were those of the doctor, the poison doctor, the deer hunter, the fisherman, the money manufacturer, and the arrow and spear point maker.

Within each of the professions there was a plural number of groups of practitioners. Each group was composed of relatives from families which were connected by marriage. Provided all the individuals of a particular practicing group were alive (which, incidentally, was never found to be a fact), that group was composed of the oldest man, who would be approximately 90 years of age, and a series of younger individuals spaced approximately twenty years apart. At the very bottom there would be a plural number of youngsters who were being observed and from among whom one would be chosen to be the youngest apprentice member of the practicing group. In general there were usually four practicing members in a group. The Pomo, referring to a young man, would say: "He is soft in the head." This meant that he was under 35 years of age.

Gamblers were respected; they were also feared. Like other professionals, each gambler possessed a "bundle" which contained his gaming paraphernalia and all sorts of other strange objects which were thought to be full of potency. The shadow of a bundle falling on a child was considered sufficient to kill that child. If a gambler became too powerful by means of his traditional preparations, he could not impregnate his wife; but to become powerful the gambler had to observe a tremendous variety of taboos or negative restrictions, as well as engage in positivistic activities.

FORMS OF GAMBLING

The most popular form of gambling among the Pomo was a species of "guessing game." The gambling devices were four bones approximately two and a half inches long, made of the shins of the deer. Each team held two bones. One of two bones was tied with string, or otherwise marked. Counting sticks were placed between the two groups. When one team had won all of the sticks, it also won the money that had been wagered. (This money was in plain sight between the two teams during the match.) Each team was composed of two men.

The object was for the team doing the guessing to guess in which hand of each of the opponents the marked bones were hidden. The men holding the bones sang lucky and powerful songs while this was going on. Grass was heaped on the ground, and the men holding the bones shuffled them vigorously and swiftly between their hands under the grass. They then moved their hands in front and back of their bodies and from side to side. The team doing the guessing began weaving back and forth. One of the two on the guessing team would act as if he were drawing a bowstring. Suddenly he would snap his right thumb while straightening his left arm, pointing with his left index finger, and "shoot." At the same time he would say the equivalent of "Both in the right hand," or "Both in left hand," or a similar designation. A team continued holding the bones until it had forfeited them to an accurate guess, after which the winners of the hand, that is, the opposing team, had their turn. The men holding the bones maintained passive countenances and appeared to be in a semihypnotic state. Observers always remained quiet until the end of each turn.

The entire Pomo population partici-

pated in other forms of gambling on a less formal basis, with the women and children having their own games. Women played a variation of "stick-throwing," and children a variation of darts. Frequently nonprofessionals would become involved in gambling with professionals. Nearly everyone participated in one or another form of gambling.

Tribal members were cautioned never to win all the money from another, for to do so would cause "hard feelings." This implied that a feud might result, in which the winner would be "poisoned."

When two or more tribes met for various purposes—to trade, to ceremonialize the death of a chief, or for religious reasons—all varieties of gambling took place. There are recorded instances in which whole tribes were nearly impoverished as a result of these meetings.

THE SUPERNATURALS

All activities, especially those which are standardized in a culture, must be understood against the background of the ideas, beliefs, attitudes and philosophies of the population. Pomo religious lore provides us with many clues as to the significant role of gambling in that culture. The professional gamblers knew and understood much of this, but the majority of the population had little comprehension of the deep-seated and pervasive importance of the connections. Before presenting a few items in that lore, we indicate the place in the Pomo culture of two of many "supernatural" creatures—Coyote and Gilyak (or Gilak).

Coyote was a supernatural, who, according to the religion, could change himself into almost any form he desired. He was a creator god with a large number of other attributes. It was he who made the world, the people, and the various foods, and it was he who punished people.

Gilyak was very much like the Devil. When a person saw Gilyak, it meant that he was being taken to the after-world. Gilyak's house appeared white because the roof was covered with the bones of the humans whom this cannibal had devoured. Gilyak himself appeared red, as fire. There was a trap just inside the door of his house, so that any visitor entering was caught and could not escape.

The entire cast of characters in Pomo mythology is too large for presentation here, but the two mentioned above will serve as examples. They and several additional ones appear in the short versions of three myths which follow.

POMO MYTHS

There is, for example, a story of Coyote's grandson, Falcon, who desired to travel to the east to gamble with Gilyak, who was a cannibal. Because of the vaunted power of Gilyak, Coyote decided to accompany Falcon and help him. The various animals they met en route to Gilyak's house tried to discourage them from continuing the journey, because of the dangers involved; but Falcon insisted that he would best Gilyak at the gambling game. When they were unable to deter Falcon, all the animals rallied to him. Eventually the contest took place. Coyote sang a magic song while the gambling was in progress. Falcon gambled with four Gilyaks in succession, killing them all in turn, that is, winning the game. After having shot and killed the four Gilyak brothers with his bow and arrow, Falcon and Coyote then threw the father and mother of the Gilyak brothers into the fire, so that all six Gilyaks were dead. They then took all the Gilyak property and returned to their homes.

Another myth recounts that Black Chicken-Hawk's wife, Quail, became angry and left him. Eventually she ar-

rived at Gilyak's house, where she was admitted unharmed. Hawk decided to follow his wife. His younger brother wished to accompany him, and Hawk told him he did not expect to return alive, and so would tie his brother in his hair so no one would know he was there. When Hawk was entering Gilyak's sweathouse, Gilyak shot him in the throat and put the body outside the house so it would die before he cooked it. When the body was outside, the younger brother crawled out of Hawk's hair and carried his body toward their home village. The people heard them returning, realized what had happened, and came to meet them. The people then made arrows, and Blue Jay and Redheaded Woodpecker, who were poison men, made poison for the arrow tips. Hummingbird, who was a medicine man, entered Hawk's mouth, passed through his alimentary canal, removed the poison which had killed him, and purified him completely. Hawk then returned to life, and he was told to stay where he was while the others went on to Gilyak's house. Arriving there, they placed poison on the end of a long pole, pushed it inside the door, and thus defiled everything in the house. They were invited inside and then played the grass game. Fisher and his brother played against the two Gilyak brothers. Fisher shot and killed both Gilyaks. After mashing the bodies, the victors took Quail and Bottle-fly (the Gilyaks' unwilling slave) and set out for home. When they reached Hawk he told them he could not stay with them any longer, because, having been dead, he now smelled too bad and so would have to die again. Then he flew away, and so did all the others.

One last example of the mythological place of gambling is presented. Very long ago there were two gamblers in a village. One of the two always lost. When he had lost almost everything

he went out into the mountains, donned a deer mask (consisting of a deer head and hide), and then looked like a deer. Gilyak saw him, wanted him for a pet, and tried to talk to him. He even offered him various kinds of food, like grass, pepperwood boughs, and greens; but the deer made no response. Gilyak tried beads (money) as a last resort, and found that this was the only food the deer would eat. Gilyak then took the deer to his house and kept him in the yard nearby. The deer was there for four months, by which time he had eaten the entire supply of Gilyak's beads. When he was unable to get any more beads, Gilyak returned the deer to the place where he had found him. After Gilyak left, the deer changed back into a man and returned to his own village. The people were happy to see him. Blue Jay, their chief, told the people to build a big fire, have a good sweat, and swim. After their bath they gambled. They played four nights and days, and the man who had been away won constantly from the man who had formerly beaten him at the game. On the fifth day, when Blue Jay asked the people to play again, they refused, saying they could not spend all their time making beads. Blue Jay became angry because the people spoke to him, their leader, in this fashion, so he transformed them into birds.

COURTING THE SUPERNATURALS

Among the Pomo, as in modern cultures, there was a relationship between the status of an individual in the tribe and his security, based upon both his own and his family's wealth. Success in ventures was dependent on observance of the wishes of the supernaturals; gambling was sanctioned by religion, as can be seen by the fact that even the important supernaturals gambled. When a gambler "shot" his opponent

it was comparable to the mode of gambling among *supernaturals*, which consisted of actually shooting at one another

The gambler and his group went into the hills before a gambling match. There, in secret, they observed a long ritualistic ceremony. When they returned to the village they did not repair to their houses, but instead proceeded to the sweathouse. During this time they ate no meat, fish, or grease; they ate but a bit of cereal, and that only in the morning and after sundown. They drank only water, and that also only early in the morning and late at night. They *cleansed* themselves and rubbed themselves with various objects. They allowed no one to touch them, and they in turn touched no one. Sexual intercourse was taboo.

Before an actual gambling match, the group took the youngest member with them into the hills, where, with many prayers, songs, and dances, they prepared him for the contest. One prerequisite consisted in the youngster's inserting his arm into a gopher hole and caressing the rattlesnake therein, while the older men chanted, danced, and prayed.

Gambling occurred between two groups, each of which had a team of two young men manipulating the gambling devices. The older gamblers sat a few feet behind; they chanted, prayed, sang, drew power from the *supernaturals*, and directed that power into their young gamblers.

GAMBLING AND SICKNESS

Gambling was a factor in sickness and death. According to the *Pomo* Indians, every ill person became ill either because he had violated a taboo or because his enemies had "poisoned" him. (No actual poison was *used*; it was a form of black magic.) Doctors were summoned, and the money set aside for curing the patient was placed in a

conspicuous central position. A small sum of money on display indicated that the family was not especially desirous of having the patient cured. Every case on record indicates that when this occurred, the person died.

While the doctors were engaged in attempting a cure, the enemies of the family separately attempted to accelerate the death of the sick person. This was especially true of the poisoners who had been hired to bring about the patient's death. Hence between the two groups there often arose lengthy gambling sessions, for it was recognized that the amount of money available had an important effect on the final outcome. A severe illness of long duration might impoverish an entire inter-related group of families, both the relatives of the sick man and of the opposing group suffering correspondingly. Moreover, they suffered further severe physical deprivation due to taboos involved, relating to abstinence from sexual activity, or eating and other usual activities; for neither a poisoner nor a doctor could participate in any community life or other personal pursuits while he was involved in a case.

Furthermore, the curing of a sick person was deemed a contest between the doctor and the poisoner, who called upon the *supernaturals* for help and tried to control them. If the man regained his health, it meant that his essence had been won by the benevolent *supernaturals*; if the man died, it meant that his essence had been won by *Gilyak*.

A family the members of which had been impoverished by gambling or by their "protection" of one of their sick members naturally found itself unable to cope with any new crisis, such as famine, marriage, or a trading expedition. But such was family loyalty that there was a constant interchange of gifts among related persons, by means of which individual and family security,

which was the only basic security in the culture, was maintained.

BASIS OF GAMBLING PROPENSITY

Our research among many North American Indian tribes, and the available literature, lead us to conclude that, in order to understand the drive to gamble among all peoples, the problem must be considered from at least two points of view: (1) the *culture* in which individuals learn about gambling from their fellows and participate to a greater or less degree in the culturally sanctioned forms of gambling; and (2) the *personality* of the individual participant. In the first we perceive the basis for the group's tolerance of gambling in all forms. In the second we perceive a deep-seated psychological basis for the degree of participation in, as well as for the complete abstention from, any form of gambling.

In the case of the Pomo, gambling was honored by the populace, sanctioned by religion, and openly participated in; but in our own culture, the laws and religious taboos are recognized and known to forbid wagering. Yet it is an undisputed fact that through the activities of a tremendously large segment of the population, gambling has become an integral part of our culture in a degree almost equal to that in the case of the Pomo.

This is seen in our business practices, especially in the stock market; in promotion of the numbers game; in familiar gaming activities at carnivals, fairs, and the horse and dog tracks; in bingo games and in the maintenance and tolerance of bridge, poker, and

canasta clubs; in participation in bank nights at motion picture theaters; and in a large variety of related activities. The modern gambler is not merely the one who participates in organized games of chance, but also the one who "takes chances" in relation to his income tax return, a business enterprise, or crossing the street against a red light. Our competitive and risk-conscious culture provides abundant opportunities to "gamble" in many ways without patronizing a gambling house or a race track.

But in light of the equally widespread ostensible disapproval and prohibition of gambling, it is fair to conclude that the frequency, intensity, and amount of participation in wagering of some kind is dependent to a great extent on personality factors. The cultural sanctions may be contradictory, but as the participation varies from one person to another, it can assuredly be said that the depth to which gambling habits may extend below the gambler's surface adherence to law and his protestations of religious belief is dependent on his unique personal psychological adjustment.

Consideration of gambling as it occurs in a variety of cultures demonstrates that it is universal. It is found wherever there are groups of people organized as functioning societies. Underlying it are deep-seated internal involvements of personality, culturally and individually determined, while external manifestations vary markedly from culture to culture and tend to obscure the emotional base upon which they depend.

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The Argot of the Dice Gambler

By DAVID W. MAURER *

GAMBLING is inherent in American life. It came early to these shores with the Spanish and French adventurers; it was reinforced by the British garrisons in New England; it was the sport of the first families of Virginia, from aristocrats to thieves and debtors; it spilled over the edges of New Orleans and migrated up the Mississippi Valley to father a great mid-western underworld with concentrations in Memphis, St. Joseph, St. Louis, Kansas City, Chicago, Minneapolis, St. Paul, Cairo, Terre Haute, Louisville, Newport, Cincinnati, Youngstown, Pitts-

burgh. It followed the frontier, especially the gold rush, and settled down in swank splendor on the West Coast, with headquarters in Tia Juana, San Diego, Reno, Los Angeles, San Francisco, and a score of other coastal cities. In fact, I do not know of any major American city that is not profoundly influenced both politically and economically by professional gambling interests.

IMPLICATIONS OF GAMBLING

In itself, gambling can hardly be considered criminal, although it is so classified in the statutes of most of the states and in some Federal codes. Parenthetically, the professional gambler is a recognized and legitimate taxpayer under the Treasury Department's income tax program, with the craft of computing the gambler's net income long acknowledged by gambler and government alike.

Although gambling may not be criminal, its viciousness lies in the fact that it gradually corrupts city, state, and Federal Government agencies; it pays off regularly to political machines; it imports strong-arm men and gangsters to enforce its jurisdictions; it nominates and elects public officials; it constitutes a powerful and semilegitimate front for the underworld. On its heels come the harlot, the pimp, the pick-pocket, the narcotics peddler, the safe-cracker, the stick-up man, the black-mailer, the extortionist, the professional thief, the confidence man, the labor racketeer, the municipal fixer, the shakedown copper, the machine boss, the corrupt judge, and other paid protectors of crime less easily condoned than gambling.

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Within our own times it has made household words of such proper names as Capone, Pendergast, Rothstein, Annenberg, Costello, and scores of others. At the same time it has commercialized the lust for easy money in millions of legitimate citizens, who are of interest in this study only as the suckers supporting a vast, lucrative, and highly organized industry operating almost exclusively under paid protection from the law.

Needless to say, there is no such thing as an "honest" professional gambler, although there are still a few gentlemen gamblers who rely on their phenomenal understanding of the game and a sort of sixth sense which makes cheating superfluous; but these men play for sport and not for a living. The professional gambler depends upon an edge, or advantage over the nonprofessional player.

Naturally, the mechanical devices by which the gambler cheats for his profit are legion, and the manual skills which he develops are often superb. It is not our objective to examine these devices or techniques in detail here, except insofar as they are reflected in the technical language used by professional gamblers. Sometimes the "edge" is not a deliberate cheating device, but rather a set percentage which the gambler must take from a total of the individuals with whom he plays; that is, a bookmaker must make a living. If he "dutches" his books, he cannot pay off his customers. Therefore, he combines some knowledge of mathematics with the genuine desire to improve the breed (which is said to motivate most race-track gamblers), and takes a rather steady percentage from all who place bets with him.

A similar situation exists in many established gambling houses, where all the gambling devices are set to yield an over-all percentage for the house; this many range from, say, 13 per cent

on a crap table to 80 to 1 against the player on the slot machines. Often such houses do not consider themselves in any way dishonest, but look upon this percentage as a normal profit comparable to that taken by any legitimate business, which, in a sense, it is. However, most of them maintain both the men and the equipment to separate any lucky sucker from large amount's of money he may win, and this separation may take place on the basis of either skill or violence.

Individual gamblers—those who do not work for the house but may work against other individuals or against the house—are of necessity skilled and seasoned sharpers who combine great manual skill with specially prepared equipment and a subtle knowledge of human psychology.

On the basis of personal honesty, gamblers vary as much as do ordinary individuals; but on the whole they appear to be more scrupulous in the payment of their debts and the maintenance of their credit than the average legitimate citizen, because the maintenance of a good reputation in this respect is an absolute necessity in the underworld. Some professional gamblers carefully cultivate and protect a reputation for high personal integrity. Naturally, this does not always carry over into their professional life.

THE PLACE OF THE GAMBLER IN THE UNDERWORLD

By underworld standards, the professional gambler ranks between the confidence man and the thief; that is, he is in the upper brackets of what is known as "the grift." Usually, successful gamblers combine some of the psychological skills of the confidence rackets with the manual skills of the thief, adapted, of course, to their particular racket; in fact, there is a good

deal of overlapping between the con rackets and gambling, in that some of the best confidence men make their expenses when traveling about the world by operating as "deep-sea gamblers." Some professional gamblers, often those employed by reputable gambling houses, double as confidence men during either short-con or big-con touches, which are laid in the gambling house either with or without the knowledge of the management.

Sometimes, also, gamblers lean heavily toward respectability and operate as bookmakers in social areas which appear to be remote from the underworld. Others lean the other way, toward the occasional use of violence, and maintain effective business connections with the so-called "heavy rackets." Within the last ten years it has become the fashion in the underworld to avoid violence and to work more and more on an ostensibly respectable level; the word has gone out in most organizations, "Don't do anything spectacular."

This tendency toward gentility has paid off handsomely, with the result that we now support an underworld far more extensive and far more prosperous than anything which existed in the gangster days of the twenties. Protected gambling, of course, is the hub around which this underworld revolves.

ORGANIZATION

Gamblers operate primarily on two levels: as lone-wolf or individual gamblers, and as a mob. The free-lance or lone-wolf gambler is a survival of the old frontier days, which produced some remarkably competent operators. Among dice gamblers today these men are known as hustlers. Usually they work alone—and against everyone else including other hustlers—but they may on occasion team up temporarily with a mob. The types of mob organization

among all types of gamblers are multifarious.

The organized gambler works with a mob which ranges in number from two to ten or twelve individuals, if we include all the steerers, tailers, paid policemen and others. In Detroit several years ago a grand jury discovered that more than a hundred public officials were in the employ of organized gamblers, and sent them all to prison—much to the surprise of everyone. These were, of course, all auxiliary or accessory to mob operation.

In the mobs there is a rather sharp division of labor, with the steerer, roper, or outside man rooting out marks and steering them to the game, where the amount of money in evidence is calculated to arouse the native larceny in the sucker and prepare him for the kill. If the mob operates on the verge of the confidence rackets, the dealer, banker, or stickman may sometimes serve as an inside man; usually, he is simply a highly skilled technician. The cappers or shills win and lose during the play according to the instructions of the inside man, who directs their play in such a way as to produce the desired reactions on the part of the suckers. The play may occur anywhere, from a swank gambling house to a cheap hotel room.

Some mobs operate consistently in one city or one vicinity; others travel regular routes over the country (mitt mobs, smack teams, tat workers, and so forth). Some dealers travel from house to house on a sort of rotational schedule, being moved into certain localities for certain types of play, or occasionally to handle individual suckers who are known to be ready to play with large amounts of money. Some gambling houses are stable and enjoy a good reputation for fair play within the limits of the percentage they are known to take. These are really a form of

semilegitimate business. Others are less savory, and change their personnel as frequently as possible in order to stimulate play and to allay suspicion which may fasten itself upon any of the house personnel.

Some houses are large, luxuriously furnished, and prosper under secure political protection. Others range down the scale to the corner drug store where controlled dice are used, or to the doorway bookmaker who is prepared to "go over the hill" when mathematics fails him.

Because of the high degree of organization among gamblers and because of the close dependence of the profession upon such nationally organized aids as wire service, form-sheet publication, or the manufacture of crooked gambling equipment, and because of the similar technical and social habits developed by gamblers, the gambling fraternity consists of a rather close-knit social group. This racket extends over the entire continent, even reaching abroad, while at the same time it penetrates every small community with enough money to interest a gambler.

THE FIX

Probably no other underworld group enjoys such universal and effective police protection as the professional gambler, especially since gambling has become an important industry with a tremendous national gross. For a nominal weekly payment, the gambler can operate in comparative safety from law enforcement agencies, from reform groups, from irate victims, and from nonpaying competitors.

Sometimes the "fix" is a simple transaction between the gambler and the policeman on the beat; usually it is more subtle than that. In most cities there is a fixer (or several, one for each type of racket) who arranges in ad-

vance for a gambler to operate in that community. He collects an advance plus the regular weekly payment, plus campaign contributions, plus extra payments when "the heat" is turned on by reform groups, by honest enforcement officials naïve enough to think they can buck the machine, or by competitors trying to muscle in. Often this fixer is a person of both local and national prestige; almost never does he have open or ostensible connection with the rackets. Gone are the days when the corner saloon keeper acted as the fix for all the rackets in his neighborhood.

While some fixing is done on a goodwill basis, most of it is a cold commercial transaction by which a law violator buys immunity up to a certain point; after that, he buys assistance in the courts; if that fails, he buys leniency from an appeal judge; occasionally, when all fails, a gambler goes to prison. He is the exception, for a well-oiled machine operates in every community, in every state, in every congressional district, with the fixing done through very potent political channels. Some of it eventually goes to Washington.

In each community, however, the police department is the focal point of the fix, and every gambler must decide whether or not he wants armed and uniformed police for his business or against it. Usually he is a step ahead of even the most dishonest policeman, and fans the spark of larceny dormant in most gendarmes with a sheaf of notes calculated to build it instantly into a hot and consuming blaze. And so the gambler who in frontier days found himself driven from city to city by armed and irate citizens now basks in security and prosperity under the blessings of civilized government, which protects, to some degree, not only the gambler but all forms of organized crime with the exception of kidnapping.

THE DICE GAMBLER

There are many types of gambler operating on many different social levels in an infinite number of communities. Some make their living entirely as professionals, some are *semiprofessionals*, and others are strictly amateur. They gamble by all the means known to human kind. By no means all of these are underworld characters, for the desire to gamble cuts across all social strata. The point is that anyone who likes to gamble with dice can perhaps be called a dice gambler, and many an otherwise legitimate citizen studies and practices with the dice to learn to "control" them. Eventually he learns about crooked dice and how they are used. He may secure one of the catalogues from the several solid mail-order houses which prepare equipment. Sometimes he learns to use it *properly*, but more often it simply makes him a better mark for other gamblers, for the real quality of a gambler lies within himself and not in his equipment or even in his skills. One must have true grift sense, and what often appears to be an innate capacity for taking money from strangers.

There is something about criminal enterprise which breeds a special type of language, or argot. All rackets develop special modes of speech, and in the United States nearly all argot falls into two broad *classes*—that of the heavy rackets and that of the grift. Each of these broad areas comprises innumerable rackets, with the gambler ranking high within the grift. In turn, there are many gambling rackets, some of which, as has been *indicated*, overlap with the confidence games, and each of these gambling rackets develops a specialized argot of its own, retaining, at the same time, many elements in common with all gambling argot and with the parent argots of the grift.

Since the line between the grift and the heavy rackets is not always a sharp one, there are also embedded in the speech of the dice gambler occasional elements shared in common with the heavy rackets, which usage reflects the ancient and multifarious connections which all criminal enterprises have.

GENESIS OF ARGOTS

The extent of the entire body of criminal argots is vast, and the motives underlying it obscure. Superficially, we might say that the growth of this phase of nonstandard and semisecret language *springs* from strong group rapport; from a reaction to outside forces, many of them hostile; from a desire for recognition or professional status; from a compensatory tendency to establish superiority; from the need for becoming established as one of the fraternity; from individual compulsions; from atavistic tendencies toward the animism of language and its control over the material world; and not least from the large variety of equipment and technology which go with the racket.

Certainly minimal is the popularly accepted theory that argots are used to conceal meaning from outsiders. While outsiders usually understand little if any of a criminal argot, the element of deception can hardly be called intentional, since argots are seldom spoken in the presence of outsiders, especially victims or potential victims. Usually argot is spoken freely and without inhibition only among the initiate, where it serves as a sort of union card. Some professionals in all fields shun the use of argot as *declassé*; others cultivate it with great wit and originality. Some men speak only the argot of their specialty, either through pride or lack of experience in other rackets; some speak several argots flu-

ently and have a peripheral knowledge of many more.

The argots are more than specialized forms of language; they reflect the way of life in each of the numerous criminal cultures and subcultures; they are the keys to attitudes, to evaluations of men and society, to modes of thinking, to social organization, to technology. Often they show the keenest sort of perceptive mechanisms and involve imagery that is sharp, clear, and cynical.

Argots are not the creation of dull minds, except insofar as barbaristic usage is picked up and used with unconscious irony. Underlying most argot is a body of vivid imagery and a current of humor which is not always apparent to the uninitiate. Parenthetically, the argots of criminal and semicriminal groups—those who live primarily by their wits—form a large and only partially explored matrix from which a heavy proportion of current slang is derived.

The argots of various types of gamblers differ from other argots in many ways, of course, but principally in that they are known in part by many nonprofessionals and noncriminals. Every person who gambles learns a little argot even though he may never penetrate beyond the sucker level, and though what he knows on this level may be improperly used or understood. People who gamble a great deal know quite a bit of it, and sometimes take pride in this usage, although they too are excluded from the inner circles of the hustlers, the dealers, the diemakers the card markers, the ropers, the inside men, the shills, the bookmakers, the numbers boys—in short, the professionals, where a large percentage of the new and fresh coinages first appear.

The main flow of argot seems to be out from this professional center to the semiprofessionals, to the legitimate gamblers, to all players, to the public

at large. There are some back currents of course, with some usages working in toward the center; but in the main the legitimate language—in fact, the literary language—is constantly being bombarded with idiom from the professional groups. Some of it dies as soon as it emerges from the speech of specialists, but some of it persists until it is adopted by the standard language on many different levels.

SCOPE OF PRESENT STUDY

The speech of dice gamblers is typical of gamblers' argot, although of course it differs in content and imagery from other gambling argots. In this study I have held closely to usage indigenous to the fraternity and have on the whole excluded terms from related rackets and from other social or criminal groups, even though those terms may be current among dice gamblers. This is done to conserve space and to give a clear picture of gambling argot in a rather strict sense. However, I have included here and there single entries borrowed from other types of gambling or from other rackets, or words which have generalized or specialized as they emerged from the dice-gamblers' argot proper, and have so labeled these isolated examples that the reader may have one or two pertinent examples of each for reference.

Furthermore, this check list is not complete, since the dice gamblers are legion and since the behavior pattern of the individual as well as the type differs widely according to both social and geographical distribution. These variants in the pattern are naturally reflected in linguistic usage, which changes both extensionally and intensionally at a rate relatively rapid compared to standard printed American English. I have omitted the conventional slang of legitimate dice gamblers, since it can hardly be called argot.

Therefore ~~this~~ survey, while conducted with great care, cannot claim to be either comprehensive or exhaustive. It represents an attempt to generalize on the basis of some years of experience with both the culture and the language patterns of the professional criminal.

GLOSSARY ¹

ACE: The number one on a die.

ACTION: (1) The betting between **players**.

"There's plenty of action." (2) Fast play with the dice.

ADA FROM DECATUR: See **EIGHTER FROM DECATUR**.

ALONE: Playing against the house, usually used in reference to a cheater trying to beat the house by himself.

ANGLE: A method of playing or cheating. "He's got an angle that he thinks will give him the best of it."

ASS-ENGLISH: The actions of a shooter who believes that by various contortions and cabalistic actions he can influence the dice.

BACKER: The **financier** of the game, whether it be an individual or a house.

BACK OF THE LINE: The space on the layout where bets are placed after the come-out. See **COME-OUT**. "Bets are sometimes placed back of the line to get odds of 2-1 on 4."

BAGGAGE: (1) An observer of the game who does not play. (2) A member of a mob who does not win enough to pay his own way.

BAGGED: Cheated. Said of a house which has been beaten by an employee in collusion with a player.

BAG-JOB: A setup by which a house is beaten by an employee (a dealer or **stickman**) working in collusion with a cheater.

BANK: (1) The dealer in bank craps. (2) The house. (3) The house bank roll. "The bank is money used to pay off."

BANK CRAPS or **BANKING CRAPS:** A crap game played on a layout in which all bets are made against the house. **Al-**

though the policy varies from house to house, usually the player either pays a direct fee for each wager or else accepts smaller odds, as specified on the table layout.

BANKING CRAPS: See **BANK CRAPS**.

BANKER: (1) A dealer who collects and pays off bets for the house. (2) A bank-roll man or money man.

BANK-ROLL MAN: (1) A person who finances a dice game. (2) One who acts as a cashier for a game, usually the dealer.

TO BAR A POINT: A type of bet which seems to vary from house to house. It involves barring certain combinations of numbers on the dice so that even though the shooter makes his point, if it is made through one of these combinations, he loses the bet. "Barring a point is strictly a proposition-bet laid on tens and fours, nothing else, at even money." "Some say the bet (bar-bet) is sometimes made on other points with the shooter giving odds, but I doubt it." "To bar a point is a sucker-bet. They wouldn't stand for it in the East." ". . . no bar-bets in bank-craps, only small games, or **bulley-galley** games

BAR BET: Same as **BAR A POINT**. (Husler usage.)

BATTERY JOINT or **BAT:** A place where electric dice controlled by batteries or current are used. Also **JUICE-JOINT**.

BEEFER: A player who consistently complains when he loses

BEHIND THE SINK: Broke. (Probably a variant of **BEHIND THE SIX**, from faro bank.)

BEHIND THE DICE or **BACK OF THE DICE:** Said of the player who, having just lost the **dice** to the current shooter, has the privilege of fading in round-table games.

The BEST OF IT: An advantage accruing from chance, percentage, or dishonest techniques. "Even-up or six and eight gives the player the best of it."

To BET BOTH WAYS: To bet the dice either to win or lose. "The table has two-way action because the players can bet both ways."

BETS ON THE LINE: The cry of the stickman before the first roll, indicating that

¹ Because this study is predominantly sociological in interest, the linguistic elements have been minimized.

- players must put their money on the line.
- To **BET THE DICE TO LOSE**: To bet that the dice will not make a point, neither will they make seven or eleven on the first roll.
- To **BET THE DICE TO WIN**: To bet that the dice will make a seven on the first roll or repeat the point before a seven is thrown.
- To **BET ON THE LINE** Or **BET THE LINE**: (1) To bet that the dice will win or that the shooter will make a pass. (2) To bet before the come-out that the shooter will win. See **COME-OUT**.
- To **BET THE HIGH SIDE** Or **BET THE HIGH NUMBERS**: To bet that the dice will show points 8, 9, 10, 11, 12. "Betting the high side isn't used in craps. Pertains to the game Under and Over Seven. The percentage on this bet in craps would be 16%, which makes it a sucker-bet. . . ." "He is mistaken. It (betting the high side) is a hustler's bet used in street games sometimes. Also sometimes used in casino craps where 6-5 odds go with the bet. Actual odds are 21-15 or 7-5. . . ."
- To **BET LEFT AND EIGHT**: To bet with players beside one.
- To **BET ON ONE'S MUSCLE**: To bet on credit without the money to repay losses.
- To **BET THE LOW SIDE** Or **BET THE LOW NUMBERS**: To bet that the dice will show points 2, 3, 4, 5, 6. Cf. to **BET THE HIGH SIDE**.
- BIG DICK**: Point ten in craps. Also **BIG DICK FROM BOSTON**; **BIG DICK THE LADIES' FRIEND**.
- BIG EIGHT**: Eight on the layout (usually drawn large).
- BIG GAME**: See **BIG TABLE**. . . .
- BIG SIX**: Six on the layout. Cf. **BIG EIGHT**.
- BIG TABLE**: A dice table where the wagers or limits are large. Also **BIG GAME**.
- BLANKET ROLL**: A type of controlled roll, so called because it can best be made on a blanket or rug. Also **PAD ROLL** or **EVEN ROLL**.
- To **BLOW**: (1) To lose a sum of money. "I seen I had the edge so I zinged it in, but either they was lucky or had the gaff working. Anyhow I blowed the B-R." (2) To become aware of cheating. "The sucker blowed the move"; or "The sucker blowed." (Generalized underworld usage, but much used by dice gamblers.)
- To **BLOW THE WHISTLE**: To complain to the police; said of a sucker who has lost. (Somewhat generalized.)
- BOARDS**: The raised rail around a crap table against which the dice must be thrown. Also **RAIL**; **CUSHION**.
- BOOK**: (1) The man who collects the money and pays off bets. (2) The backer of the game. (3) The house bank roll.
- BOUNCER**: (1) The employee who keeps order in a gambling house. (2) A worthless check. (Somewhat generalized.)
- BOUNCE SHOT**: A control shot somewhat similar to a box shot except that it is not made off a cushion or backboard. The bottom die falls dead because of the impact of the top one which strikes it.
- BOX**: (1) The container on the crap table in which the stickman keeps the dice. Also used in other types of dice games. (2) The dealer's box, usually made of leather. Subject to various cheating devices and techniques.
- BOX CARS**: Two sixes on a pair of dice.
- BOX-CAR NUMBERS**: Large sums of money. "He's OK for a short tab but make sure you don't let him go into box-car numbers."
- BOX-MAN**: The houseman who sells chips or changes money at bank craps, usually exchanging new bills for old.
- BOX NUMBERS**: A space on the layout where each point number appears within a square or box. Cf. **OFF NUMBERS**.
- To **BOX NUMBERS**: To bet on any number but the point by laying the money in the proper square on the layout.
- BOX UP** Or **BOX THEM UP**: The cry of a player who wants to change dice. The stickman then mixes the dice in the bowl and the player takes a new pair.
- BOX SHOT**: A control shot whereby the shooter may control the fall of one die. The dice are thrown one atop the other. The bottom die strikes at the junction of playing surface and cushion and, being prevented from rolling over by

the weight of the top die, rebounds from the cushion in a slide. Cf. GREEK SHOT.

To **BREAK A GAME**: For a player to **force** a game to its conclusion by winning all or most of the money. Indication that the game is broke or busted is sometimes given by turning the box upside down on the table.

BRICK: A die that has been shaved or cut so that, while its sides are planes, it is not a true cube. Also **FLAT**.

BROKE MONEY: A small sum of money, as \$5 or \$10, given to a broke player by the house.

BROWNIE: A buster. See **BUSTERS**; **WHERE'S BUSTER BROWN?**

The **BRUSH** or **BRUSH-OFF**: A technique of switching a buster for a legitimate die, employed as the player returns the die to the shooter. Cf. **BUSTERS**.

BUCK: A marker placed on a number to indicate the point in a house game.

BUCK FEVER: Fear of risking one's money. (Sucker word.)

To **BUCK IT**: To repeat the come-out number on the second roll.

To **BUCK THE GAME**: To bet against the house.

To **BUCK THE LINE**: To bet the dice to win.

BUM MOVE: (1) A suspicious action on the part of a player. (2) An error.

BUM RAP: A framed charge or conviction.

BUNDLE: A large roll of money.

To **BURN THE DICE**: For a houseman or another player to stop the dice before they have finished rolling, usually when a roll appears suspicious. It is not done in casino games except where one or both of the dice fail to reach the cushion. It is sometimes done by a superstitious individual to change the player's luck. Cf. to **GATE**.

To **BURN UP**: Said of dice when a player is having a winning streak. Cf. **HOT**.

BUSTERS: A pair of mis-spotted dice. These are made in many combinations designed to turn up certain numbers. Either one or both may be switched into and out of the game as the situation demands. See **TOPS**.

To **BUST IN AND OUT**: To switch busters or tops into and out of a game.

BUST-OUT MAN: An accomplished manipulator of crooked dice whose specialty is switching the dice when necessary.

To **CAKLE THE DICE**: To pretend to shake the dice by making them rattle when actually they are being prevented from turning freely in the box.

CALIFORNIA or **CALIFORNIA BET**: A bet in which the player covers all the box numbers and takes back the winnings, though not the original bet after each throw.

CALIPERS: Dice that are true to one-thousandth of an inch or thereabouts. Also **PERFECTS**.

CANE: The croupier's stick (hickory, rattan, bamboo) used to retrieve the dice after each throw.

CAP: The gross take. "Expenses are taken off the cap." (Rare.)

CAP DICE or **CAPPED DICE**: Crooked dice which are covered on certain sides so that these are more resilient than the others. The dice tend to bounce off the worked sides.

CAP WORK or **CAPPED WORK**: See **CAPPED DICE**.

CASE DOUGH: One's last bit of money. (Probably borrowed from faro players.)

CASE NOTE: One's last bill, theoretically a \$1 bill. (Probably from faro.)

CAUGHT UP: Said of a person who has lost his credit because it is known that he owes money which he cannot pay.

CENTER or **CENTER BET**, **CENTER MONEY**: The combined wagers of the shooter and the **fader**, as distinct from all other bets.

CHALKED: Widely known as a cheater.

To **CHALK**: To bar a player from an establishment or a particular game.

CHECKER: A houseman who checks steerers to see how many players they bring to a game.

To **CHILL**: To lose interest. (General underworld usage.)

CHIPPY: (1) A sucker. (2) An inexperienced player.

To **CHISEL**: To place small bets, always with a favorable percentage.

CHISLER: A cheap, careful player who plays strictly for the best of it.

CHISELER'S TABLE: A table which will accept small bets and one at which the limit is not high. Also **SMALL TABLE**.

CHOPPER: The cutter in a dice game.

To **CLACK**: to knock the dice together inadvertently in the process of making a switch.

CLEAN: (1) to get rid of crooked dice or any incriminating objects. "He cleans himself of gaffs." (2) Free of incriminating objects, such as cheating devices or guns.

CLEANED: Broke. (General.)

CLEAN **MOVE**: Any cheating move cleverly executed.

CLOSED GAME: A game open only to certain players, often a private game between big-money men.

CLOSE TO THE BELLY or **VEST**: Cautiously. Said of a dice player who bets only when almost sure of winning. (Borrowed from cards.)

COCKED DICE: A dice throw which does not count, either because the dice roll off the table or because there is doubt as to which surface is uppermost.

COLD: Said of dice that are losing more often than winning.

COMBINATION: Numbers facing each other when the dice are held for certain controlled rolls, the pad roll and the drop shot.

To COME: To succeed in either repeating the number of one's second roll or making one's point before rolling a seven.

COME-BET: A bet that the shooter will either repeat the number of his second roll or make his point before rolling a seven. " . . . he'll throw a natural on the come-bet roll. . . "

COME-ON: (1) Small bets given a sucker to build up his confidence prior to cheating him. (2) Any action designed to stimulate the sucker to get him into the game. (Generalized.)

COME-OUT: The first throw of the dice after a shooter's decision.

COMING OUT: A phase used by the stickman to signify the come-out. Usually an admonition for the bettors to get their bets down.

CONTROL SHOT: Any of a number of methods of throwing the dice whereby the shooter is able to control their fall, if not totally, a high proportion of the time. See DROP SHOT; GREEK SHOT; SPIN (THEM); WHIP SHOT.

To COP: To win. (Probably borrowed from the circus gift.)

To COPPER THE DICE: To bet the dice to lose. (Probably taken over from faro bank.)

COWBOY: A reckless gambler. Also HIGH-ROLLER.

CRAP: The numbers 2, 3, and 12 on dice. (Origin obscure, perhaps French.)

CRAP HUSTLER: A professional crapshooter who makes his money by betting where he can take a high percentage, by offering sucker bets, or by the use of cheating methods.

To CRAP OUT: To roll a 2, 3, or 12 on the first roll.

CRAPS: (1) A dice game, fully described by John Scarne and Clayton Rawson in *Scarne on Dice*. (2) The dice.

CRIB: A gambling house.

CROSS: The act of beating someone who is engaged in cheating. "Every gaff has its cross." "We gave him the cross."

CRUMB **BUM**: A small-time chiseler.

CRY ACT: The bewailing of imaginary losses; characteristic of hustlers.

CUP: A leather receptacle for shaking dice. Also BOX.

CUT: The percentage taken out by the house or the operator of a game.

To CUT UP BIG WINS: To reminisce; to talk over old times.

CUTTER: An operator who charges a player making one or more passes in an open game.

CUTTING GAME: A round-table or street game in which a percentage of the center is taken by the stickman after two or more consecutive passes.

DEAD HEAD or DEAD **ONE**: A person who is not playing, the implication being that he is broke.

To DEAL: To collect winnings and pay off losses in a crap game.

DEALER: The banker in a dice game.

DEUCE: Point two on the dice.

The DICE ARE **OFF**: Said of dice which are not true, either because they are cheap dice or because they are crooked.

DICE PICKER or DICE DETECTIVE (East): A houseman whose job is to pick up the dice that have fallen from the table. Also FLOOR MAN (West).

DIPSY: A hustler. (West).

DO: A win bet, meaning "bet they (the dice) do win." "Bet they do, bet they don't, bet they will, bet they won't."

DOCTOR: A signal or office, used by cheaters in the presence of suckers. "O.K., Doctor," sometimes in conjunction with a hand signal, informs the cheater that his move has been noticed by another cheater who will ride along with him, naturally expecting a share of the win. "Is the Doctor working?"

To DOG IT: To refuse to honor a wager or debt.

DON'T: A lose bet, meaning "bet they (the dice) don't win."

DON'T-COME or **DON'T-PASS BET:** A side bet in which the bettor wagers that the dice will lose, considering the next roll as the come-out. See **COME-OUT**.

DON'T-PASS LINE: A line on the layout where don't-come bets are placed.

DOORMAN: Anyone who admits players to a gambling room; part of his job is to look for weapons.

DOOR POPS: Crooked dice which roll seven or eleven predominantly. Some combinations include a three.

DRAW: A bettor who does not let his money ride.

To DRAW DOWN: To take back all or part of money won instead of letting it ride on the next roll of the dice.

DROP: The location where players are picked up (by housemen or steerers) and driven to the game.

DROP SHOT: See **GREEK SHOT**.

To be DROWNED: To lose heavily.

DRY: Broke.

To DUST (someone) OFF: (1) To flatter a player by telling him how smart he is. (2) To cheat a player out of his money. (Hustlers' usage.)

EDGE: An advantage.

EDGE WORK: Dice which have been altered (beveled) along the edges.

EIGHTER FROM DECATUR: Point eight in craps.

ENGLISH: The simultaneous sliding and spinning action of the dice characteristic of most control shots.

ENGLISH SHOT: A control shot, nearly always a drop shot.

EVEN ROLL: See **BLANKET ROLL**.

EVEN-UP: A bet or proposition that is fifty-fifty.

To FACE OFF: To place certain faces of the dice against each other as in certain control shots. This is done in shooting either from the hand or from the box.

To FADE: To cover all or part of the shooter's center wager.

FADER: The person who covers the shooter's center wager.

FADING GAME: See **OPEN CRAPS**.

FAT: Said of a person with a large bank roll.

FEVER: (1) The gambling habit. (2) Point five in craps.

FEVER IN THE SOUTH: Point five in craps.

FIELD: A space on the layout containing a group of numbers, 2, 3, 4, 9, 10, 11, 12, or 2, 3, 5, 9, 10.

FIELD BET: A bet that one of the "field numbers" will be thrown on the next roll.

FILL: Weight put into dice to favor certain combinations.

FILLS or **FILLED WORK:** Dice which have been loaded.

FINIE: Point five on dice.

FIRST FLOP DICE or **FIRST POP DICE:** A type of heavily loaded dice which tend to bring up the same number each time they are thrown. Used with a slick box or slick cup. Also **SETTLERS**.

FIX: (1) Arrangement with a politician or police official under which a gambling house operates. (2) The money paid.

FIXER: A person who has political connections through which he can secure the protection necessary to operate a gambling house.

The FIX IS IN: A situation in which protection is bought and paid for by gamblers; while this protection is not absolute, it enables gamblers to operate freely.

To FLAG: (1) To call or signal a confederate. (2) To bar a player from a game or establishment.

FLAT BET: A side bet made among players that the dice will or will not win.

FLAT: See **BRICK**.

FLOATING GAME: A game which is shifted from place to place in order to escape

- police detection or a raid by a holdup mob.
- FLOATS:** Crooked dice which have been hollowed out inside so that they are off balance. This type of work cannot be done on transparent dice which are now used in most games, so floats are almost obsolete.
- FLOORMAN:** (1) A houseman who acts as manager of a house. He is usually owner or part owner. (2) A houseman who watches both players and employees for cheating moves, who picks up dice that are dropped on the floor, etc.
- FLUSH-SPOT DICE:** Dice with spots flush with the surface, rather than indented as is customary.
- To FREEZE OUT Or SQUEEZE OUT:** (1) To force a gambling house out of business. (2) To force a gambler out of a game.
- FRISK ROOM:** An anteroom in some gambling houses where players are searched immediately after they enter.
- FRONT LINE:** See **PASS LINE**.
- FRONT MONEY:** (1) Money used to make an impression on suckers. (2) Bankroll money.
- FRONTS:** Legitimate dice, or square dice.
- FULL TABLE:** A crowded dice table.
- GAFF:** (1) Any secret cheating device. (2) The method by which dice are altered.
- GAPPS:** Crooked dice of any kind.
- GAG:** See the **HARD WAY**.
- GAG-BET:** A bet that the point will be made with a pair.
- GALLOPING DOMINOES or CUBES:** A pair of dice. (Sucker word.)
- To GATE:** To stop the dice before they have finished rolling, usually when a roll appears suspicious; also done by superstitious gamblers on occasion to change the shooter's luck.
- GETAWAY LAYOUT:** A layout for craps which can be moved quickly and easily.
- To GET BEHIND THE STICK:** For a dealer or stickman to go to work—i.e., to open the game.
- To GET ON THE STICK:** To work at the crap table, either as dealer or stickman.
- To GET OUT or GET WELL:** To regain one's losses.
- G. I. MARBLES:** Dice. (Obsolescent.)
- GIMMICK:** (1) A cheating device. (2) A means whereby dice are gaffed, q.v.
- To be GIVEN THE DOZENS:** (1) To be shortchanged. (2) To be cursed and called names.
- To GIVE (someone) THE ARM:** (1) To strong-arm a man in order to take money away from him. (2) To fail to pay money owed.
- To GIVE (someone) THE BUSINESS:** (1) To harm or cheat someone. (2) To use crooked dice or cards. (3) To give someone a brush-off, that is, diplomatically refuse his request, allay his suspicions, etc.
- To GIVE (someone) THE NEEDLE:** To rib or tease someone.
- To GO A MARKER:** To advance funds to a player whose credit is good with the house.
- To GO FOR IT:** To be taken in by some crooked plan.
- GOOD MAN:** (1) A player with a large amount of money. (2) A good cheater.
- To GO SOUTH or HEAD SOUTH:** (1) To take one's money out of a crap game. (2) To steal the bankroll.
- GRAVITY DICE:** A type of loaded dice. Cf. **FLOATS**.
- GREEK SHOT:** A controlled cast of the dice. The dice are set one atop the other, with the desired faces up. They are then thrown with a whiplike motion which causes them to twirl rapidly. Dropped properly on a soft surface, they will fall dead without sliding or rolling. Also **DROP SHOT**.
- To GRIND AWAY or GRIND:** To bet slowly and steadily. Also to **GRIND UP NICKELS AND DIMES**; to **GRIND UP A LIVING**.
- HAND:** Collectively, the rolls between the shooter's taking up and losing the dice.
- The HARD WAY:** Making the points 4, 6, 8, or 10 in pairs, such as two 2's, 3's, 4's, etc. Also the **GAG**.
- HARD-WAY BET:** A bet that the point will be made with pairs. Also **GAG-BET**.
- To HAVE A SIGN ON (one's) BACK:** See **CHALKED**.
- HEAD:** The gross take. "Off the head means paid before expenses are deducted."

HEAD TO HEAD: Betting between two players.

The HEAT IS ON: Said of a situation in which a house has been closed because of unfavorable publicity, complaints by customers, or police shakedown.

To HEDGE: To cover a wager with a compensating bet to avoid a loss or to break even.

HEEL: A cheap gambler.

HEELED: (1) Carrying a gun. (2) Carrying a large sum of money.

HEP or HIP: (1) Understanding a crooked game. (2) Understanding the proper odds on proposition bets.

HEP-GEE or HIP-GEE: A person who understands the angles of a game. Also HIPSTER.

HIGH CRAPS: Craps for big stakes. "When I was in the rocks I used to play a lot of high craps."

HIGH-ROLLER: See COWBOY.

The HIGH SIDE: Numbers 8, 9, 10, 11, 12 on a dice layout.

HILLBILLY CRAPS: A private or street crap game.

HIPSTER or HEPSTER: See HEP-GEE.

HIT: A pass in dice.

To HIT: To win.

HITS: Mis-spotted dice that do not throw seven.

To HIT AND RUN: To win quickly and withdraw from the game.

To HIT IT: To make a point.

To HOCUS: To alter fair dice to crooked dice.

HOLDOUT: A method of holding extra dice concealed in the hand. See PALM HOLDOUT; SOCKET HOLDOUT; SUCKER HOLDOUT.

HOLDOUT ARTIST: A gambler who conceals the full amount of his winnings from a partner or other members of the mob and pockets the difference.

To HOLD HEAVY: To be well supplied with money.

HOOK SHOT: See the HUDSON.

HOOP: A finger ring sometimes put into a crap game when the player is out of funds.

HOPTOADS: Crooked dice, in general. (East.)

HORSES: A type of mis-spotted dice. (Usage obsolete except in the catalogues.)

HOT: Said of dice when they continue to win. Cf. RED HOT; COLD; ICE-COLD.

HOT SHOT: A plunging bettor.

HOUSE: (1) The bank or proprietors of a game. (2) The bankroll. (3) Anything pertaining to the management.

HOW'S THE PLAY? Or HOW'S THE ACTION? A question asked to learn whether or not there is lucrative play going on at the crap table.

The HUDSON: A type of controlled shot. This is a spin shot in which the dice are thrown so that they spin with the same face down rather than tumble.

HUSTLER: See CRAP HUSTLER.

ICE: Protection money.

ICE-COLD: Said of dice that are losing consistently. Cf. HOT.

INSIDE WORK: Any internal alteration of dice.

IN THE BLACK: Winning steadily.

IN THE CHIPS: Having a large amount of money.

IN THE CLEAR: (1) Free of debt. (2) Not wanted by the police.

IN THE HANDS OF THE PHILISTINES: Indebted to loan sharks or other gamblers.

IN THE RED: (1) Owing money. (2) Losing steadily.

JIMMY HICKS: Point six on dice.

JOE: See LITTLE JOE.

JOE GOSS: The proprietor of a gambling house or game. (From so-called Australian rhyming argot: Joe Goss, the boss.)

JOINT: Gambling house.

JONAH: (1) A superstitious player who tries to control his luck with phrases or gestures. See PRAYING JOHN. (2) One whose presence is thought to bring bad luck to others. (3) To try to influence the dice by words or gestures. (4) To appear to bring bad luck to some one.

JUICE: Electricity, especially as applied to control of dice.

JUICE-JOINT: A gambling house where electric dice are used.

JUMP SHOT: A control shot used in street games where the dice are thrown for some distance in the air.

To **KILL ONE:** To control one of the dice, particularly the bottom one.

To **KNOCK** or **KNOCK A MARK:** To reveal a cheating device to a sucker, thus discouraging his play.

KNOCKERS: See **TAP DICE**.

LADDERMAN: A person who watches both housemen and players in order to guard against trickery. So-called from the elevation where he stands to observe the game. Used only in large gambling houses.

LAGGED: Arrested.

LAYER: A consistently wrong bettor; that is, one who bets the dice to lose.

To **LAY IT:** To bet that the dice will lose.

To **LAY IT ON** or **LAY IT DOWN:** To bet heavily.

LAY IT ON THE GREEN: A phrase sometimes used by the houseman to indicate that the house will accept a check offered by a gambler. The green refers to the felt-topped table.

To **LAY THE ODDS:** To bet that the dice will lose.

LAYOUT: A diagram showing the odds and bets on the board or crap table.

LEGIT GAME: An honest game.

LEGIT GUY: A person without underworld connections, though not necessarily an honest man.

To **LET IT RIDE:** To place all the money won on a new wager.

LEVELS: Honest dice. Cf. **PERFECTS; FRONTS; TOPS; EDGE WORK.**

LIGHT: (1) Too low in funds to cover a bet. (2) Said of dice which are loaded so as to give a slight percentage to the shooter.

LIMIT: The maximum amount which can be wagered on any bet according to house rules.

LINE: See **PASS LINE**.

LITTLE JOE, JOE, OR LITTLE DICE: Point four in craps.

LIVE ONE: A sucker with money. (Probably from the argot of the old-time circus grifter.)

LOAD: (1) A weight, sometimes consisting of mercury or gold, concealed un-

der the spots, which causes the die to turn up a certain number more frequently than the law of averages would permit. (2) An unfavorable percentage. "When six-ace flats are riding, the field has a load instead of an edge."

LOADS: Loaded dice.

LOB or **LOBBY GOW:** A house employee who cleans, runs errands, etc. (Probably from the argot of the old-time opium smokers.)

LOOKING FOR ACTION: Seeking a gambling game.

LOOKOUT: An employee of the house who watches everyone and every action to spot cheating or trouble.

LOOSE TABLE: A table with only a few players.

LOP EAR: (1) A sucker, especially a stupid one. (2) An inept player.

LOW SIDE: On the dice layout, the numbers 2, 3, 4, 5, and 6.

LUGGER: A steerer for a crooked gambling house or game.

To **MAKE A HIT:** To win heavily.

MAIN: The shooter's original stake and its fate.

MARBLES: See **ROLLERS**.

MARK: A sucker.

MARKER: (1) An **LOU**. (2) A disc placed on the point number so as to indicate it. Also **BUCK**.

MASON: A person who will not take part with his money. Also **STONEWALL**.

MECHANIC: A gambler skilled at manipulating crooked dice.

MEMPHIS DOMINOES: Dice.

MICHIGAN BANKROLL: A large bank roll consisting of \$1 bills topped by larger ones. Also **MISH**.

MISS or **MISSOUT:** A losing decision made by either rolling craps on the come-out or rolling a seven before a point number.

To **MISS** or **MISS IT:** To roll craps on the first roll or to roll a seven before the point number.

MISSES or **MISSOUTS:** Crooked dice which tend to lose more than legitimate dice.

MIS-SPOTS: Dice on which the standard sequence of numbers is altered. Also **TOPS; TEES; TONYs;** and others.

MONKEY: (1) One who complains to the police. (2) A timid person.

MONICKER: The house-mark on dice.

To MURDER: To win money *easily*, quickly, and in large amounts.

MUSCLE MAN: (1) A tough guy. (2) A person who tries to cut in on the *profits* from a gambling game. (3) One who plays on credit without the money to make good his losses.

NAILED: (1) Caught cheating. (2) Arrested.

NATURAL: A seven or eleven thrown on the come-out roll. Cf. COME-OUT.

NEVER GIVE A **SUCKER** AN EVEN BREAK Or NEVER SMARTEN A SUCKER UP: A grifters' saying common among dice gamblers.

NICKEL GAME: A game in which correct odds are paid players. "Old John Winn brought the nickel game to Philly around 1910."

NICKEL MAN: The dealer of a nickel game. So called because he collects the *five-cents-per-dollar* charge for the house.

NINA or NINA FROM CAROLINA: Point nine in craps.

NINETY DAYS: Point nine in craps.

NO **DICE**: A roll which does not count, either because one of the dice has rolled off the table or is standing on edge, or because the shooter has not observed the rules.

NO GOOD UNDER **FIRE**: Said of a dice cheater who can manipulate the dice but becomes nervous when he is taking money away from someone.

NO LIMIT **GAME**: A game in which players may bet any amount they wish.

NUMBER: Any point. "He picked up the dice and threw six numbers." (That is, made six passes.)

NUT: Expenses or overhead required to operate a crap game.

NUTMAN: (1) One who finances a game or gambling house. See **BACKER**. (2) See **CRAP HUSTLER**.

ODDS: The ratio of unfavorable chances to favorable chances.

OFFICE: Any secret signal used by gamblers.

OFF NUMBER: (1) Any number appearing on the dice except the point which the shooter is trying to make. (2) See **BOX**

NUMBERS. (Called off numbers in private craps, and box numbers in bank craps.)

OK: Protection furnished by politicians permitting a game to operate; the "go-ahead" signal to open for business.

ONE DOWN: The stickman's cry when one die has fallen from the table.

ONE ROLL **BET**: A bet which is decided on the next roll.

To be ON THE **ERIE**: Attempting to overhear a conversation.

ON **TAB**: Gambling on credit.

OPEN **CRAPS**: A house game permitting side bets among the players.

OPEN **LIMIT GAME**: See **NO LIMIT GAME**.

To OPEN **UP**: (1) To start the game. (2) To divulge information.

OUT IN **FRONT**: Winning money at dice.

The **OUTSIDE**: Players as distinguished from employees of the house.

OUTSIDE MAN: (1) An employee of a gambling house who directs players to the house. Also **LUGGER** or **STEERER**. (2) Any player other than the stickman who switches in crooked dice.

OUTSIDE WORK: Any external altering of the dice.

OVERLAY: (1) A bet made by a player who cannot cover it with his bankroll. (2) A wager made at higher than "natural" odds. ". . . as even money on a six-eight *whipsaw*."

OVERS: Bets which have been overlooked; a sleeper. (Sucker word.)

OVER THE **HUMP**: A winner who is playing on the house's money.

PAD **ROLL**: See **BLANKET ROLL**.

PALM HOLDOUT: A means of concealing extra dice in the palm. A difficult and sometimes dangerous move. "The hand which has developed the necessary muscle to operate a palm holdout looks clumsy and large and is likely to create suspicion." (Not necessarily true, though believed by the speaker quoted.)

PASS: To roll either seven or eleven on the first roll or to make a point, any one winning for the shooter.

PASS LINE: A space on the layout where bets that the shooter will pass are placed.

PASSERS: Crooked dice that show a higher percentage of passes than do legitimate dice.

PAST THE BOX: A phrase used in some crooked games, meaning that the dice cannot be bounced against a nearby cushion. ¹⁸ . . . a rule is made that the dice must be thrown past the box. This is to give the stickman a chance to bust in."

PAY OFF: The collection of a bet.

PAY OFF ODDS: The odds at which a bet is paid off.

PEEK SHOT: See the HUDSON.

PEE WEE DICE: Very small dice, usually made of bone.

To PEE WEE: To throw the dice to determine the order in which players will shoot. Not done in hanking games.

Also to PINKY.

To PEG (a number): To place a marker on a number to indicate the point.

PERCENTAGE or P.C.: A favorable advantage obtained in many different ways—through offering less than true odds, through crooked dice, through controlled shots, or through a combination of these methods.

PERCENTAGE DICE: A general term for crooked dice which gradually build up a percentage in the cheater's favor. Cf. SURE POPS.

PERFECTS: Dice that are true to approximately one-thousandth of an inch.

PHOEBE: Point five in craps. Also FEVER IN THE SOUTH; WEST KENTUCKY (rare).

To PICK THE DICE: See to CACKLE THE DICE.

PIECE: A percentage or cut of gambling-house profits.

To PINKY: See to PEE WEE.

PLACE BET: A right point bet at bank craps. See POINT BET.

The PLAY: See ACTION.

POKER DICE: (1) A set of five dice used in shooting for the highest score. (2) A set of five dice engraved with replicas of face cards which are used to play dice with values of poker hands.

POINT: Any of the numbers 4, 5, 6, 8, 9, 10 which the shooter throws on the first roll and then tries to repeat before throwing a seven.

POINT BET: A bet at odds that the point will or will not be made.

POSING DICK: A gambler who likes to show off.

PRAYING JOHN: One who believes that the fall of the dice may be influenced by incantations, secret signals, etc. See JONAH.

PROPOSITION BET: (1) In private craps any bet except a point, an off number, or a flat bet. (2) A combination bet favored by hustlers.

To PULL DOWN: See to DRAG DOWN.

To PUT THE BEE ON: Variant of the phrase to PUT THE BITE ON; that is, to attempt to borrow money, usually from a fellow gambler.

To PUT THE EARS ON: To attempt to make a controlled shot. (Possibly transferred from cards, where a crimp may be called an ear.)

To PUT THE SINGER ON (someone): To file a complaint with the police; to identify someone.

To PUT THE HEAT ON: (1) To apply pressure on someone. (2) To cause a raid on or police investigation of a gambling house. (3) Police raids to force payments for protection.

To PUT THE HORNS ON: To give a player bad luck by changing positions at the table, altering a bet, or using any other device involving superstition.

QUEER: Counterfeit money, sometimes passed into circulation through gambling games.

QUININE: Point nine in craps.

RAIL: See BOARDS.

The RAP: A fine or prison term taken by an employee or a gambler.

RATS or RATS AND MICE: Dice in general. (Clipped form of the rhyming argot.)

RAZOR EDGES: Dice cut perfectly square.

They are preferred in many gambling houses because they show up wear more easily and because they are more difficult for the holdout man to manipulate.

RED HOT: Said of dice that are winning steadily.

To RIDE WITH THE SHOOTER: (1) For the house to let its cut on a round-table game remain as part of the center bet. This is usually done only on request by

- players who have even or "lucky" money in the center. If the shooter passes, the house then collects a double cut.
- (2) To let a bet ride; to parlay a bet.
- RIGHT BETTOR** or **PLAYER**: A player who bets the dice to win.
- To **RING IN**: (1) To introduce crooked dice surreptitiously into the game. (2) To force someone in on another's plans.
- To have a **RING IN ONE'S NOSE**: To lose heavily.
- To have a **RING IN SOMEONE ELSE'S NOSE**: To be able to beat him at will.
- To **RIP**: To switch dice.
- RIPE** or **RIPE FOR A TAKE**: Ready for fleecing or for a "touch."
- ROCK**: A **tightfisted** player who refuses to lend money or to make foolish bets. Also **STONEWALL JACKSON**.
- ROCKS**: Money.
- To **ROLL**: To cast the dice. >•
- ROLLERS**: Dice (often crooked, though not necessarily so) which have rounded corners. The advantage of honest rollers is the fact that they may make control shots more difficult.
- ROLLING BONES**: (1) Dice, so called from the old-time dice which were made of ivory or bone. (2) Gambling with dice.
- ROLLING FULL BLOOM**: (1) A phrase describing fast play with the dice. (2) A phrase applied to a place that is operating wide open under police protection.
- To **ROPE**: (1) To cheat. (2) See **LUGGER**.
- ROSCOE**: A pistol.
- To **ROUGH IT UP**: To bet heavily, thus livening up the tempo of the game.
- ROUNDS** or **ROUNDERS**: Ball-cornered dice. See **ROLLERS**.
- ROUND-TABLE GAME**: A game in which players bet among themselves.
- RUBBER**: Worthless. Said of a check.
- To **RUMBLE**: To excite a mark's suspicion. Used in the transitive only. Intransitive use restricted to **TUMBLE**; that is, you *rumble* a mark, but a mark *tumbles*.
- SACKS**: A term used by gamblers to indicate that everything is "in the bag."
- SCORE**: (1) To win. (2) The amount won.
- To **SCORE A BIG TOUCH**: To fleece a player of a large amount of money.
- SCRATCH**: Cash, as distinct from other assets.
- SEND IN**: A plunging bet. ' '
- To **SEND IT IN**: To make a large wager, especially to parlay one's winnings in the hope of breaking the game.
- To **SET THE COMBINATION**: To arrange the dice properly in the hand for a controlled shot.
- SETTLERS**: See **FIRST FLOP DICE**.
- SEVEN-ELEVEN**: A new start given a broke player by other gamblers; done only in small or street games.
- To **SEVEN OUT**: To roll a seven when rolling for a point number. Cf. **CRAP OUT**.
- SHAPE**: A crooked die that has been altered so that it is not a true cube. Shapes are made in many different ways, some slightly concave or convex, etc.
- To **SHARK**: To use a control shot. (Sucker word.)
- SHARPSHOOTER**: A hustler.
- SHILLS**: Housemen who pose as players to stimulate the play.
- SHORTSTOP**: A small bettor; a chiseler.
- SHOOTER**: The player who rolls the dice.
- SHOT**: (1) The rolls until a single decision is arrived at. (2) A means of controlling the fall of honest dice. (3) One who can control the fall of the dice.
- SHY**: Owing money.
- SHYLOCK**: A loan shark.
- SICE**: The point and the number six.
- SINGLE-O**: Working alone, usually said of hustlers.
- SIX-ACE FLATS**: A pair of crooked dice whose six and ace sides have a larger area than the others, so that they tend to throw missouts.
- SIXTY DAYS**: Point six in **craps**.
- To **SLAMBANG**: To clip patrons or other players with cheating methods.
- SLEEPER**: A wager or part of a wager overlooked by the winner. (Probably borrowed from faro-bank.)
- SLICK BOX** or **CUP**: A leather dice box with a polished interior to facilitate rolling out the dice without altering their position. A cheating device.
- SLICK DICE**: Crooked dice which have some sides polished so that they are smoother than the remaining sides. "Slick dice are seldom used, since they must be

- thrown on cloth to be effective and the P.C. is weak."
- To SLOUGH or SLOUGH UP: (1) To compel the closing of a game or house. (2) To close a game.
- SLUG: The small metallic weight used to load dice.
- SMALL TABLE: See CHISELER'S TABLES.
- SNAKE EYES: A one-spot showing on both dice.
- SNEAK GAME: A game operating without police protection.
- SOCKET HOLDOUT: The space between the base of the thumb and the forefinger.
- SPELL: A consistent winning or losing streak. (HOT SPELL; COLD SPELL.)
- To SPIN (them): To control dice by spinning them across the playing surface with the desired faces up in such a fashion that they appear to have been given a fair roll. Cf. WHIP SHOT; GREEK SHOT.
- SPLITTER: A crooked die which is substituted for one of a pair of crooked dice in the play so that it splits the combination; that is, changes passers to missouts, etc. Cf. BUSTERS.
- To SPRING: (1) To pay the check. (2) To get someone released from custody. (3) To get out of jail. (4) To take out one's money or wallet.
- To SQUARE A BEEF: To take care of a complaint, either by returning part of the money or by talking the victim out of legal action.
- The SQUEEZE: (1) Any kind of device applied to increase the favorable percentage for the house. (2) The control operating a cheating device.
- SQUEEZES: Flats which have been made, not by shaving off certain surfaces, but by squeezing them in a vise.
- STAND: The platform on which the lookout sits to observe the game.
- STAND-OFF: A situation in which there is no decision; that is, everyone gets his money back or all bets are off.
- STAND-UP GUY: A trustworthy person.
- STEERER: An individual who persuades customers to patronize a certain gambling house, which is usually crooked.
- STEER JOINT: A crooked gambling house, usually employing steerers to bring in suckers.
- STICK: (1) A crap stick. See CANE. (2) A house employee who acts as a player. A SHILL.
- STICKMAN: A croupier at a dice table.
- STIFF: (1) An unlucky player. (2) A losing number.
- STONEWALL Or STONEWALL JACKSON: A tightwad. Cf. MASON; ROCK.
- STORE DICE: Cheap dice that are not true.
- STREAK: Consistent winning or losing at dice. Cf. SPELL.
- STRONG: Said of crooked dice which give the player a heavy percentage over legitimate dice.
- STRYCHNINE: Point nine in craps.
- To be STUCK: To be losing at dice.
- STUFFED: Having plenty of money.
- SUCKER BET: A bet that provides the operator with a high percentage.
- SUCKER HOLDOUT: Dice retained in the curled little finger are said to be in the sucker holdout. Possibly so called because it is easy to detect, since this move requires that the hand be held in a cramped and unnatural position.
- SUCTION DICE: Crooked dice with one concave surface each. The concave faces have a tendency to come up more frequently, since they cling slightly to the surface.
- To be SUNK: See drowned.
- SURE POPS: Heavily loaded dice. Cf. PERCENTAGE DICE.
- SURETHING BOYS: Gamblers. So called because they always have an edge on the law of averages. Also used ironically to refer to gamblers who always want or think they have a system or device which is infallible.
- To SWITCH: To substitute one object (such as a crooked die) for another (such as a legitimate die). Cf. BUST IN.
- The TAKE: The receipts of a gambling house.
- To TAKE: (1) To accept bribe money. (2) To cheat.
- To TAKE A BATH: To lose heavily or to go broke.
- To TAKE IT: To bet the dice to win by making the odds.

To TAKE IT OFF THE TOP: To pay out money from the gross receipts before any division of profits is made.

To TAKE THE ODDS: (1) To accept a bet to lose at odds. Cf. to LAY THE ODDS.

TAKE-OFF: The percentage taken by the house.

TAKE-OFF GAME: A cutting game.

TAKE YOUR BEST SHOT: Phrase applied to a game among cheaters in which all use their crooked devices and all are aware of the techniques being used.

To TAIL: To follow someone.

TAP DICE or TAPPERS: Loaded dice containing a shifting mercury load which can be changed (by tapping) to percentage dice and back to square dice.

TAP OUT: (1) The last wager. (2) To go broke.

To TAP (someone) OUT: (1) To bet the exact amount of money which the other player has. (2) To force a game to its conclusion by winning all the money.

TAT: (1) A mis-spotted die bearing only high numbers, which is used in a short con game. (2) The short con game making use of this die.

TATS: Dice, especially crooked dice.

TEES: Mis-spotted dice. See TOPS.

To TELEGRAPH: To betray a cheating move prior to executing it, usually by some unconscious or clumsy movement.

THERE'S WORK DOWN: An expression signifying that crooked dice are being used.

THEY HIT: The cry of the right bettor on making a bet.

THEY MISS: The cry of the wrong bettor on making a bet.

THEY'RE BURNING UP: Said of dice which are consistently winning for the shooter.

TIN: A police officer, referring to the badge.

TONY: A word or signal meaning mis-spotted dice. "Is Tony here tonight?"

TONYS: See TOPS.

The TOP: Gross receipts of a game or gambling house.

To TOP IN: To switch tops into a game.

TOPS: Mis-spotted dice on which some numbers are repeated. Usually made with identical numbers on opposite sides

so that an observer does not see more than one of any number on the three sides within his field of vision.

TOPS AND BOTTOMS: See TOPS.

TOUCH: (1) A loan. (2) A score. (3). To borrow money.

TOWN'S DRIED UP: An expression applied to a town where there is not much money circulating.

TREY: Number three on dice.

TRIP BOX: A type of dealer's box with a leather rim inside to turn the dice over as they come out. Used to discourage attempts to control dice within the box.

TRIP DICE: Crooked dice utilizing rough sides and edges to bring up certain numbers. Cf. SLICK DICE.

To TUMBLE: To become aware that cheating methods are being used. See RUMBLE.

TUMBLERS: See ROLLERS.

TWO-NUMBER BET: A bet that a specified two numbers will or will not be thrown before a seven on the next roll.

UP JUMPED THE DEVIL: The cry of the stickman when the shooter seeking a point sevens out.

VELVET: Money that has been won or secured in some illegitimate fashion.

VIGGERISH or VIGORISH: (1) The percentage taken by a gambling house, which may be overt or hidden by altering the odds in favor of the house. Usually 3 to 5 per cent. (2) See BROKE MONEY (used around New York).

WEIGHT: The pace of the game.

WHERE'S BUSTER BROWN? An expression informing stickmen to switch crooked dice into or out of the game. (Used only around suckers.)

WHIPSAW BET: A bet that the shooter will or will not make either the point or its complement before he throws a seven.

To be WHIPSAWED: To lose two or more bets on a single roll, as in the case of a shooter who makes a come-bet and sevens out without having made either his shot or come-bet.

WHIP SHOT: A difficult control shot in which one die is controlled. It spins sliding from the hand and is aimed to strike the side rail at a short angle, throwing it against the end rail, also at

a short angle, from which it rebounds, still in its spinning slide, with the desired face up. Cf. TO SPIN.

WINDOW'S OPEN: An expression used by cheaters signifying that switching of dice is being done ineptly and that the alternate die or pair of dice can be seen in the player's hand.

WINNERS: Crooked dice that tend to make more than the usual number of passes.

The WIRE: A signal used between gamblers.

WIRE JOINT: An establishment where electric dice and layout are used.

WON'T SPRING: Phrase applied to a person who will not gamble or take a chance, or

who will not treat anyone else. See SPRING (4).

WOOD or DEAD WOOD: Hangers-on, non-players, or gamblers without money.

WORK or WORKS: (1) Crooked dice. (2) The method of making dice crooked.

The WORST OF IT: A disadvantage. Cf. the BEST OF IT.

WRONG BETTOR or WRONG PLAYER: A player who bets the dice to lose.

The x or to HAVE THE x (on): (1) To control gambling in a town. (2) To be able to beat another player consistently.

ZING or to ZING IT IN: To bet heavily, particularly to parlay one's winnings.

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Gambling in the Latin American Countries

By MANUEL LOPEZ-REY

THE fact that in most of the Latin American countries some of the main forms of gambling are similar to those practiced in the United States does not necessarily imply that gambling, as a social problem, presents the same characteristics or that it has the same gravity in both continents.

GAMBLING AS A SOCIAL PROBLEM

As with other forms of social conduct, gambling is not in itself a social problem. It becomes one only when its extent and repercussions require that it be submitted to legal control. Generally speaking, the purpose of such control is to limit as much as possible the harmful effects of gambling.

Historically, not all forms of gambling have been restricted or prohibited. The reason is that gambling, to a certain extent, is a necessary element in certain social groups. Any law intended to prohibit *all* forms of gambling would be a complete failure. Therefore, we may conclude that the term "gambling" has a definite cultural content; that is, its meaning changes through the ages and from country to country according to the prevailing system of cultural values.

In the Spanish-speaking countries there is no precise equivalent for the English word "gambling"; in these countries the word *jugar* (play) covers any form of playing whether for money or not. If we assume that language is the most important cultural form for the expression of ideas and values deeply rooted in any people, such a distinction between the Spanish and the English terms should help us to understand the different attitudes of the respective people as regards gambling.

Gambling, that is, playing games of chance for money, cannot be considered an innate human instinct. It is true that it is related to certain primary or basic human traits, but it does not necessarily follow that gambling is either natural or unavoidable. Actually, gambling can become a habit as a result of certain existing factors. If these factors are restricted or suppressed, gambling can also, to a considerable extent, be restricted or suppressed. The difficulty is that in some countries some of the factors which favor gambling cannot so easily be controlled, because of political corruption and the professionalization of crime. Both of these elements are strong enough to hinder any honest effort to abolish even the most dangerous forms of gambling.

In some countries, gambling is not a problem. Even in those countries where it is practiced, very often only a small proportion of the population indulge, and some of these only rarely. Nevertheless, gambling persists not only as a social problem but also as a criminological one. What are the factors responsible for this?

My purpose is not to elucidate all these factors. To do so would take much more space than is here available. Rather will I merely outline, in general terms, the following main factors which should be considered in any review of the problem of gambling: (1) psychological and cultural conditions, and (2) professional crime. These factors will be presented from the general social point of view, not the individual.

Before examining how the above-mentioned factors influence gambling in

the Latin American countries, a word should be said about the meaning of the term "Latin American countries," which covers at least four groups of nations, closely related but each with its own special characteristics. Following the geographical order, the first group is the Caribbean states. The second is the Indian Latin American group typified by Mexico, Guatemala, Ecuador, Peru, and Bolivia. Strictly speaking, this group could be subclassified, in view of the differences among the Indians cultures represented. Therefore any social study of this group must consider the Indian populations. It is true that in the above-mentioned countries the Indian population is not the ruling one; in spite of this, however, it plays, both directly and indirectly, a very important role in the social life of these countries.

The third group consists of the southern Latin American countries—Argentina, Chile, and Uruguay. The fourth is not, strictly speaking, a group at all, but only one country, Brazil, which merits special consideration because of its large size.

From any point of view, each of the above groups has its special characteristics; these do not, however, exclude some common features among the four. Any social study should take into account differences as well as the common features, but the latter should not be exaggerated, as is all too frequently done.

PSYCHOLOGICAL AND CULTURAL CONDITIONS

Gambling as a national social problem implies a general homogeneous culture and psychology. As previously stated, it should be borne in mind that gambling is not the result of natural trends or instincts, but rather of external factors supported by primitive

instincts. Therefore it should be considered more as a social habit. Consequently gambling does not become a problem unless it is practiced by a substantial number of persons or social groups.

In the Caribbean countries and in Brazil gambling appears to be practiced more generally by all social groups than in other Latin American countries. The reason is that here the native population is not segregated in the same way as in Bolivia, Ecuador, and Peru, and there is therefore greater participation in the common patterns of culture, especially if it is recalled that imitation plays a very important part in all social activities.

We shall consider next those countries where the population is largely composed of Indians. In Bolivia and Peru the prevalent ethnical elements—the Aymara and the Quechua—are not gamblers; historically, gambling has never played a part in their cultures. Neither is it widespread among those of mixed white and Indian stocks, the mestizos. In these countries gambling seems to be indulged in chiefly by the white minority groups in which the new European immigrant, especially in Bolivia, is gradually becoming an important element. Practically speaking, only in this ruling minority group does gambling take place. The Chinese minority—in Peru chiefly in Lima, Huánuco, and a few other areas—is well known as a group which practices gambling.

In Mexico, gambling is, again, very rare among the Indian population. Among the Mexican population which is not Indian, gambling is more widespread than in similar groups in Peru and Bolivia. (As will be seen later, the problem of gambling in Mexico has received a certain amount of attention from governmental authorities.)

In the southern Latin American coun-

tries (Uruguay, Argentina, and Chile), because of the greater cultural homogeneity of the population and the consequent freer participation in the prevailing cultural patterns, gambling is widespread to a certain extent even among the lower classes.

From the above it is obvious that before it becomes a social problem, gambling presupposes: first, a fairly homogeneous culture pattern, and second, that this culture should have a materialistic character.¹ In other words, in order to become a social danger, gambling must be practiced by a substantial part of the population. Its widespread practices implies a receptiveness to gambling on the part of the population concerned; this receptiveness is greatly facilitated by the two conditions mentioned above.

At present, not all Latin American countries can be placed in the same category as other countries as far as cultural background is concerned. For example, the cultural basis of these countries is predominantly agricultural—a way of life which does not conduce to gambling as does an industrial culture. Gambling is widespread only in the relatively industrialized countries, such as Argentina, Brazil, Chile, and Mexico. Yet even here it should not be considered as a national social problem. The Indian cultures, especially in Bolivia, Peru, Ecuador, Guatemala, and Mexico, do not encourage the spread of gambling. These cultures, in spite of the segregation of the Indians, have an important influence on the mestizos and also on the white population, especially when the latter live in the Indian environment of the interior of the country. This Indian influence upon the non-Indian groups awaits detailed study for the strong, although

¹ This expression is used here as equivalent to materialistic Weltanschauung.

perhaps not always obvious, degree to which it affects those of other, or mixed, strains.

Additionally, the Latin American countries are by no means yet completely under the influence of technology (mechanical and inventive "progress"); they are not, strictly speaking, technically minded countries.

The influence of technology on the spread of gambling is marked in two ways. First, in spite of the material progress which technology offers, it also dehumanizes man. Many of the problems of our epoch are due to the fact that technology all too frequently dominates man instead of being dominated by him. This dehumanization means more individual dissatisfaction, an increase of tension, and a general lowering of moral and family values. Second, technology furnishes new forms of gambling. The roulette wheel is a good example; an even better one is the slot machine. In facilitating gambling among all social classes and groups, technology has, at the same time, dehumanized the gambler. From an emotional point of view, the slot-machine gambler is the least human of all. If games of chance are simply an expression of primitive trends—the competitive struggle for life, the dependence on the favor of the gods—certainly it cannot be said that there is any real gambling in the slot machine. The relationship between the slot machine and the gambler is that of a business and not that of a game of chance. And business, to be successful, needs to create the habit of dependence upon it by the customer—in this case, the hapless victim.

PROFESSIONAL CRIME

The relationship between crime and gambling cannot be denied—but neither should it be exaggerated.

When professional crime becomes sufficiently well organized and powerful, new fields are sought from which to obtain not only additional money but also increased political influence. The latter is the essential prerequisite to obtaining a practical impunity, police protection flowing as the "natural" consequence of such corrupt political influence. Among the fields more or less related to crime, professional gambling is probably the most remunerative. Therefore, such gambling in all its forms is organized chiefly by persons related, in one way or another, to crime and political corruption. No justification can be found for permitting gambling to be conducted as a business; the only measure which can stop this kind of gambling is the strictly enforced prohibition of those forms considered to be socially dangerous.

Past experience has very clearly shown that where professional criminal organizations or groups are strong, gambling is widespread not only among criminals themselves but also among law-abiding elements. This is because the latter are considered the most desirable—and naïve—customers, and therefore everything is done to interest as many of them as possible.

In Latin America, professional criminal activity engages only a negligible proportion of the population. It is more likely to be an individual than a gang or criminal organization that is involved in such activity. Gambling therefore is not made a matter of criminal group or organization "business" as in some other countries. It is true that in some instances professional gambling has been facilitated by corrupt politicians and protected by corrupt police, but as an activity organized for profit it has never been practiced by criminal gangs or groups.

FORMS OF GAMBLING AND PUBLIC PARTICIPATION IN THEM

In the Latin American countries, the most widespread forms of gambling are: lotteries, raffles, horse racing, poker, roulette, baccarat, *camin de fer*, and monte.

The lottery is considered a national game, run either by the state or under its direct control. The buyer of tickets in a federal or state lottery is not considered a gambler, but a person participating in a normal, honest game. No one is ruined by such lotteries; their social and individual harmful repercussions are not serious; they are generally a source of revenue for the government. Very often a substantial part of the revenue is devoted, according to the law, to one or another form of social assistance. Private lotteries are prohibited. Generally speaking, any raffle has to be specially authorized and must have as its object the raising of money for some welfare or social cause. In some countries the number of raffles has increased considerably during the past few years, and these have given rise to abuses and penal offenses.

In countries with a federal political organization there is not only a federal lottery, but state lotteries as well. Usually, federal lottery tickets are sold throughout the country, and state lottery tickets only within the limits of the issuing state. This gives rise to the smuggling of tickets between jurisdictions and therefore to some forms of penal contraventions, but these are not severely punished by law.²

Clandestine lotteries do exist in some countries. In Brazil, the most wide-

² The term "crime" is not often used in the Latin American countries. Generally speaking, the penal offenses are divided by law into two groups: *delitos*, i.e., felonies or misdemeanors, and *contravenciones* or simple police infractions.

spread is the *jogo do bicho*. The organizers of and participants in this form of lottery are severely punished with prison terms and fines of from 10,000 to 50,000 *crucceiros*.

Horse racing is popular in Argentina, Brazil, and Chile, and to a less extent in Mexico. The *pari-mutuel* is authorized only at the track. Bookmaking and poolrooms are in general prohibited; there are very few bookmakers in business, and when caught they are severely punished under national laws.

Public gambling houses are authorized in Argentina, Chile, and Uruguay during the summer season and at the summer resorts of Mar del Plata, Valparaiso, and Montevideo respectively. Persons under age are not authorized to visit these places, where roulette, baccarat, and *chemin de fer* are the usual games.

Poker is played widely by the upper and middle classes in almost all Latin American countries. The lower classes have other kinds of games of their own.

Gamblers are almost exclusively men; women are not usually gamblers, except perhaps in the upper and middle classes. In the summer resorts the number of occasional gamblers increases considerably.

In Argentina, Brazil, Chile, Mexico, and Peru, gamblers seem most often to be drawn from the following minorities: Slav, Syrian, Lebanese, and Chinese. Very often the members of these minorities hold important positions in the industrial, commercial, and financial fields and, increasingly, even in politics.

LEGAL STATUS OF GAMBLING

Two very definite tendencies may be noted regarding gambling in Latin America. One favors its prohibition and the other its legalization. The former is supported not only by the majority of public opinion but also by those who deal professionally with

penal and criminological problems; the latter viewpoint is supported by a less substantial group of persons.

Those who advocate its prohibition, recognize gambling as a frequent source of family disruption and individual economic dislocation, leading to dishonesty, fraud, larceny, embezzlement, and other forms of criminal behavior.

Those who favor legalization argue that gambling is inherent in human beings and that attempts to prohibit it will only increase the number of criminal offenses. Moreover, they point out that gambling can furnish governments with substantial revenues which may be devoted to social assistance or welfare programs which otherwise could not be carried out.

It is the writer's personal belief that total prohibition of all forms of gambling can never become a reality, even should such a law be drastically enforced. Only public gambling should be prohibited. The maintenance of summer resorts does not justify public gambling; actually, its suppression in such places has not affected their prosperity.

It is claimed that prohibition is not feasible because of the difficulty of establishing which forms of gambling should be prohibited and which should not. The question turns on the meaning and the extent of the phrase "public gambling." The difficulty can easily be overcome, first by specifying the games permitted by law and those which are prohibited.

It is the writer's opinion that legalization of gambling implies that thereby: (a) a factor in family and economic disruption is legalized; (b) a factor in crime becomes more or less legally recognized; (c) the satisfaction of the social needs of a few is obtained through the disgrace, misfortune, and dishonor of many others; (d) gambling as a way of obtaining money is put at the same

level as any legitimate way of earning it; and (e) the police are recognized as incapable of coping with a social problem, because of corruption or inefficiency.

In most Latin American countries, the prohibition of gambling comes about largely as a result of public opinion. In some other countries, governmental policy differs, with the result that some forms of public gambling are legalized. Experience shows that the legalization of gambling and betting on sports events has always a corrupting result, especially when private persons or groups are permitted to dominate the activities. The police cannot avoid corruption when legalized gambling is allowed to be operated as a private business or industry. Corruption is considerably restricted when certain forms of gambling, such as lotteries, are operated by official institutions or government agencies.

The belief that a state lottery has a disrupting influence upon the citizenry is an erroneous one. Only private lottery, as in the United States during the nineteenth century, produces this effect. The fact is that in the United States, where no state lottery is allowed, gambling corruption is deeper and more widespread than in any Latin American country. This is due to a variety of factors, the most important of which is that in the United States the principle of free and individual enterprise has been applied to gambling. It is estimated that at present there is in the United States a fifteen-billion-dollar gambling industry handled by big bookmakers and their associates. The conclusion is an important difference between a lottery conducted as an official income-producing state operation and gambling as a business operation. The former is far less corrupting than the latter.

As a complete study of all Latin

American laws and regulations regarding gambling cannot be made here, only the most typical will be reviewed. As a general feature, all Latin American penal codes originally contained provisions penalizing public gambling. In some countries this was considered a minor offense; in others a police infraction only. On the average, penalties were low: fine and/or jail up to sixty days.

These penalties soon proved inadequate to prevent gambling from becoming a social problem, particularly in urban areas. Therefore in almost all Latin American countries special legislation on gambling was passed, deriving from the general conviction that gambling is a factor in crime.

The common characteristics of this special legislation are:

1. State lottery only is permitted; any other form is prohibited.
2. Lottery is generally considered a source of public revenue, a substantial part of which is very often devoted to meeting social needs.
3. Public gambling is prohibited.
4. Legalization of gambling exists in only a few countries; in effect, only some summer resorts are allowed to maintain public gambling places, or casinos.
5. Violations of gambling regulations are now severely punished as misdemeanors and not as simple police infractions, as formerly, except in very few cases.

CARIBBEAN AREA

The most representative legislation for control of gambling in the Caribbean area is that of Cuba. The Cuban penal code of 1936 considers gambling a misdemeanor and defines it as any game in which chance, and not the skill or dexterity of the player, is the decisive factor or element in obtaining money. This definition practically re-

produces a parallel provision in the Spanish penal code of 1870, and is open to some criticism. Actually, in many forms of gambling, skill or a certain knowledge of the game is decisive in winning.

Lottery as a source of public revenue is regulated by the law of July 7, 1909. Gambling has also been considered as a possible means of increasing the tourist trade. Therefore the law of August 8, 1919 legalizes certain forms of public gambling in recognized casinos. Other forms of public gambling have been authorized by the regulations of January 29, 1935, April 5, 1936, and February 1, 1938. In practice, the courts rule as to which new forms of gambling are covered by the regulations here enumerated.

INDIAN LATIN AMERICAN COUNTRIES

Bolivia

The old Bolivian penal code of 1834 contains several provisions on gambling, most of which are obsolete today. In Bolivian legislation, the distinction between prohibited and non-prohibited forms of gambling has never been clearly stated in the law.

In the projected penal code of 1943,³ gambling was considered a misdemeanor and a distinction was made between prohibited and authorized forms of gambling. According to the draft of this law, public gambling was to have been prohibited. The penalties proposed were fine and imprisonment up to two years.

The state lottery is considered to be a source of official revenue. By a regu-

lation of May 13, 1930 all forms of public gambling were prohibited in the mining regions, and by a law of October 6, 1938 all public gambling houses were forbidden throughout the Republic. However, in 1942, by special authorization, public gambling was allowed at the capital, La Paz. This exception was severely criticized by the public, and was not renewed the following year.

Mexico

Gambling has been considered in Mexico chiefly as a matter of social concern in certain urban areas, especially Mexico, D. F.

Historically, the penal codes of 1871 and 1929 ~~prohibited—to~~ a certain extent ~~only—~~public gambling. The present penal code of 1931 provides fines and imprisonment from three to six months for public gambling; but owing to the organization of the country, these apply only in the Federal District and Territories, but not in the other states. Each of these therefore has its own jurisdiction, and some of them tolerate or permit gambling, while others do not.

Moreover, from 1933 to 1935 public gambling was legalized not only in the Federal District and Territories, but in several states as well, with a resultant increase in frauds, larcenies, embezzlement, and related offenses. A remedy was sought by the law of June 8, 1936 prohibiting any form of public gambling and canceling all existing concessions on gambling; but again the federal organization of the country prevented the nation-wide application of the law. The government's national campaign against gambling had now to face the fact that public gambling was "moving" to the other Mexican states.

During World War II, additional powers were granted the President, which gave him opportunity to introduce a bill by which public gambling

³ The law was drafted by the author at the request of the Bolivian Government and sent to the Senate in November 1943 for its consideration. The revolution of December 23 and the subsequent political uncertainty within the country have halted further action on it.

was considered a Federal offense coming under Federal jurisdiction. The bill became Federal law on December 30, 1947. Its most distinctive features are:

(1) Only the following forms of gambling are permitted: chess, checkers, billiards, and related games; racing; football and similar sports; raffles; state lottery. (2) All other forms of gambling are prohibited. (3) Betting on races and sports is regulated by law under official supervision. (4) Penalties include imprisonment from one month to three years, and fines from 500 to 10,000 Mexican pesos.

The new law has been rigidly enforced, and results to date have been very satisfactory. Racing is important only in Mexico, D. F. and a few other cities. Betting has a minor importance only. In general, opinion is against public gambling and betting, and the Mexican Government, reflecting this, is exerting itself to suppress any form of illegal gambling.

BRAZIL

Gambling presents the following characteristics in Brazil: Lottery as a source of revenue is regulated by the Federal law of February 10, 1944, and clandestine lotteries are severely punished. Any public gambling, even at summer resorts, is prohibited, while betting on horse races is regulated by law. The main provisions on gambling are contained in the law on minor penal infractions, which carries penalties mainly of fines and imprisonment up to one year.

During the last few years, the policy of the Brazilian Government has been to suppress public gambling severely. In 1948, at Rio de Janeiro, 1,260 persons were indicted as gambling offenders. In spite of this policy, gambling is a matter of serious concern in some states, as the federal organization

of the country does not permit the application there of laws issued by the Federal District. Public opinion is almost unanimously against gambling and its legalization.

SOUTHERN LATIN AMERICAN COUNTRIES

Argentina

State lottery in Argentina is a source of official revenue not only in the Federal District and Territories, but also in the provinces (states). The Federal law on lottery dates from November 2, 1895.

In general, public gambling is prohibited, but there are several exceptions. By the law of August 9, 1902 gambling in any form was prohibited in the Federal jurisdiction; but the law of November 18, 1944 created almost an official monopoly of gambling, especially in the fashionable summer resorts of the Federal District. This law has been supplemented by other provisions, the most important of which are those of December 30, 1944, and January 3 and September 26, 1945.

Horse racing is widely practiced in Buenos Aires and other cities; betting is legally regulated and allowed only at the tracks. The main illicit forms of lottery and horse betting are respectively *quinielas* and *redoblonas*, both of which are punishable by fine and imprisonment up to six months. While public opinion is opposed to gambling and its legalization, the federal organization of the country does not make easy any blanket or uniform legislation against it. In some provinces gambling has a legal status; in others it is more or less tolerated.

In spite of these facts, public gambling is not considered to be a serious social problem in Argentina. Only in the large urban areas is gambling a matter of some concern. The present

legalization of gambling is under severe criticism, public opinion holding generally that the devotion of a substantial part of gambling profits to welfare purposes does not thereby cleanse it of all taint. To derive money from gambling is generally considered immoral.

Chile

The law of August 30, 1890 holds only authorized lotteries to be legal. All other forms are under the penalties prescribed by Article 276 of the penal code. The law of October 30, 1924 originally prohibited all forms of lottery and raffles, but one year later the situation changed and the decree law of August 26, 1925 authorized the University of Concepcion to operate a lottery. Following this precedent, the law of September 11, 1930 created a national lottery, the proceeds to go to public welfare, although it also is operated by the University of Concepcion, which practically monopolizes the Chilean lottery field. Of the total value of tickets sold, 66 per cent must be devoted to prizes. The net revenue is distributed in the following proportions: 35 per cent to the University of Concepcion; 15 per cent to the reserve capital of the same university; and 30 per cent to the Chilean Red Cross, welfare purposes, hospitals, and so forth. The remainder covers operating and maintenance expenses.

The popularity of these two lotteries is very great. One reason is that the University of Concepcion has from its inception established a good educational reputation, so that even among the poorest classes it is considered worthy of support. To prevent any abuse, the law of October 14, 1944 prohibits the sale of lottery tickets at prices higher than those officially established. Violations are punished by fines of from 50 to 1,000 Chilean pesos.

By a law of February 7, 1928 public

gambling was legalized at the summer resort of *Vifia* del Mar, near Santiago, officially to encourage tourists. The establishment of a casino (public gambling house) was considered necessary, and it was accordingly exempted from the provisions of Articles 277, 278, and 279 of the penal code. The board of the casino is composed of three members appointed by the President of the Republic.

The revenue derived from gambling is distributed as follows: 67 per cent for improvement of the casino, and 33 per cent for the hospitals of Valparaiso, where *Vifia* del Mar is located. This distribution can hardly be justified, especially if it is compared with that established by law for the lottery of the University of Concepcion. In effect, the greater portion is allocated to "improvements," although the meaning of this term has been interpreted in a rather elastic way.

The fact is that *Vifia* del Mar is the one place in Chile where gambling is a social problem and a well-recognized source of dishonesty and even of crime. At present, only political considerations and vested interests can justify the existence of such a casino.

It is interesting to note that the law was passed under the *Ibáñez* regime, which was never considered democratic. It is not unknown in Latin America for legalization of gambling to take place under regimes only nominally democratic. Under the same regime, the law of May 28, 1931 authorized the creation of casinos in other parts of the country, especially in the fashionable summering or wintering places.

Horse racing is very popular in Chile. By the law of March 27, 1929 betting on horses is authorized at the tracks, while bookmaking and poolrooms are prohibited. Any infraction of the betting rules falls under the provisions of the penal code.

Uruguay

Lottery is under official control in Uruguay and is considered a source of revenue. Gambling is prohibited by the penal code but it is authorized by several laws, especially those of February 24, 1933 and July 10, 1936, according to which public gambling is legal, especially at certain summer resorts. Betting on horse races is permitted but it must comply with regulations, and a substantial part of the revenue is devoted by law to welfare institutions. It is interesting to note that in accordance with Article 10 of the 1936 law, no information about horse racing and betting is allowed to be issued from the tracks after one hour before the race is scheduled to start. To facilitate the enforcement of this provision, Article 11 allows the police to control all telephone lines emanating from the tracks.

CONCLUSION

From the foregoing it may be concluded that, generally speaking, gambling in most Latin American countries is rather a restricted social problem. This may be explained largely by the distinctive cultural pattern of the countries, itself the result of their historical and social development. Gambling will probably increase to the degree that Latin America is increasingly dominated by materialistic standards—with their concomitant dissatisfaction, mech-

anization, and emphasis on monetary values—unless at the same time there is a heightened awareness of the opportunities inherent in the native and Latin ways of life, which together provide an abundant source for a truly original, Latin American culture. Unfortunately, present tendencies run contrary to this direction, the older forms of gambling being replaced in the process by newer and more mechanized forms.

Individually considered, most gamblers lack imagination and dislike normal creative or cultural outlets. The writer believes that gambling creates nothing of value—that it is corrosive of both individual and cultural values.

The writer is, therefore, opposed to public gambling and to its legalization, which is usually only a legal farce, especially when gambling is permitted to be operated as a private business. Very often the final result is the corruption of the law enforcement agencies, and the professionalization of the criminal elements which ultimately dominate the operation. Only a state lottery may be considered an acceptable minor form of gambling, but this again depends upon prevailing cultural patterns. General public opinion in Latin America does not consider such a state lottery as gambling, but in the United States the opposite view is held. This does not, however, prevent other, more corrupting, forms of gambling from flourishing in the United States.

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Betting on Football Matches in Sweden

By **BERTIL** AHRNBORG

ENGLAND is "the original home of football betting in Europe. For many years, large private undertakings have been found in England which have arranged betting on the results of the soccer matches in the English soccer series. During the 1920's these enterprises began to expand their activities to other European countries, among them Sweden. In Sweden, to be sure, there were laws against the placing of such wagers, whether through foreign or domestic enterprises, but there gradually arose a wide illegal activity because representatives of the English betting enterprises distributed tip sheets by various means for participation in the betting.

FOUNDING OF SWEDISH BETTING CORPORATION

In spite of the fact that there were many prosecutions and the Swedish representatives were fined, the illegal movement grew to such dimensions that the state found it better to legalize betting through a Swedish enterprise than to tolerate the moral injuries that accompany an underground activity, and better than to allow considerable sums of money to leave the country. This legalization occurred in 1934, when several representatives of Swedish sports received permission to form a corporation with a monopoly on arranging betting contests. The grant of this monopoly was made under strict guarantees that the corporation would not be operated for private gain but for public benefit; the total profits of the enterprise were to go to the state to be used for the support of sports and outdoor recreation. Among the regula-

tions governing the company the following may be mentioned:

The board of directors of the company would consist of five members, of which the Government were to appoint two, one as chairman and one as vice chairman.

From eventual profits, 5 per cent of the invested capital, which constitutes only 45,000 crowns, was to be distributed to the shareholders.

Of the income from bets, 50 per cent was to be distributed to the winners of the bets; not more than 30 per cent was to be used for the company's expenses.

The rest of the annual profits was to be used according to directives issued by the Government.

The original intention to use the total profits of the company for the support of sports and outdoor recreation was changed later, when the profits had risen to far larger proportions than had been anticipated on the formation of the company. Today the main part of the profit goes directly into the State Treasury, and only a small part of it is used for athletic purposes. The proportion allowed for operating expenses was reduced from 30 per cent to 25 per cent, but no more than about 15 per cent has ever been used for this purpose.

How THE BETTING WORKS

Weekly from the end of July to the beginning of June the company arranges betting on the results of soccer matches. During the fall and spring Swedish soccer matches are used, and during the winter, when soccer cannot

be played in Sweden on account of weather conditions, English matches are used. The betting takes three different forms—cancellation, cipher, and pool—and for each type, special coupons are printed.

On the cancellation coupon twelve matches are always included, and it is necessary for the participant, by marking the coupon, to guess whether the result will be a win or a loss for the home team, or, as a third possibility, a tie. This type of betting is incomparably the most popular, and is alone responsible for more than 90 per cent of the money placed. The coupon has eight columns, and it costs the participant 25 ore (about 5 cents) for each column that he fills in. Thus, on each coupon he can participate in the contest with eight variants. By filling in several coupons he can increase the number of variants, as well as his stakes, without limit. Those who, because of special calculation, wish to cover a larger number of variants, are allowed—within certain limits—to fill in the coupons by a so-called "system," which constitutes a simplified method of designating a number of variants according to certain mathematical rules.

The cipher coupon lists six soccer matches, and the problem here is to guess the exact score in each match (for example: 3-2, 4-4). It is obviously much more difficult to guess the exact score of a match than to guess the winner, and therefore one cannot work with more than six matches. Furthermore, only once has anyone guessed right on all six.

The pool coupon, which includes five different contests, requires that the participant mark a certain number of matches, from a list of many, as a win for one or the other of the teams or as a tie. He can, for example, from a list of thirty games select five in which the visiting team will win. This is a

contest for specialists, which is actually little used.

Like lottery tickets, the coupons are furnished with individual numbers through which each coupon can be identified. If, for example, an issue of 2,000,000 coupons is printed, the coupons are numbered in a series from, let us say, 300,001 to 2,300,000.

Each coupon is made up of three identical parts, marked one, two, and the "tab." The bettor is required to fill in parts one and two, which are turned in to the company, and, though it is not required, he usually fills in the tab which he can retain as a receipt for his payment and as a reminder of how he bet. How the different parts are handled is described in greater detail under the heading "Organization of the Company."

According to the rules governing the company, half of the takings are distributed as winnings in the following manner. In "cancellation" betting, the groups which have made the highest, the next highest, and the third highest number of correct guesses receive each one third. To prevent disproportionately large winnings, the maximum has been fixed at 75,000 crowns (about 15,000 dollars) per row of the coupon. To avoid disproportionately small winnings, which cause an immense amount of work for the company, the minimum sum has been fixed at 5 crowns (about 1 dollar) per row. The distribution of winnings for the "cipher" bets is two-thirds for the group with the highest number and one-third for that with the next highest number of right scores. The minimum win, in this case, is set at 3 crowns per row. For the "pool," special rules are applied according to the principle of odds.

HANDLING THE COUPONS

The company has a head office in Stockholm, twenty-five district offices

(central agents), and approximately seven thousand agents. The agents, who are primarily tobacco and newspaper dealers, have the task of providing the public with coupons, receiving the filled-in coupons of the bettors, and collecting the payments. If the soccer matches are played on a given Saturday or Sunday, the coupons must be handed in to an agent the Wednesday before the day of the game, at the latest; coupons handed in later are not receivable. When the coupon is handed in, a specially constructed apparatus stamps in the agent's name, the sum bet, and a number, after which a knife separates the tab from parts one and two of the coupon. The tab, which also carries the stamp already mentioned, is returned to the bettor. The numbering in the apparatus is continuous, which makes it possible for the agent, in his accounting, to be sure that no coupon received is lacking. The numbering cannot be changed by the agent. When the time for handing in the coupons has expired, the agent sends to the district office a report sheet, which has also been stamped in the apparatus with the last number used during the week in question, plus the coupons and the receipts of the week.

At the district office, the account of each agent residing in that district is checked thoroughly, and the coupons and receipts must tally exactly. A check is made even to see that the number series stamped in the machine is unbroken. This examination takes place on Thursday or at the latest on Friday, after which the accounts are forwarded with the coupons and receipts to the head office in Stockholm, which receives this material not later than Saturday morning.

At the head office a large staff of employees takes care of the incoming coupons and receipts. Immediately after arrival, parts one and two of the coupons are separated and part one is

turned over to government-appointed inspectors who deposit these portions of the coupon in a vault before the beginning of the soccer games. Parts two are used as working material for finding the winning bets, and are turned over to a couple of hundred examiners on Monday when the results of the soccer matches are known. With the help of a master card or device invented by the company, the total mass of coupons, which often exceeds 1,000,000, can be examined in one day, and the main results of the betting are announced on Tuesday. The master card consists of a transparent celluloid card with the same division into columns and squares as the coupon. It is readjusted each week by covering the squares which correspond to the correct marks with black paint. It is, consequently, the incorrect results that are seen through the transparent squares, and the examiner need only cast a glance at the card to see which coupons are out of the running. There are examiners who can, with the aid of this device, examine more than 5,000 columns per hour.

At the time of the examination of the cancellation coupons, only those with 12, 11, and 10 correct results are withdrawn; but if it is feared that no "12" can be found, coupons with 9 correct solutions can be withdrawn, too.

DETERMINING THE WINNERS

The winning coupons withdrawn by the examiners are turned over on Tuesday to the government inspectors, who, with the aid of a large staff of women, compare the withdrawn parts two with the corresponding parts one held in the vault, to see that the two parts agree with each other. In the event of a difference, part one is considered to be the correct one. After it is thus established who the winners of the week's betting are, a list of winners is made

up which is printed and distributed to all the agents of the company, from whom the bettors are able to learn the outcome. In addition, the scores of the games are read each week over the Swedish radio, enabling the bettors, with the help of their tabs, to see how the contest turned out.

Since it is conceivable that a mistake may occur now and then during the examination, the company gives the bettors an opportunity to enter a protest during a fixed period of about three weeks after the end of the contest. The exact amount of the winning sum cannot be determined before the expiration of this period, for only then does it appear exactly who is to be awarded the winnings.

Then payment of the winnings is made promptly, the company using the State Postal Checking Account System. Heavy work is sometimes required for the distribution of the winnings, since it can happen that 30,000 to 40,000 persons are winners in a contest.

FINANCIAL RETURNS FROM BETTING

In the beginning, the sums involved in the company's contests were quite small on account of the competition offered by the illegal betting enterprises; but after a while the monopoly enterprise was able to displace all competition, and thereupon the sales figures climbed rapidly. After just one year's activity the turnover was 500,000 crowns per week, and a few years later sales exceeded 1,000,000 crowns per week. The financial report for the business year 7/1/1948 to 7/1/1949, which embraced 40 playing weeks, shows that betting receipts totaled 55,000,000 crowns; of this sum, 27,500,000 crowns were paid out in winnings, 8,000,000 went to expenses (including 5,500,000 crowns paid in commissions to the 7,000 agents), and 20,000,000 crowns in profits were paid to the state.

The last-mentioned sum is not the only profit that the state makes on the betting. The winners pay a tax on their winnings that is withheld at the time of payment and amounts to about 4,800,000 crowns; furthermore, a special tax on the betting charge must be paid by the bettor when he pays for the coupons. These last two items amounted to a total of about 11,000,000 crowns during the year mentioned. The Swedish Government, then, collects about 35,000,000 crowns annually on the betting. Of this sum, only about 6,000,000 crowns per year is now used for the benefit of sports and outdoor recreation; the remainder helps to meet the public budget.

THE COMPANY AND FOREIGN COUNTRIES

Other countries soon began to notice the activity of the company. Delegations and individual representatives from the governmental or athletic authorities of many lands have requested and received permission to study the organization of the company. The company has received such visitors from Austria, Belgium, Czechoslovakia, Denmark, Finland, France, Germany, Great Britain, Holland, Hungary, Iceland, Norway, Rumania, Siam, Spain, Switzerland, and the United States. Denmark, Finland, Norway, and Switzerland have organized monopoly betting companies in their respective countries, the Swedish company serving as a model.

The company has co-operated in the collection of funds for the re-education of Finnish war invalids in Sweden. This co-operation was managed by the addition of a blue-and-white coupon to the regular coupon, the use of the added coupon costing the bettor an extra 5 ore.

This device brought in about 2,000,000 crowns up to December 31, 1947, and during the years 1944 to 1947,

Danish, Norwegian, and Swedish military and civilian defense invalids were also included in the benefits.

From the beginning of the spring season of 1948, the ~~blue-and-white~~ coupon was replaced by a red-and-white coupon; the funds thus collected are diverted to the Swedish Aid to Europe, which had thus received approximately 550,000 crowns up to July 1, 1949.

OPPOSITION OVERCOME

The legalization of betting in Sweden took place under great opposition from wide circles, who thought it shameful of the state to encourage the youth, especially, to gamble to the degree that one might expect. According to the opinion of these people, there should instead be an effort to make the law against betting effective by prosecution of all operators of illegal betting enterprises. This was objected to by others, responsible people too, on the ground that it had already been proved impossible to enforce the laws against betting; it was well known that illegal betting had a turnover of many hundred thousand crowns per week and that the lawbreakers were but rarely apprehended. The punishments were so light anyway that they did not frighten those caught into quitting the business.

When the income from the activity of the company began to rise, there began a violent debate in the press, in which the Government was exposed to strong criticism for having granted a concession to the company, the name of which is Tipping Service, Inc. (*A. B. Tiptjänst*). The demand for at least limitation of the scope of the betting business became so strong in leading newspapers that one year the company was forced to restrict its contests to every other week.

The reaction to this measure was,

however, the direct opposite to that which the adversaries of betting had expected. There was general disapproval among the bettors and especially those interested in athletics, partly because they were the most interested bettors, and also because they were in need of betting funds for the maintenance of sports. The sport sections of the press increasingly disapproved of the criticisms voiced by the editorial departments, and there was a general demand for a return to weekly betting. At the time, one could figure that from 1 to 1½ million people out of a total population approaching 7 million participated in the betting in Sweden, and their wishes could no longer be ignored. Thus the last resistance to free development of monopoly betting was broken, and today no authoritative voice is raised in Sweden for a repeal or even a restriction of betting activity.

BIG GAMBLERS NOT ATTRACTED

This tolerant attitude is aided by the fact that in Sweden betting has not attracted big gamblers or speculators, but has remained an innocent diversion for the masses. The statistics of the company show that the average bet per bettor is about 1 crown, and that the bettors that work a system, and thus participate with a number of variants, keep within an average bet of approximately 5 crowns per bettor. It is evident that a gamble that does not attract higher bets cannot be accompanied by any moral injuries worth mentioning, but is instead a pleasure that costs the public no more than a visit to the movies or to a coffee shop.

A decisive reason why plungers are not interested in the betting is that it is not profitable to make large bets in a game where one knows that even a perfect score will not necessarily yield a worth-while pecuniary gain. Since the winnings are divided equally among

all who guessed an equal number of correct results, the amount per winner depends upon how many there are of these in each contest, and no one can predict that. On rare occasions 12 correct results have paid 75,000 crowns (with a 20 per cent tax deduction); but at other times there may be hundreds of bettors who have 12 hits and receive only a couple of hundred crowns apiece.

The experience of the company shows that most people gamble as much out of interest in the soccer games as for the sake of the monetary winnings, and that they appreciate the many small winnings as rewards for clever judgments. The bettors stubbornly claim that betting is not a matter of chance, but a game that requires thorough study and knowledge of the soccer teams. This naturally does not hinder a "seamstress"¹ from occasionally making a lucky bet and winning 75,000 crowns, which always entices a lot of new people to try their luck.

ADVERTISING

It may be worth mentioning, in this connection, that the company has from

¹ It has happened a few times that a seamstress, through pure guesswork, has won the maximum amount.

the beginning refrained from advertising its activity, but the public and the press have advertised it in a way that often has surpassed what the company may have wanted. Almost every day the sport sections of the newspapers write about the prospects of the soccer teams named on the coupons, and each week the bettors are given advice by experts hired for that purpose by the newspapers. When large winnings are made, the winners are tracked down and interviewed, and all news of the betting is given prominent space. The company would willingly see this advertising reduced from the dimensions which it has now attained, but can obviously do nothing about it, since the press decides that the public should get such news as it is known to be interested in.

In any case, one can observe from the company's sales records of more recent years that the betting activity has been stabilized at a certain level that will not rise appreciably, and will certainly fall if the general economic situation becomes worse. It is interesting to note how closely the sales statistics of the company follow the general economic development of the country; every change in employment and income is reflected in the betting sales.

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Book Department

INTERNATIONAL RELATIONS AND WORLD GOVERNMENT

GROB, FRITZ. *The Relativity of War and Peace: A Study in Law, History, and Politics*. Pp. xviii, 402. New Haven: Yale University Press, 1949. \$5.00.

The book is divided into two parts, one historical, the other theoretical. In the historical part the author discusses under the headings "War or Peace" and "Battles in Peace" a number of events, such as "American Naval Operations against France, 1798-1880." The over-all question is this: Did these events constitute war, or did the countries remain at peace? If they were neither at war nor at peace, or if they were at war and at peace at the same time, what was their status to be termed?

In the case of these "American Naval Operations against France" one group in the House of Representatives considered the country in a state of war. Old treaties with France had been declared inoperative, exequaturs of French consuls had been revoked. The captured French crews had been treated as prisoners of war. Still the majority group in the House did not consider war as existing; it spoke of existing differences, and of the possibility that war might break out. Talleyrand wrote that "France never thought of making war" and "that every contrary opinion is an insult to common sense." Vattel, great continental international jurist of the period, said "there was no war." The United States Court of Claims, in cases arising from these "operations," held that there was war. In 1939 President Roosevelt spoke of them as quasi war. The *Boston Evening Transcript* wrote an editorial entitled "Was it War?" concluding that "it is not yet decided." Professor Pound confesses in his Foreword that "some of the arguments seem more worthy of a Gilbert and Sullivan opera or of Lewis Carroll's professors than of legal treatises."

In the theoretical part the author examines the legal validity of the politically

conditioned arguments for and against the existence of war during the events under discussion. Dr. Grob, speaking as analytical jurist, finds the results of that examination confusing. To make a long story short, he concludes that in a legal sense an over-all definition of war is not possible. There are obtainable only definitions in the legal sense of specific actions or situations which represent disturbances of peace, definitions made with a view of rendering these actions or situations subject to restrictive or remediable measures by an authority legally competent and materially equipped to enforce such measures. He demonstrates the practical aspect of his findings by reference to the pertinent provisions of the Charter of the United Nations dealing with the subject of preserving peace by prevention of war.

The reviewer agrees with Professor Pound that "Dr. Grob has made a real contribution to analytical jurisprudence." But he wonders how much that contribution will avail the statesman who, at the present time, cannot afford to consider the issues of war or peace from the purely analytical juristic aspect, i.e., in a legal sense. The reviewer's wonderment extends of course to the predicament in which the United Nations in this respect finds itself.

That Dr. Grob has his own misgivings on this score is evidenced by his choice of the cartoon found on p. 155, picturing two burly Orientals running hefty swords through each other's expansive midriffs, with Uncle Sam towering over the pair, asking with despair in his eyes: "Are you fellows having a War?"

The cartoon might have served well as frontispiece or on the jacket as an attraction to politically conditioned readers. Appreciation of Dr. Grob's book grows in retrospect.

JOHANNES MATTERN

The Johns Hopkins University

INSTITUTE OF PACIFIC RELATIONS. *Problems of Economic Reconstruction in the Far East: Report of the Tenth Confer-*

ence of the Institute of Pacific Relations, Stratford-on-Avon, England, September 5-20, 1947. Pp. xxix, 125. New York, 1949. \$1.35.

The tenth conference of the Institute of Pacific Relations was held far from the subject of its deliberations. Among its 88 participants, there were eight Chinese, three Indians, two Burmese, two Siamese, and one Korean; but no Filipinos, Indonesians, Indochinese, or Japanese. All the conference officers and rapporteurs were westerners. Yet the report ends with the sentence: "The day is at hand when the West, which has grown accustomed to molding the East, may find the current of history reversed and be obliged in its turn to accommodate itself to the new social institutions of a new and dynamic Asia."

On Japan and Korea there was discussion of the need for industrial and commercial rehabilitation, but awareness of the difficulties and some fear of reviving militarism. On China, the familiar themes of civil war, political demoralization, population pressure, and inflation had a pessimistic tinge. There was a similar pessimism in regard to the prospects of industrial development in southeast Asia. The remaining round-tables on Agricultural Improvement, Industrial Development, International Economic Problems, Education and Technology, were concerned with variations on these familiar themes.

All this was in 1947. But the editor, William L. Holland, brings the story up to date with a useful introductory chapter. Few western economists know the Far East as well as he does, and his summary of the basic reasons for the deterioration of economic hopes in that region is convincing. In 1947 the situation was serious; but it was not so clear then as it is now "how much more extensive and complicated were the underlying internal wounds inflicted upon the Far Eastern economy as a whole as distinct from the specific visible injuries done to the economic systems of individual countries." Mr. Holland goes on to stress not only the breakdown of intraregional trade, but the "invisible nerve channels of credit, managerial skills and commercial goodwill"; and concludes that "very little prog-

ress has yet been achieved in the development of indigenous mercantile and financial groups to replace the Chinese and Indian middlemen or in the training of competent administrators and technicians to take over essential tasks formerly performed by Westerners. In fact it was in this sphere of management organization and technical skill that the greatest unseen damage has been done to the economies of Southeast Asia."

J. B. CONDLIFFE

University of California

MUZIOI, ROMAN. *Europäische Außenhandelsverflechtung und Marshall-Plan.* Pp. 72. Oberursel (Taunus), Germany: Verlag Europa-Archiv, 1948. DM 9.

This study will favorably impress most readers by its systematic presentation. The author attempts to assess the significance of the Marshall plan for the revival of the foreign trade of Europe by proceeding in three logical steps. In the first part, he examines Europe's contribution by export and import to the world economy. In the second part, he deals in greater detail with the foreign trade of the two antagonistic blocks, the sixteen Marshall-plan countries and the rest of the European continent. In the third and last part he concentrates on Germany's external economic position and especially on her balance of trade. The analysis is based on broad statistical material supplemented by graphs and tables.

No question can be raised concerning the timeliness of the subject. Still we may doubt whether the publication was not premature. The study relies on no figures more recent than those of 1938. Since the great war was fought for the purpose of economic as well as military exhaustion, the unprecedented destruction and dislocation of human and material resources should not be overlooked. Only under the assumption of an irresistible trend towards early restoration of prewar conditions could an analysis rely exclusively on the statistical figures of the prewar years. Another objection is to be raised against the method of comparing the shares of the western and the eastern blocks. Because of the prevalence of small states in the

western group, the foreign trade figures of this area compared with those of Russia involve a relative "statistical inflation"; for some of the corresponding figures of the geographically larger economy appear as elements of its domestic trade. It may seem surprising that an author who stresses the same phenomenon by comparing the United States with Europe (p. 15) neglects it in another equally important case. There can be no doubt that the foreign trade figures per capita given as \$81 and \$13 for Marshall-plan Europe and eastern Europe respectively (p. 41) are open to misunderstanding.

The author wishes to prove that Germany again holds, as she did after World War I, the pivotal position for the reconstruction of Europe, which at this time is a necessary condition for the reconstruction of the world. The author truly says that Germany's integration with the world economy ranks with the most pressing international problems of our age. Yet as background material for current decisions the evidence submitted to the reader is inadequate. The economic role of present-day Germany cannot be accurately assessed unless her division into western and eastern parts is considered, in addition to the unprecedented direct and indirect war damages. As long as the eastern provinces are incorporated into the Russian orbit, we can hardly agree with the author's contention that it is "sensible" to disregard the territorial split (pp. 7, 20). Hope for a political unification should not interfere with a realistic diagnosis. In fact, to add the prewar foreign trade figures of the whole of Germany to the foreign trade figures of the Marshall-plan countries, as the author does (pp. 20-21), is to overestimate the strength of the economic position of the western powers.

FRITZ KARL MANN

American University

DIRKSEN, HERBERT VON. *Moskau, Tokio, London: Erinnerungen und Betrachtungen zu 20 Jahren deutscher Aussenpolitik, 1919-1939*. Pp. 279. Stuttgart: W. Kohlhammer Verlag, 1949. DM 12.80.

With his own property in the east confiscated by the Russians and a large part of his fatherland in ruins, Herbert von Dirksen, former German ambassador in Moscow, Tokyo, and London, has written an *apologia pro vita sua*. Once a familiar figure in the chancelleries of Europe, he is now spending his remaining days in a small room in the home of a relative in Bergdorf Kreuth. Like millions of other Germans, he is just emerging from the shock of the catastrophe that hit Germany. In this book of memoirs he tells the story of his diplomatic life, with emphasis upon German-Polish relations, Rapallo, Locarno, the German-Russian industrial and credit agreements, *Berchtesgaden*, Godesberg, the Munich Pact, and in general the "tragic development" of German foreign policy since World War I. He is forced to rely for the most part on his memory, with the exception of documents published in England concerning his stay at the London post in 1938-39, for "as a refugee from the East my notes and papers were stolen from me."

Despite the publisher's blurb the book throws comparatively little new light on German foreign policy during twenty crucial years. Under both the Weimar Republic and the National Socialist regime von Dirksen served as a career diplomat, as a kind of aristocratic supercargo, useful to both Republican and Fascist leaders persistently fascinated by heritage and titles. It is curious how little he knew of what was going on at home during his various tours of service and how little he influenced foreign policy in his time. With his distinguished carriage, his impeccable manners, and particularly with the shining duel scars adorning a proud Prussian face, he was undoubtedly regarded as the ideal representative for Germany in foreign lands. It is abundantly clear that he was a man of good will who loved his country and who served it to the best of his ability.

The book gives some effective ammunition for those who contend that the German national character was molded artificially in the Prussian image. There is German *thoroughness* "our guests at the Tokio Embassy in one winter season num-

bered 2469" (p. 181). There is strong class snobbishness: "Rathenau might have developed into a great and strong statesman, but there was a breath of decadence about him, as so often is the case with families which have quickly acquired great wealth" (p. 44). Von Dirksen defends the German student duel, which most people outside Germany regard as a barbaric throwback, because "it fashions character by teaching self-control" (p. 12). There is a propensity for inaccurate and simplified analysis of German history: "The geographical situation of Germany in the central part of Europe without natural frontiers hindered the development of German national unity until 1871" (p. 151). And there is the familiar habit of blaming others for Germany's plight: "The extravagant enthusiasm of a great mass of decent people, who have been fooled by a band of thoughtless revolutionaries—this was the darkest tragedy of the German nation" (p. 157).

Von Dirksen's service for the Nazi monomaniacs was an exercise in humiliation and frustration. His first interview with Hitler lasted two to three minutes: "Hitler moved uneasily in his chair, excused himself, and left abruptly. I was confounded and furious when I left him" (p. 186). He never became reconciled to the "insincerity, superficiality, and inefficiency" of the Foreign Office under Hitler. He despised Ribbentrop with all the contempt of an aristocrat for a parvenu, describing him as "an unwholesome, half-comical figure." After Munich von Dirksen "gave up the idea of trying to convert Ribbentrop to a reasonable political policy" (p. 233). The author seems to be totally unaware of the irony of his own confession: "That it was more honorable perhaps not to serve the Hitler regime altogether was a thought that lay far from me at that time" (p. 198).

These memoirs give a historically valuable inside story of von Dirksen's role in the effort of President Roosevelt to organize an international commission to supervise the emigration of Jews from Germany. This "humane solution to the Jewish problem" was shattered by the brutality of Goebbels, who ordered a shameful

nation-wide pogrom in retaliation for the murder of Embassy secretary vom Rath in Paris by a Jewish youth on November 7, 1938. The heartbreaking failure of this plan cost several million Jewish lives.

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AMERICAN GOVERNMENT, HISTORY, AND POLITICAL THEORY

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LILIENTHAL, DAVID E. *This I Do Believe*. Pp. xxiii, 208. New York: Harper & Bros., 1949. \$2.50.

JONES, HOWARD MUMFORD. *Primer of Intellectual Freedom*. Pp. xv, 191. Cambridge, Mass.: Harvard University Press, 1949. \$2.75.

These two books are a further testimony to the repristination of the American Idea as a fighting faith in freedom. Howard Jones's *Primer* is a primer in the sense that it assembles expressions of the idea of freedom as the primary ideal and program of the republic of scholars everywhere, and signally in the United States. His anthology begins with a group of declarations which administrative heads of great national institutions of higher learning recently made to alumni and others who proposed the disciplining or silencing of faculty members holding, or suspected of holding, opinions with which the proponents disagreed. A second group discusses the underlying philosophy of the First Freedom and its role in the Nation's ethos. This ranges from dissents by the late Justice Holmes to excerpts from John Stuart Mill's great essay on liberty. The last group cites Thomas Jefferson, John Milton, and Francis Bacon. During the three and a half centuries from the president of the Massachusetts Institute of Technology, defending the freedom of a faculty member to inquire, to challenge, and to doubt in 1949, to the English lawyer and parliamentarian defending learning as a search after truth in 1605, the principle has been invoked to meet creedal attack or the challenge of authoritarian power.

Mr. Jones's introduction aptly points up the import of the principle for our own times. His case studies provide a hardly less apt background for David Lilienthal's formulation of his personal faith, which has for its subtitle "An American Credo." This book is also born of a critical occasion. That was an inquiry, by a Joint Congressional Committee on Atomic Energy, into its author's fitness for senatorial confirmation as chairman of the Commission on Atomic Energy. One Senator, an overage *Dixiecrat* with standards fully honoring this affiliation, for years frustrated by Lilienthal in his loyal lust to exalt the Tennessee Valley Authority to those standards, made the most of the occasion. Of course "communist" and "leftist" did not fail of the happy employment the honorable statesman was able to give them. At a certain point in the Senator's exercise of this ethical function, Lilienthal was moved to reply: "This I do carry in my head, Senator"—and set forth briefly and poignantly the fighting faith in freedom of a public servant carrying forward the Nation's greatest tradition.

This book is an amplification of that statement of faith. It is an amplification in terms of the record of works and insight into the organic relation between faith and works. It is in a sense freedom's success story, which has taught the believer that freedom as a goal cannot be served by methods which are contrary to freedom as a means. Mr. Lilienthal's experience of a lifetime in the administration of great public enterprises has taught him that inquisition, censorship, secrecy, and other traditional "security" methods serve in the main to defeat the ends they are presumed to serve. He has come to know that human beings are individuals, each different from the others and each with an equal right to liberty and safety. He has learned that, because of this parity of the different, a free society has to be a working democracy; and that a working democracy can be committed to no exclusive scheme of organization, economic or other; that a working democracy must be a society of genuinely free enterprise whose members must be free to try all things and to cleave unto those which work out as true. The

Nation's "system," hence, is to have no system, but to endeavor always and everywhere to enable the individual to "know that there are some things that he decides or has a part in deciding and that he is a needed and useful part of something far bigger than he is." The Tennessee Valley Authority and the Economic Cooperation Administration, the combinations of knowledge and know-how they require, the ever-compounding give and take of human relations they develop, have led Lilienthal to the conclusion that the most enduring and effective base for the co-operative organization of individual liberties is the decentralization and distribution of social power joined to the widest distribution of knowledge through public education. He quotes Jane Addams to the effect that the essentials of free government are truth and consent. He would extend consent to cover a period of public service—not as a career but as a personal commitment something like "William James's moral equivalent for war—as a public interlude in a private life that could bring to the problems of the national life insight and judgment grounded in experience, and that could thus, in the eternal vigilance which is the well-known price of liberty, replace myth by realism and fear by courage.

This I Do Believe will, I believe, become another book in the Bible of democracy. It could well be made a current text in our high schools and colleges.

H. M. KALLEN

New School for Social Research

LE BOUTILLIER, CORNELIA GEER. *American Democracy and Natural Law*. Pp. viii, 204. New York: Columbia University Press, 1950. \$3.00.

Natural law is the phoenix of American political theory. We would need an adding machine to count the number of times it has been pronounced dead by positivists, realists, materialists, and men of science only to be revived by poets, Thomists, corporation lawyers, and men of faith. Certainly we hear more of natural law today than we did ten years ago.

This little book takes a fresh approach to the problem of natural law and its viability for modern men. While attacking

and rejecting what she calls the "metaphysical" doctrine of natural law, as shaped by such diverse thinkers as Plato, Cicero, Aquinas, Hooker, del Vecchio, and Maritain, Miss Le Boutillier of Hunter College nevertheless finds it a **concept** well worth discussing and stripping down for further use by American democrats. Her manner of accomplishing these ends is novel and provocative, if occasionally somewhat esoteric, indirect, and jargonistic. Her basic thesis is that natural law, as a principle of commanding importance in American political thought and action, has almost always rested on a "utilitarian" foundation. In this sense natural law is nothing more nor less than that huge, kaleidoscopic pattern of law, morality, rights, and institutions that "**bring[s]** out and **develop[s]** those rich and varied human values latent in individual and group." This natural law, she asserts, is an "empirical, demonstrable, and verifiable pattern," the product of centuries of experience in the fight for human freedom rather than of "right reason" acting in search of eternal, immutable principles of justice. Natural law, whether utilitarian or metaphysical, she correctly equates with the rights of man, and her point of view is summed up in the unequivocal assertion, "The rights of man is history, not postulates."

American Democracy and Natural Law should prove an exciting and rewarding intellectual experience for those thoughtful Americans who want to believe that there is some "higher law" that we ignore at our peril but cannot bring **themselves**, either by faith or reason, to acknowledge the factual existence from time out of mind of a "brooding omnipresence in the sky." Even more valuable than her devastating exposure of the logical fallacies of the metaphysical natural law is her persuasive reminder that the law of nature as proclaimed by the founding fathers was actually nothing more than an empirically determined set of "limits" beyond which it was thought unsafe for governments to push. Her conclusion is this: "Whatever Americans may say or may have said about the law of nature, about a '**higher law**,' they appear to mean or to have meant, not a transcendental essence, but a

practical plan. This is the plan to make possible individual, free, righteous development within a happy and prosperous commonwealth." And that plan, of course, is American democracy.

This book is not the final statement of the position Miss Le Boutillier adopts. It will have no effect whatsoever on fuzzy doctrinaires and ethical absolutists. But it is surely an admirable addition to one of the most ancient and meaningful of intellectual debates.

CLINTON L. ROSSITER

Cornell University

BILLINGTON, RAY ALLEN. *Westward Expansion: A History of the American Frontier*. Pp. **xiv**, 873. New York: The Macmillan Co, 1949. \$6.25.

American history has been interpreted from various points of view. The imminent determinism of our past, which has provided our present and is contributing to our future, is a debatable issue. No student of the history of these United States worth his salt can ignore the motivating force and the significant influence of the frontier upon American civilization. Frederick J. Turner in the first two decades of this century made a lasting contribution to American historical interpretation when, through his essays and in his classes, he began to stress the influence of the frontier. There soon arose the Turner school of American historians. Among the foremost of the present students of this school of thought is the author of this book. By no means has Professor **Billington** written the only book on American history ~~ex~~emplifying the Turner thesis, but *Westward Expansion* definitely ranks with Professor Frederick L. Paxson's *History of the American Frontier, 1763-1893*, the two being the most valuable productions of this school of thought since the appearance of Turner's *The Frontier in American History* more than a generation ago.

This volume is divided into three parts. The first section treats the colonial frontier and consists of eight chapters which embrace the period 1492-1783. The emphasis is correctly placed on the intimate relationship of the early American frontier

with European expansion. The American wilderness environment, though by no means identical in the north and the south, encouraged a feeling of self-reliance among the settlers and, eventually, a growing consciousness that their destiny lay in securing independence from the mother country. The contributions of the west in the American Revolution are adequately presented.

The middle portion of the book deals with the years from 1783 to 1850. Beginning with a description of western problems—largely land and its occupation—during the Confederation period, the author discusses in turn the settling of the Appalachian Plateau, the opening up of the Great Lakes Plains, the occupying of the Gulf Coast Plains, the economic background of sectionalism, and the emergence of frontier-influenced sectional patterns. The final chapter of this division reveals the intimate connection between the development of railroads and the growth of sectionalism.

Finally, part three, "The Trans-Mississippi Frontier," which contains as many chapters as the other two sections combined, discusses the several frontier areas west of the Father of Waters. This division shows a definite tendency to focus attention on historical continuity rather than on mere chronological narration. If there were multiple geographic frontiers in the expanding trans-Mississippi west, there were also a number of what might be termed vocational pioneering areas. These included the trader's frontier, the miner's frontier, the transportation frontier, the cattleman's frontier, and the farmer's frontier. All of these are ably treated, each in a separate chapter. The Spanish nationalistic barrier and Indian resistance are revealed in their proper relationship to the onward trek of American frontiersmen.

It is regrettable that in such a splendidly written and scholarly volume the author reveals what may be a sectional bias. For example, in discussing the acceleration of democracy in the west (p. 745), mention is made of Vermont (1791), Ohio (1802), and Indiana (1816) in the granting of complete manhood suffrage, but the fact that Kentucky (1792), Tennessee (1796),

and Louisiana (1812) were practically as extensive in their suffrage provisions is omitted. If Professor Billington's intellectual eyes seeking liberal democratic facts became blurred as he looked southward across the Ohio River, it must be admitted that in this defect he is not alone among distinguished American historians.

One of the best features of this book, and there are many, is the seventy-seven pages of double-columned bibliography with items classified and evaluated.

GEORGE C. OSBORN

University of Florida

CHESTNUT, MARY BOYKIN. *A Diary From Dixie*. Edited by Ben Ames Williams. Pp. xii, 572. Boston: Houghton Mifflin Co., 1949. \$5.00.

This, the most famous diary produced in the Southern Confederacy, was first published in 1905. That edition contained less than half the material now made available in Mr. Williams' volume. For almost half a century students of the Civil War period have wished for the complete Chestnut diary. The writer's unique ability to recreate a wide variety of situations in the war-torn South made her readers hope for additional details. Furthermore, Dame Rumor whispered widely that the numerous deletions of the earlier edition were necessary to prevent many Southern gentlemen from resorting to the code duello.

A comparison of the two published editions shows that the parts of the original journal which were omitted in the 1905 edition deal with numerous topics. Almost all of this earlier suppressed material is of minor importance, historically. Of considerable consequence, however, are the passages which deal with the author personally and her outspoken hatred of slavery as a Southern institution.

The diary begins on February 15, 1861 and closes with an entry on August 2, 1865. During these chaotic four and a half years this South Carolina journalist takes the reader's imagination with her as she travels from Florida to Charleston and from Montgomery to Richmond. During the war this Southern belle, who was to the aristocracy

born, traveled somewhat extensively in the eastern Confederate states, especially in South Carolina and Virginia. Across the pages of this significant journal move President and Mrs. Davis, members of the cabinet, Confederate Congressmen, important generals, and many military men of lesser rank. The reader sees the military hospitals crowded with groaning and dying men. He sees also a society of gay, frivolous ladies, anxious for the latest bit of gossip and sometimes willing to contribute a story slightly off shade.

Life in the Confederacy is revealed in intimate detail in this book. It is not too much to say that as Samuel Pepys' *Diary* is to the reign of Charles and as Gideon Wells's *Diary* is to the Lincoln administration so is the Chestnut *Diary* to the Southern Confederacy.

The editor has included in his introduction brief biographical sketches of the chief persons mentioned in the diary. Some footnotes of explanation were added throughout the book. There is an ample index. The editor has done a splendid job in making available this significant contemporary commentary on the War between the States. It will be widely read and will be gratefully used by history students for many years in the future.

GEORGE C. OSBORN

University of Florida

Hidy, RALPH W. *The House of Baring in American Trade and Finance: English Merchant Bankers at Work, 1763-1861*. Pp. xxiv, 631. Cambridge, Mass.: Harvard University Press, 1949. \$7.50.

Students of American economic history well know that much of the financial backing for commercial and industrial ventures and for the construction of railroads in America came from England. Dr. Hidy now gives in infinite detail the story of how this financing was done by one of the English banking firms during the century when that work was most significant. Starting with the emigration of the first of the Barings from Germany to England in 1717, the author carries the history of the family and of its banking house step by step through the generations, weaving together the financial threads of England

and America. The multiplicity of names and events makes any short summary impossible. The book as a whole deserves long and close study, but it is not an easy book for reference use, largely because of the nature of the table of contents and of the index.

The editors (N. S. B. Gras and Henrietta M. Larson) regret that Hidy was denied use of the Baring accounts, and thus could not emphasize costs and profits. The author very properly apologizes for the fact that his 132 pages of notes were relegated by the publisher to the back of the book. The reviewer will apologize for the index, but he cannot excuse it. Fifteen pages simply were not enough to furnish a guide to all the names and events recorded. Myriads of names of persons and institutions are not listed at all, and far too often there are no subheadings to guide the reader through a long series of page references. The table of contents furnishes little in the way of relief. Even with the subheadings, there is no great amount of help in such chapter headings as "The Year of the Locusts" and "Following a Mirage."

FRED A. SHANNON

University of Illinois

BAILEY, STEPHEN KEMP. *Congress Makes a Law: The Story Behind the Employment Act of 1946*. Pp. xii, 282. New York: Columbia University Press, 1950. \$3.75.

This is an excellent study of the realities of the legislative process, one which should be read by any person interested in the movement to make Congress equal to the needs of a democracy in the second half of the twentieth century. As far as it is possible to do so, Dr. Bailey traces an idea from its origins, through its legislative travail, to its enactment in a statute which was much weaker than most of its advocates hoped. He notes how Congressional rules, personalities, and tactics and strategy all influence the result in ways that are not contained in the pure theory of representative government.

One of the most notable contributions of this book is the account of the effect of the committee staff upon the legislative

process in a chapter entitled "The Staff of Room 15A." As the average member of Congress spends 80 per cent of his time on nonlegislative work, and as Congress and other legislatures provide more staff for themselves, it is reasonable to expect that the staffs will have greater and greater influence. This staff in 15A did ghost-writing of speeches, testimony, magazine articles; it stirred up correspondence; it planned strategy, such as splitting business opposition; and it mobilized the pressure groups in the "Lib-Lab Lobby."

The theory of representative government assumes that the electorate may hold their representatives answerable for legislation. Who, then, was responsible for the Employment Act of 1946? No one person or group, concludes the author: "Legislative policy-making tends to be fought out at the level of largely irresponsible personal and group stratagems and compromises based upon temporary power coalitions of political, administrative, and non-governmental interests. This type of policy-making is . . . certainly aided and abetted by the rules, structure, and procedures of the Congress. . . ." The cure, if cure there be, for this irresponsibility he sees in "strengthening the only two instruments in our political life which have an inherent responsibility to the nation as nation: the President and the national political parties."

DAYTON D. MCKEAN

Dartmouth College

New York State Legislative Annual, 1949.

Pp. ix, 333. New York: New York Legislative Service, 1949. \$7.50.

Sources that constitute the legislative history of bills not only facilitate their actual enactment, but are indispensable in administration and in interpretation by the administrative agencies and the courts after they become "law." These sources in published form are easily accessible in the case of federal statutes through printed reports, hearings, the debates of Congress, and the frequent public statements of the President when he signs bills into law. The story at the state level is quite different.

That is why the *New York State Legislative Annual, 1949* with its three earlier annual editions of memoranda are valuable and unique primary references in understanding the annual legislative output in New York State from 1946 through 1949. In the foreword of the 1949 edition, John F. X. Finn attaches great significance to the explanatory memorandum published in this annual when he states that it has been "judicially appraised as 'clearly' stating the legislative intent."

The memoranda of the laws of 1949 are presented in fourteen separate sections covering justice; agriculture, commerce, and industry; banking and corporations; civil service; education; elections; government—state and local; health and welfare; housing and real property; insurance; labor; motor transportation; public utilities; and taxation. A number of these sections have short introductory statements written by persons thoroughly conversant with the current legislative situation in the substantive field under consideration, as Charles A. Brind, Jr., counsel of the State Education Department for education, John T. De Graff, counsel to the Civil Service Employees' Association for civil service. In addition the counsel to several joint legislative interim committees introduce their respective sections by giving a brief summary of the committees' legislative program. It would be well if all the sections were prefaced by these short introductory statements, for they do serve as threads of continuity, supply background material, and also point up the prevailing political climate in which some bills moved successfully to enactment, while others never left the committees.

However, the real value of the annual is to be found in the actual texts of the memoranda. It is in these memoranda that the case for the legislation is made. The following excerpt is from the memorandum of the Feather Industries of America in support of an extension of time in which wild bird plumage in inventory, outlawed in 1941, must be disposed of:

"It is not proposed to go into the records that heralded the passage of this

section of the Conservation Law. It is sufficient to say that industry members were obliged to acquiesce in a law which called upon them to execute waivers of constitutional right in lawfully acquired plumage for the privilege of disposing of it within a limited period of years, after which unsold or undisposed of stocks were to be offered up to the State of New York for destruction. The action of the trade was necessarily prompted by the campaign on the part of the National Audubon Society during the season of 1940 to discourage women from wearing any kind of plumage on hats. The latter's propaganda, theatrically and extravagantly portrayed, created so much confusion that customers were loathe to purchase any kind of feathers, even of the normal barnyard variety of fowl, concerning which there was never any question. . . .

"There is no question in the extension affecting the health, safety or interest of the community, nor is there a single threat to the wild bird life of the State of New York, the Nation or the World by giving favorable action to the legislation as passed. There is merely a postponement of the time when whatever wild bird plumage remains in inventory must be disposed of, for no wild bird feathers other than those in inventory may be trafficked in."

The memoranda in the annual cover practically all important New York State legislation enacted in 1949—some memoranda on unimportant local measures are omitted. These memoranda emanate from all important sources of legislation such as state administrative departments, other administrative agencies such as commissions and boards, the New York City Administration, legislative interim committees, county officials and associations, private and government employee associations, individual legislators, and also the Governor's memoranda on the occasion of signing the bills into law.

Those interested in the legislative process, and in its operation in New York State, will find the *New York State Legislative Annual, 1949* a storehouse of invaluable source material. Some day it may be feasible to include a representative

sampling of memoranda submitted in behalf of bills that failed of enactment.

BELLE ZELLER

Brooklyn College.

MILLS, FREDERICK C., and CLARENCE D. LONG. *The Statistical Agencies of the Federal Government*. Pp. xiv, 201. New York: National Bureau of Economic Research, 1949. \$2.00.

The statistical work of the Federal Government is performed by many agencies. For most of them it is incidental to other functions. This decentralized and subordinate position of statistics stands in contrast to the concentration of major statistical work in central statistical bureaus in most of the European countries. Nevertheless, under the stimulus of two wars and a great depression, it has fostered a tremendous expansion of data collection and analysis in the Federal Government. The statistical system, such as it is, seems as amazing in its reflection of the pervasiveness of government activity as it is baffling in its resistance to rational reorganization.

Mills and Long have done an excellent job of describing and analyzing the "statistical intelligence system" and its operations. Their account of the uses of the statistical product is somewhat formal, lacking concrete realism in its description of the part played by statistics in the day-by-day work of an administrator, but it leaves no doubt that modern complex government functions require a steady flow of data. For the fiscal year 1947-48 the authors estimate that it cost \$42,000,000 to keep the statistical mill running. Less than 1 per cent of this amount was spent by a central co-ordinating agency, and less than 1/10 of 1 per cent by a statistical methods agency. Most of the planning, co-ordination, and development work was done on a decentralized basis in close association with the collection, analysis, and use of statistical data.

This book is a marvelous guide for the serious student of administrative organization and statistical programs. It is not for the casual reader. It discusses the imperfect division of labor and numerous problems that characterize the system. It

recommends that the work be allocated in a clear-cut manner, with greater centralization of the collection of data, under the general control of a central statistical office. Further recommendations are made concerning review and budgeting, the burden on respondents, publications, and services to users of statistics. The emphasis on organization and administration arises from the fact that this book is a report to the Commission on Organization of the Executive Branch of the Government headed by Herbert Hoover.

Many readers will find it worth while to compare this report with the report on *Government Statistics* published by the Social Service Research Council in 1937. •Mr. Mills played a leading part in this earlier study, which was started during the turbulent days of the beginning of the New Deal.

The rapid progress of mathematical statistics in recent years and its applications in science and industry have attracted more attention than the development of statistical intelligence. Within its special province, this book helps to restore the balance.

FREDERICK F. STEPHAN

Princeton University

REEL, A. FRANK. *The Case of General Yamashita*. Pp. vi, 323. Chicago: University of Chicago Press, 1949. \$4.00.

This is a provocative and disturbing book. The trial of General Yamashita was the first of the great "war crimes" trials. It was widely publicized in the press, in the movies, and on the radio with great emphasis on the stories of atrocities committed by Japanese troops in the Philippine Islands. Unlike the Nuremberg trials, which followed at a later date, the trial of General Yamashita was an all-American affair. It was conducted by an American Military Commission created under an order by the Commanding General of the American Army Forces in the Western Pacific. Unlike the Nuremberg trials, wherein months were spent in accumulating materials and trying the defendants, the Yamashita affair was speedily

organized and quickly decided. Yamashita surrendered on September 3, 1945, was charged on September 25, arraigned on October 8, and sentenced on the fourth anniversary of Pearl Harbor. Military justice was nothing if not swift.

General Yamashita's case was appealed by the defense counsel to the Supreme Court of the United States. Again events moved swiftly. The argument took place on January 7 and 8, 1946, and on February 4 a divided court denied petitions for certiorari to review a decision of the Supreme Court of the Philippines denying a request for a writ of habeas corpus. Justices Murphy and Rutledge vigorously dissented.

Mr. Reel was one of the Army officers assigned to the general's defense before the Army court-martial. He was also one of the triumvirate of the Army officers who argued the general's case before the Supreme Court of the Philippine Islands and the Supreme Court of the United States. His story is shocking. Yamashita's defense was given insufficient time to prepare an adequate defense. Some of the most elementary rules of evidence were not observed, and the charge levied against the general, in the opinion of Justice Murphy, was improper. According to Mr. Reel, and Justices Murphy and Rutledge in their dissents, General Yamashita was tried and hanged for alleged unlawful disregard and failure of his duty as a commander to control operations of those under his command, permitting them to commit acts of atrocity. He was never charged with participation in atrocities, with ordering them or condoning them. Nor was knowledge of the crimes attributed to him. Mr. Reel's account indicates that General Yamashita's communications were such that he did not have knowledge of the atrocities, that naval troops in Manila were not under his control, and that, on the contrary, the general had made preparation for the orderly transfer of interned prisoners to the American forces.

Mr. Reel includes in an appendix the Supreme Court decision in the case along with the dissenting opinions of Justices Murphy and Rutledge. The book, in-

cluding the appendix, ought to be widely read by thinking Americans.

WILLIAM J. RONAN
New York University

DILL, WILLIAM C. *Statehood for Hawaii*. Pp. vii, 134. Philadelphia: Dorraanee & Co., 1949. \$2.00.

This brochure is a direct and simple appeal to the American people to grant statehood to Hawaii. Because of American ideals of freedom and equality, because of hopes held out to the islanders at the time of annexation, and because of their political maturity and their economic adequacy, their persistent request for equal partnership in the Union should be immediately granted. All fair standards of eligibility for statehood have been met; statehood "must be granted now without delay." This conclusion the author reaches through brief analysis of the legal status of territoriality, after a sketch of the political history of the Hawaiian Islands and after brief exposition of the political structure, "racial" composition, and economic institutions of the islands. The little book is a sincere plea for justice to a people too long kept in dependent status. It is unpretentious and informative. Brevity of treatment impairs somewhat the cogency of its analyses; nor is there evidence either in treatment or in bibliography of first-hand knowledge of the islands or their peoples. But this reviewer, having lived and worked in Hawaii for some five years, would not quarrel seriously with the author's arguments. On the contrary, more intimate knowledge of the island people reinforces the conclusion that statehood for Hawaii is overdue. Nor should we minimize these days the author's conclusion that immediate statehood for Hawaii "would increase the prestige of the United States and the principles of freedom, democracy, and justice for which it stands, in every foreign country in the world, and especially in the Orient, where lies the balance of power between the two philosophies of democracy and totalitarianism."

ALLAN F. SAUNDERS
University of Hawaii

ECONOMICS AND INDUSTRY

SIEVERS, ALLEN MORRIS. *Has Market Capitalism Collapsed?* (A Critique of Karl Polanyi's New Economics.) Pp. 387. New York: Columbia University Press, 1949. \$4.75.

This is a book about a book (*The Great Transformation*, 1944) and an article ("Our Obsolete Market Mentality," *Commentary*, February, 1947) written by Karl Polanyi. Dr. Sievers does not make any mention of who Dr. Polanyi is or why a book of 305 pages deserves a commentary of 387 pages.

Dr. Sievers is not attempting a book review, although in spots his text reads as such. What he is attempting, and succeeds in doing, is to present the views of Polanyi together with criticisms. His final chapter is a very thorough general evaluation and conclusion which is repetitious to those who read his book carefully, but which can stand readily by itself as a scholarly unit of 55 pages.

The reviewer has assumed (with forbearance) that his task is to review Dr. Sievers' analysis of Polanyi's views and not to comment on Polanyi. Dr. Sievers is not to be held accountable for the views of Polanyi or the literary form they take. But he is to be held responsible for the vigor of his analysis. There is vigor!

Dr. Sievers pictures Polanyi as a polemical writer who sees capitalism as an anomaly and a mistake for which the world paid in fascism—the contagion taking the form of the market system. A large part of the Polanyi thesis rests on history, the experience of the United States under capitalism, and the rise of fascism. Dr. Sievers questions Polanyi's attitude towards history; points out that the "whole account of the United States is neither adequate, satisfying, nor consistent"; and argues that the theory of fascism "is not complete and not systematically presented." He is disturbed by "hiatuses" in key analysis, by "inadequacy," by portions of the work "conspicuously lacking in a clear principle of organization," by his overstatement of the role of exchange in economics, by the

"superfluous and abortive" attempt to formulate a generic economic science founded on social anthropology.

The author, however, has undoubtedly found merit in the study. Only in a few places can he be pictured as an apologist for Polanyi. On the whole, his criticism is balanced. He has been able to give us the story with the minimum of direct quotation.

Dr. Sievers does not leave the reviewer altogether clear as to whether the title of the book is a rhetorical question or whether it is answered. Either viewpoint might be warranted. Doubt would be avoided by using the subtitle as the title.

ASHER ISAACS

University of Pittsburgh

TINBERGEN, JAN. *The Dynamics of Business Cycles*. Translated from the Dutch and adapted for American use by J. J. Polak. Pp. x, 366. Chicago: University of Chicago Press, 1950. \$5.00.

The latest book of Professor Tinbergen to be made available to the American public was published originally in Holland in 1942. It might be described as econometrics made, if not easy, at least palatable. Professor Tinbergen has leaned over backward to avoid any mathematics whatsoever, and yet to get across the essence of his approach. That he is successful in this is partly due to the fact that he himself is, of course, an eminent man, and partly also to the fact that Mr Polak has done a good and loving job in translating. It is not entirely clear exactly what the adaptation by Mr. Polak consists of, except that the chapter on "Periods of War and Inflation" was rewritten for the present edition. No other specific changes are indicated. If there is any complaint at all as to the adaptation, it is perhaps that the data given might have been brought up to date. (There is another complaint, directed against the publisher. A university press really ought not to permit tables and charts to be published without source references. Yet such references are almost universally lacking.)

The first part of the book is called "Description" (pp. 1-98), the second "The Explanation of Economic Fluctuation" (pp.

99-262), the third "Business Cycle Policy" (pp. 263 ff.). This sounds very unoriginal. But then the book is by Tinbergen, and so one doesn't find quite what one expects, but is in for continuous pleasant surprises.

Thus "Description" means only partly the actual presentation of data. To be sure, data are presented, on population movements, prices, production, etc. But the real purpose of the section is to give the reader an idea how these data are to be used. There are different types of movements, some damped, some irregular. There are long-run developments with little cyclical behavior, and others which are typically cyclical. There are random movements. There are wars which interrupt the whole structure of economies. There are international differences. Tinbergen considers all those both by giving data and by indicating a method by which the data and their characteristics, can be generalized.

The essence of the book, its very heart, is found in Part II, and particularly in chapters XIII ("Business Cycle Fluctuations") and XIV ("Cyclical Movements in Individual Markets"), which between them account for about one-fourth of the book. This is the problem: "We describe the economy as a circular flow of money streams consisting of two parts: (a) the formation of income and (b) the use of this income. . . . How can one explain the fluctuations which, according to our observation, occur in the magnitude of these two streams?" (pp. 160, 161). The answer sounds deceptively easy: ". . . (1) . . . fluctuations in investment and in consumption expenditure may be attributed largely to fluctuations in national income a short time previously and (2) . . . fluctuations in national income can be explained largely by (a) fluctuations in total expenditure for consumption and investment and (b) the increase in income itself taken over a slightly earlier period" (p. 195).

This is, of course, not circular reasoning. The vicious circle is transformed into a virtuous one by the specific introduction of time lags or reaction periods, which are one of the essential features of

the Tinbergen approach. In this manner a close tie-up with reality as reflected in economic statistics is achieved. For the time lag may be different for different countries, and different economic relations. And, as Tinbergen shows in his part I, if you vary the time lag, you get all sorts of different and unexpected results.

The second feature of the method is that it allows the introduction of as many variables as you please. Thus Tinbergen considers, among the factors affecting the money streams, prices, interest rates, *profit* expectations and their determinants, the question of reinvestment, etc. So do other economists. The essential part of Tinbergen's method is that he has to state first, *how long* it takes for profit expectations (to take one example) to affect investment, and second, just *how much* profit expectations will affect investment as distinct, for example, from interest rates. Both are crucial questions. It is perfectly irrelevant, in my opinion, whether Tinbergen's system is considered too simple. The point is that Tinbergen specifically *recognizes* that qualitative relations are not enough, but that a real explanation has to deal with quantitative or even numerical values. And he gives a method, spelt out patiently over the 360 odd pages of the book, on how to do it. Once of the results is, of course, that he has to point out very often that we just do not know enough to make quantitative estimates.

Since it is one of Tinbergen's points that qualitative behavior of economic variables will differ depending on the quantitative values assumed (or statistically given), his treatment of business cycle policy has also something new to offer. Take as an example the oldest and most thoroughly thrashed-out interest rate policy: "Only very moderate results may be expected from interest or wage policy. Credit rationing may restrain booms, but it cannot be operative in the reverse sense. . . . *These conclusions imply certain assumptions concerning the quantitative extent of the forms of policy discussed.* We consider, for instance, an interest policy of a conventional extent, e.g. an increase or decrease of the rate of interest by one-half of one percent. . . . If the

policies were to be applied in much stronger doses, the results might be nearly proportionately increased, but in many cases this will not be possible. The effects would also depend on the speed with which the policies are applied" (p. 318; italics added).

Senator Douglas *recently* made exactly the point that in the past interest rate policy has been ineffective because it has not been applied strongly and quickly enough. Again the important point is not, however, whether or not one agrees with Tinbergen. Nor is it important (though very pleasant) that Tinbergen throws fresh light on the effectiveness of fiscal policy, tax rate policies, etc. It is important, however, to be constantly reminded of the fact that we need both more factual information and more precise formulations of our theoretical hypotheses.

Altogether, the American public has every reason to be grateful for the appearance of this book. There is no point in such a short review in going into the many differences of opinion and analysis that inevitably arise. One of the more serious criticisms is that Professor Tinbergen does not consider sufficiently the possible inflationary impact of wage increases in an already inflationary situation. He says, for example, "that one cannot expect any wage policy to stabilize employment during a business cycle. Wage policy may at best affect the profit margin per unit of product and hence make production more or less attractive to the *entrepreneur*; but fluctuations in this margin have only a limited and indirect influence on the volume of production" (p. 308). Knowledge of recent American experience would have undoubtedly contributed to a different formulation of the conclusions. Just the same, the book ought to be extremely useful in a stimulating (and quite unorthodox) course on business cycles, and it ought to prove of interest and value to the layman.

W. F. STOLPER

University of Michigan

SHACKLE, G. L. S. *Expectation in Economics*. Pp. x, 146. New York: Cambridge University Press, 1949. \$3.00.

This little book is an attempt (addressed to professional economists) to explain the nature and cause of "expectation." Expectation is defined as an association in one's mind of three elements: (1) a particular hypothetical "outcome" (net gain?); (2) a particular future date, and (3) a particular degree of belief (the surprise factor). The argument proceeds from assumptions as to the "natural [sic] and reasonable responses of human nature to intractable uncertainty." Thus it emphasizes uncertainty (as against risk)—the "irreducible core of ignorance concerning the outcome of a virtually isolated act" (p. 118). The idea is that "expectation" consists in a reflective balancing of credibility (as opposed to probability), or the "surprise factor," and relative desirability. But along with considerable "rational belief" there go desire, imagination, and "unbiased intuitions."

Expectations are reduced to two classes: (1) those which cause surprise, and (2) those which do not cause surprise. In each class, but positively only in the first, there are two independent variables—(a) gain surprise and (b) loss surprise. It is emphasized that in comparing two different ventures, the loss possibilities and the gain possibilities can be and are considered separately.

An interesting attempt at three-dimensional exposition is made, but it seems that essentially the scheme is that of the "indifference curve," and so is based on two quantities which are balanced as substitutes. On the y axis is the "degree of potential surprise" (p. 5). On the x axis is the "outcome," or idea of gain (presumably net gain). But this somehow becomes "relative desirability" (assuming gain above zero), which is the author's *O*. It appears to be a preference, but is said to represent the intensity of enjoyment or distress in contemplating the outcome.

A hedonistic calculus is assumed, and must raise questions as to the accuracy of the psychology upon which the author relies.

Some valuable suggestions are made bearing on the function of enterprise, and an outstanding criticism of the theory of probability, as applied to economic deci-

sions, is presented (e.g., footnote p. 122 f.). This seems to be the main service of the book, and one may come to grips with the author's thought most readily by beginning with Chap. VII, "A Comparison with the Orthodox View." He rejects Marshak's ideas of "expected value" and "reliability" as factors in a probability calculus, sees some good in Domar and Musgrave, and praises Fellner and Myrdal.

My thought is that, while it is well to show the futility of mathematical probability theory which reduces enterprise largely to chance (e.g. Keynes), it does not help much to reduce the enterpriser's purposive evaluations of outcome to a matter of feelings of pleasure and pain.

LEWIS H. HANEY

New York University

MERIAM, LEWIS, KARL T. SCHLOTTERBECK, and MILDRED MARONEY. *The Cost and Financing of Social Security*. Pp. ix, 193. Washington: Brookings Institution, 1950. \$3.00.

This book presents descriptively and factually the financial implications of social security legislation, existing and proposed. It adds a chapter on veterans' legislation and one on private retirement systems. A chapter entitled "Who Are the Needy?" summarizes and analyzes the recent account of low income families assembled by the subcommittee of the Joint Committee on the Economic Report. The book begins and ends with a criticism of the social security program and recommends a new approach to the problem.

The authors tabulate and total the prospective costs of prospective programs and find them alarming. Maximum estimated costs of all proposals are found to add up to over \$50 billion by 1980. This includes old age insurance, disability insurance, compulsory health insurance, unemployment compensation, public assistance and veterans' benefits. Against a background of uncertain economic progress, possible depressions, and unknown but certainly very large competing needs, this is thought to be excessive. Moreover, the system involves inequities in its

limited coverage and its windfall allowances to those who qualify for old age benefits and retire in the early years of the program. The system contemplates a sweeping transfer of funds with heavy administrative complications, a huge extension of the bureaucracy, and injurious effects on incentives. The whole idea of reserves is based on a false imitation of private insurance and results principally in confusion and a demoralizing windfall for the federal government. The social security system got off on the wrong foot in seeking to provide a retirement system for everyone. It should confine itself to the relief of genuine poverty.

The authors' conception of a desirable social security system is a pooled fund (no individual accounts) without reserves supported by either a net income tax (without exemptions) or a sales tax.

The book will serve as an excellent handbook of information concerning social security. It performs a useful service also in calling sharply to public attention the financial scope of the future commitments now being contemplated. The problem of forging existing programs into a system and of co-ordination with private programs is ably presented. Unfortunately the authors' conception of an adequate social security program falls far short of what the American people seem to want and ought to want. Our social security system may do a poor job of helping people to help themselves, but it at least preserves what seems to the reviewer this desirable objective.

HAROLD M. GROVES

University of Wisconsin

GOLD, BELA. *Wartime Economic Planning in Agriculture*. Pp. 594. New York: Columbia University Press, 1949. \$6.75.

This is a brilliantly written and closely reasoned analysis of American agriculture in wartime. It is concerned mainly with an examination of the adequacy of agricultural mobilization, and the requirements and needs for effective planning.

It is Dr. Gold's considered opinion, amply buttressed by facts, that we did not

make adequate use of our agricultural resources in order to meet the wartime needs of ourselves and our allies. Agriculture was never fully mobilized. Indeed the outstanding feature of agricultural production was that it had virtually reached its wartime peak during the very first year after this country's entrance into the war. Moreover, this 1942 record was only 14 per cent greater than production in 1940 when acreage restriction was still a dominant element in the national agricultural policy. Dr. Gold concludes: "Such limited advances meant that total agricultural production not only fell short of requirements; it even fell considerably short of feasible production potentials" (p. 75).

Moreover, during the war no serious effort was made to alter the pattern of production that had prevailed in the pre-war period. No real conversion of agriculture in the light of wartime need occurred. Instead of pressing for a shift from *feedstuffs* to crops for direct consumption, initial wartime goals actually suggested a decrease in the acreage of food grains and an increase of almost equal size in the combined increase of feed grains and tame hay. The same pattern of production with few exceptions prevailed throughout the war.

Dr. Gold believes that these shortcomings in our wartime economic planning in agriculture can be traced directly to the weaknesses in leadership of those responsible for our mobilization program. These officials subscribed to restrained estimates of potential as representing true maxima, revealing a conviction that wartime adjustments needed only to be of a peripheral nature. The inadequacy of leadership was also reflected in the fact that the scale of accomplishment fell consistently short of goals, despite their modest proportions.

The same feebleness of direction occurred in food distribution. Food price policy was based upon the concept of a fair return instead of one of frank discrimination in favor of wartime necessities. Food management generally was characterized by the absence of a coherent and integrated program of wartime food controls. •/

One many wish that Dr. Gold had devoted a greater portion of his study to the persistent interference by Congress with the work of an administrative agency. Perhaps a more detailed discussion of the role of public opinion in buttressing the executive branch in its battle with the legislature would also have been in order.

Nonetheless, this is a very fine book, distinguished by its high quality of scholarship and its very pertinent comments about one of the trouble areas of the American economy. Those who are interested in the role of planning in a democratic society would do well to consult this book for the many lessons it offers.

BENJAMIN BAKER

Hofstra College

LINDBLOM, CHARLES E. *Unions and Capitalism*. Pp. 267 New Haven: Yale University Press, 1949. \$3.75.

Professor Lindblom urges that we re-examine unionism now that it has won an important place of power. Union pressures on wage rates are becoming a major economic problem; general wage patterns threaten the basic nature of our society, he warns.

Unions and Capitalism is systematic, comprehensive, and controversial. It is a detailed application of the marginal productivity theory to wages. It goes beyond the theoretical to present significant institutional aspects of unionism and its impact on today's social and political order. The author has woven illustrative material into much of his analysis.

Workers have found in unions, Lindblom says, a weapon to solve their previously unsatisfactory situation in modern industry. They have won higher and more secure wages. They are establishing industrial democracy, setting new patterns in labor-management relationships. Without thinking through the implications, workers acting through their unions are upsetting the price system, altering the role of the employer, and forcing government into functions alien to the enterprise system, he holds.

Lindblom professes sympathy for organized labor at the outset of his discus-

sion; he has aimed at scholarly impartiality in this examination of the impact of unionism on society. He recognizes that he risks putting weapons into the hands of the opponents of unionism by what writes. He confesses that "union haters" may find comfort in certain parts of his analysis, while partisans of labor may be shocked by certain things he feels must be said.

Lindblom's argument is that unions must demand and will receive higher and higher wages, until they price all but a few of their members out of the market. Non-competitive high wages must change the nature of our society. The potential results of union wage policies in producing inflation or unemployment are mentioned repeatedly. He doubts that wages can be geared satisfactorily to increases in productivity.

The author is concerned with the economic and political repercussions of repeated wage settlements rather than with the problem of strikes. He demonstrates the course of union wage determination as it spreads out to nonunion firms; many pay above the prevailing levels to avoid unionization. The tendency toward industry-wide bargaining and beyond it, the rounds of leader-pattern settlements, are narrowing wage differentials and crippling the competitive price system which has in the past determined the direction of our productive efforts. Competition for position within unions and between rival unions results in upbidding wage demands to win the support of the rank-and-file workers, Lindblom observes. In their search for higher and more secure wages, the unions have ventured far into the preserves which were once the domain of management, he states.

The blunt result of this development, the author holds, is that we are being pushed into some sort of syndicalist-socialism. Few are planning this, and many do not realize it. Although union leaders are unanimous in their allegiance to "free enterprise," the author has gleaned from the writings of some labor leaders significant proposals which if adopted would modify the present system radically. The results of union policies are inevitable,

the author holds, whether or not the leaders of labor are ready to admit it; great unions, secure in their position, yet ever seeking more and more, must cause significant change.

The function of government is dismissed by the author as simply attempting to get production going when there is a strike. Mediators seek compromises; the unions know it. They have asked much, so when the difference is split, they get a nice increase. Government, it seems, only accentuates the problem.

In the final chapters, Lindblom speculates on what can be done now that we are where we are. He rejects turning back the clock. The controls he suggests are, he admits, almost all unacceptable. Hopefully he suggests that the workers, when they have achieved full citizenship by union political action, may through government set limits on their policies as union members.

Most readers will be struck by the repeated use of "monopoly" in connection with the role of union labor. Used in its academic sense, the word has certain meanings; applied in public discussion of current issues, it is highly charged. He develops the idea that "labor monopoly" is practically unlimited. The author does admit that business combinations and farmers' organizations are also altering relationships in the competitive system. This admission is not likely to curb those who would use the book against the unions; they can repeat from his arguments and phraseology with glee, despite the fact that they find little comfort in many of his conclusions.

Professor Lindblom has produced a thought-provoking work. It will arouse controversy; one can debate almost every paragraph of it. Frequently the illustrations he offers call to mind others which might modify his arguments. One feels that much significant recent writing in the field has not been consulted by the author; some of this would strengthen his case, while other works diverge from the conclusions he has reached. The author has achieved his goal of causing the reader to ponder the implications of the rise of the great unions; he should not protest

if there are disagreements with some of the conclusions he proposes.

JOHN NEWTON THURBER

Cornell University

DENNIS, WAYNE, and others. *Current Trends in Industrial Psychology*. Pp. 198. Pittsburgh: University of Pittsburgh Press, 1949. \$3.75.

This volume is made up of eight lectures delivered under the auspices of the Department of Psychology in the College of the University of Pittsburgh. The titles are: "The Background of Industrial Psychology" (W. Dennis), "Organization Structure" (C. Shartle), "Job Requirements" (J. Flanagan), "Personnel Selection" (O. Crissey), "Training in Industry" (W. McGehee), "Employee-Management Relations" (B. Baxter), "Morale and Motivation in Industry" (O. Katz), and "Industrial Psychology and the Community" (H. Taylor).

Most of the contributors agree that the collection and interpretation of "data" torn out of the context of actual human behavior, however valuable for some purposes, misses what is being sought. The current tread is toward going beyond the statistical manipulation of data to the understanding of human nature. As Harold Taylor writes, "... we are elevating the technique of intelligent conversation to the position of a basic tool of psychological investigation" (p. 179).

This raises many problems: the competence of interviewers or observers in the various areas of job analysis, personnel selection, morale, and so forth; the professional skill of supervisors or professional staff or conference leaders charged with the development of supervisory leadership; the determination of criteria which define what one is seeking and guide the interpretation of what is found. For example, is immediate increased production necessarily an index of improved morale? It may also indicate an immediate lowering of morale. The long-range effects on employee-management relations, when analyzed and defined, may offer better indexes of improved morale.

Furthermore, "morale" should not be regarded as a simple or single concept.

There are different levels of morale. Small groups may have high morale, yet not be identified with the organization as a whole. Contrariwise, employee benefits may create good will toward the company without leading to greater production (Katz).

The current trend toward emphasizing face-to-face relations between people in a working situation as the most important area of inquiry is unmistakable. This trend introduces a series of methodological problems and the question of competence to deal with them.

To take one area as an example, the problem of supervisory development: Who is to be trained? What is to be the content of training? What methods are to be used in training? Who is to do the training? How are the outcomes to be evaluated? (McGehee)

In a few words, the focus in industrial psychology is to understand what makes for congenial workers and supervisors and employers. The orientation is less toward techniques and more toward problems of human communication.

The problems within the traditional framework of laboratory psychology and the *techniques of attitude measurement* are being supplemented by learning about the *skills involved in relating to human beings*.

This publication, as far as I know, presents the best over-all picture of the real problems confronting the intelligent and sensitive industrial psychologist.

NATHANIEL CANTOR

University of Buffalo

TREDGOLD, R. F. *Human Relations in Modern Industry*. Pp. 192. New York: International Universities Press, 1950. \$2.50.

The author of this volume is a regional psychiatrist to the S. E. Metropolitan Hospital and on the staff of the Department of Psychiatric Medicine at the University College Hospital, London. This book is a development of the experiences of the author in the training course in human relations given at the Training Department at Roffey Park Rehabilitation Center in London. In 1943 there was formed in London The National Council for the

Rehabilitation of Industrial Workers. As an offshoot of this Roffey Park was equipped as a Rehabilitation Center.

A six-weeks' program of rehabilitation was devised under a professional staff. The center attracted many visitors from industry. In collaboration with the center staff the representatives from industrial firms discussed human problems in industry. Members of the class were encouraged to participate in discussion and to arrive at their own conclusions.

The present volume represents an extended statement of the discussions which took place during these six weeks in 1947 and 1948. The volume has no explicit theoretical framework. There are such chapters as "The Importance of Human Relations," "Why People Work," "Examples of the Application of Psychology to Industry," "Early Signs of Mental Disorder," "Mental First Aid." Nevertheless, there is a restatement of recent tentative conclusions in the field of industrial relations. For example, in the chapter "Why People Work," the author states that not only is there a search for material security but there is present a desire for the approval of the group, the desire for pre-eminence, for pride and skill, and for a sense of one's own value. The chapter on "The Essentials of Leadership and The Teaching of Leadership" is a rather discursive restatement of what anyone seriously interested in the field of industrial relations has learned a decade ago.

For the less sophisticated student in the area of human relations in industry the book will help give insight concerning the more important viewpoints of the past fifteen years. Even the more sophisticated students, however, will be impressed by the author's repeated emphasis of the importance of the *atmosphere* of the discussions during which insight into human relations is developed as well as of the need for the members of the group actively to participate in their own learning. This last point is being discovered through recent American research surveys in industrial morale but remains unappreciated by most personnel managers.

NATHANIEL CANTOR

University of Buffalo

CLEETON, GLEN U. *Making Work Human*. Pp. 326. Yellow Springs, Ohio: Antioch Press, 1949. \$3.75.

The purpose of this book is to present a philosophy and psychology of work which, if applied, will make work human. It is essentially a treatise on the principles underlying the humanization of industrial relations and the techniques for their effective implementation.

The author's primary thesis is that work can be made as satisfying as leisure-time activities, provided the fundamental principles of human behavior are comprehended and applied in the administration of the workshop. In the development of this thesis the author begins with a discussion of the nature of work, human desires and needs, and self-realization through work activity. Next he examines such efficiency and good-will conditioning factors as fitness for work, employment opportunities, education for life and work, job environment, and labor's reward. Finally, he considers the relationship that necessarily exists between the degree of competence in supervision, the causes of industrial conflict, and scientific research on the one hand, and final solutions of the complex problems of labor administration on the other.

Throughout the analysis the reader is presented with the concept that the law of life is action; that the basic principle of human nature is the biological need for activity. Disregard of this fundamental truth is responsible for much of the maladjustment in our economic organization. The attitude toward work too often is negative rather than positive. But the problem is not merely one of false attitudes; factors in the work situation, in supervision, and in the leadership of industry and labor contribute to our dilemmas. For this reason, the author deems it necessary to examine carefully such specific problems as job analysis, job descriptions and specifications, education and job training, work opportunities and security, the factory environment, personnel procedures in selection and placement, and research. Techniques for dealing with such problems are provided in the appendix, and an extended bibliogra-

phy is attached for those who seek a more exhaustive treatment.

Every reader of this book will be impressed with the clarity of analysis, the meticulously careful formulation of conclusions, and the objectivity of approach to controverted areas of labor-management relations. While the point of view and method are primarily those of the industrial psychologist, the author's general discussion is an excellent synthesis of psychological, economic, political, and social approaches. This is undoubtedly one of the best short treatments of the problems of human administration in industry that has appeared for some time. It will greatly repay a careful reading by all those who are responsible for the management of industry and the leadership of labor, and should prove very helpful to the layman interested in a constructive examination of the basic difficulties of our industrial civilization.

GORDON S. WATKINS

University of California.

URWICK, L., and E. F. L. BRECH. *The Making of Scientific Management*, Vol. I: *Thirteen Pioneers*. Pp. 196. London: Management Publications Trust, 1949. 12 s., 6 d.

It is only an established church in which a high priest writes the lives of the saints. This small volume attests the coming of a new generation that has not looked upon the faces of the giants, and these sketches are a worthy work of piety by Major Urwick, the leading philosopher of British scientific management.

His book of hours begins with Charles Babbage as John the Baptist. Babbage's "Difference Engine" of 1830 seems a precursor of Eniac; his analyses of processes and unit costs in pinmaking in 1832 parallel strikingly the gospel of Frederick W. Taylor, who is included with Gantt and Gilbreth as one of the three American engineers among the fathers. Fayol, Rathenau, Rowntree, and Henry Dennison are the industrialists, and Mary Follett, Le Chatelier, and De Freminville are the scholars, whose statues fill the niches of the gallery of saints. Each sketch is supplemented by a bibliography of the patris-

its writings. There is more of the history of the movement than the biographic form would suggest. • Thus, in recounting Dennison's contribution, Major Urwick is able to include much of the story of the International Management Institute, of which he was once director and of which Dennison was a patron.

Major Urwick is crotchety about scientific management and government. "The logic of science does not recognize political compromise. The truth is the truth, not an adjustment achieved by taking portions of two different myths" (p. 14). A scientist cannot do original research work in the employ of a government department: "the two roles are incompatible" (p. 15). Yet the model of Babbage's (unfinished) "Difference Engine" is "a testimony to the imagination and foresight of the governments of the 1830's" which supported his research by grants (p. 22). Moreover, the last triptych in Urwick's gallery is of Messrs. Brownlow, Merriam, and Gulick, President Roosevelt's Committee on Administrative Management. Is not the resolution of his difficulty the admonition of Taylor himself that "another type of scientific investigation which should receive special attention" is "the accurate study of the motives that influence men" (p. 36)? Follett, Fayol, Dennison, and Rathenau certainly bridged the gap.

Major Urwick projects as Volume II the history of scientific industrial management in Great Britain, and his proposed Volume III "will outline some of the more recent developments" in the United States, such as the Hawthorne plant experiments of Mayo (now nearly twenty years old). He hopes, too, to add portraits of other men and women who "are in the great tradition of humanism," and "whose work is as typical of the social heritage of the twentieth century as the work of Michael Angelo and Leonardo da Vinci was typical of the Renaissance."

CHARLES S. ASCHER

Brooklyn College

WILSON, G. LLOYD, and LESLIE A. BRYAN.
Air Transportation. Pp. ix, 665. New
York: Prentice-Hall, 1949. \$7.65.

How successful a book will be, and, for that matter, how much of a failure, depends not to an inconsiderable extent on the wisdom with which one decides what shall go into it, and what should be left out. When the book, however, deals with a subject as limited as air transportation, the life span of which covers barely a quarter of a century, selection of material is not at all a problem, for, to fill the "regulation" number of pages that make a full-sized book, one has to throw in everything from time-table data to materials ordinarily found in flight manuals. And precisely that type of fill-in material is what Professors Wilson and Bryan had to fall back on to fill the well-nigh seven hundred pages of their volume on "Air Transportation." How else can one regard data that consist of fifty-six names of vest-pocket editions of airlines, twenty-three items found in air express waybills (destination office, final destination airport, name and address of consignee), eight conditions on which airlines accept C.O.D. shipments, which the authors make use of to fill page after page of their manuscript? Were that type of data the exception, one might overlook it for the sake of other merits which the book might have. But it is not. This material is the sum and substance of which the book is made. The only thing that might be said for it is that it helps fill a book whose confines vastly exceed the limits of its subject matter.

But while the author-s were apparently so hard pressed for fill-in material, they completely failed to make use of the only subject on which they might have made a singular contribution, and that is the economic regulation by the Civil Aeronautics Board.

The only economic regulation of any consequence is, as is generally known, the Federal regulation that has been set up by the Civil Aeronautics Act. The Civil Aeronautics Board has acted under it on dozens of applications for certificates of convenience, and on scores of applications for rate hearings. Certainly out of these decisions patterns of policy with respect to competition and monopoly in air transportation, and cost allocations between differ-

ent types of traffic in connection with rate making, must have evolved. Here the authors had an opportunity to study economic regulation in the making. Yet of the three chapters on economic regulation they devote only one chapter to Federal regulation (the other two to state and municipal regulation), and that one does not study the Board's decisions and policies but merely describes the regulation framework as set up by the Civil Aeronautics Act.

GILBERT GOODMAN

Wayne University

BUTTERS, J. KEITH, and POWELL NILAND. *Effects of Taxation: Inventory Accounting and Policies*. Pp. xix, 330. Boston: Graduate School of Business Administration, Harvard University, 1949. \$3.75.

This is the first of a series of six projected studies of the effects of Federal taxes upon business, conducted through the Harvard Graduate School of Business Administration and financed by the Merrill Foundation. Professor Dan T. Smith is director of the Tax Research Program and is scheduled as the author of one monograph, *Effects of Taxation on Corporate Financial Policy*, which the reviewer presumes will summarize and correlate the findings of the series.

The authors of the present book attempt to answer such questions as the following or, at least, to throw some light on them: (1) How extensive, or how significant, are inventory profits? (2) What is the extent of the use of LIFO inventory accounting and what are the reasons why different industries do or do not adopt it? (3) What are the economic, social (and political) effects of different methods of valuing inventories? (How are the productivity and stability of the economy affected? What are the reactions of management, stockholders, labor, and the public?) (4) How are different inventory methods related to general concepts of profits? (5) How are Department of Commerce estimates of the national income affected by LIFO?

This study shows that inventory ("pa-

per") profits and losses are frequently very large in years of rapid price changes; that the inventories of manufacturing concerns that use LIFO accounting are substantial and the number using it is increasing; that the principal motive for its use is tax saving, though numerous companies use LIFO or similar methods instead of FIFO or lower-of-cost-or-market for other than tax reasons; that most adoptions have been by large companies with normally large inventories; that most nonadoptions have been due to inertia or ignorance of potentialities; that there are numerous other good and poor reasons for adoption and nonadoption, depending upon various factors and conditions; that two or three other methods accomplish about the same beneficial results as LIFO; and that the growing use of LIFO will increasingly complicate the estimating of national income.

Professor Butters' tentative conclusion is: "so far as economic effects are concerned, it would be wise to adopt a concept of income which excludes the distorting effects of inventory profits and losses."

Students of business taxation, accounting, management, and public policy will welcome this enlightening monograph.

ROY G. BLAKEY

University of California

MILLER, WILLIAM. *The Book Industry*. A Report of the Public Library Inquiry of the Social Science Research Council. Pp. xiv, 157. New York: Columbia University Press, 1949. \$2.75.

Despite Dr. Robert D. Leigh's explanatory foreword that this study is "well calculated to supply [such] insight into the creative relationships" between public libraries and book publishers, it is my considered judgment that the reader emerges with more mystification than enlightenment.

I write out of a reasonably responsible and successful connection with book publishing of just under thirty years' duration, and I have found little in my experience which bears any realistic relationship to the picture of publishing set forth in this book. The underlying reason for this odd

discrepancy between this delineation and my construct of the publishing world is that the author ~~has~~ tended to center attention upon those aspects of the business which may be referred to as its "big-time" phases. The glamour of "best-seller" publishing is but a relatively small fraction of the publishing business, in terms of the number of titles ~~and~~ also the amount of disinterested publishing energy and intelligence employed. When one realizes that the publishing business includes, in addition to best-sellers, an extraordinary output of volumes in the field of belles-lettres, ~~nonfictional~~ treatises in an increasing variety of special fields, religious books, medical books, juvenile books, technical books, and textbooks, it will be appreciated that the service of the usual publisher to the medium-size public library is far greater, ~~closer~~, and more sympathetic than this book suggests.

Presumably, the publisher-reader of this volume is supposed to regard himself as somewhat on the defensive. In actuality, my own observation is that the publishing business is generous to a fault in making available each year hundreds of volumes which from a profit standpoint are borderline books, but which from a cultural standpoint add appreciably to the body of valuable contributions to knowledge, many of which eventually find their assured reference place in public library collections.

There are, of course, genuine handicaps surrounding the economics of the publishing business. Nor are these of the publisher's making. And the low per capita consumption of books in this country is an all too familiar fact. But my own belief is that there never has been a time in the recent past of America's publishing when it has exhibited such complete vitality, freedom, and diversity of utterance, exploratory pioneering into new fields, and catholicity of acceptance of manuscripts on differing aspects of numerous controversial issues, as it does now.

If more responsible librarians would provide standing orders for the nonfictional contributions of the responsible publishers, a modicum of advance would be achieved in minimizing the publishers' risks on many projects which, without li-

brary support, they may feel they have to leave to the university presses, in which considerations of profit are no so imperious.

This book, of ~~course~~, gives a certain factual presentation of some of the difficulties under which publishing today labors. But such information would be far more appropriately placed in the hands of doubting authors than in the hands of those of us in the business who know only too well the rigid limitations within which we have to work.

I am sure I am not alone in the publishing business in my desire to approach my editorial role with a certain professional sense of public responsibility. I am sure also that there are hundreds of librarians who cherish a similar professional approach. But I cannot see that the present volume will serve to advance any reconciliation of interests here, if such be needed, because the total impression of the volume is to exacerbate a sense of frustration about closer collaboration on the part of two groups whose total service to the educational forces of the Nation is not inconsiderable.

ORDWAY TEAD

Harper & Brothers
New York City

SOCIOLOGY

WHITE, LESLIE A. *The Science of Culture: A Study of Man and Civilization*. Pp. xx, 444. New York: Farrar, Straus and Co., 1949. \$6.00.

The Science of Culture is a brilliant and provocative presentation of the proposition that culture is to be explained only in terms of itself. Culture is analysed as a self-contained, self-determined process; a class of events and processes that behaves in terms of its own principles, and which therefore can be explained only in terms of its own elements and processes.

The book is divided into four parts. Part I, on science and symbols, is composed of five essays, of which the fifth will perhaps receive the most attention. In this essay the expansion of the scope

of science is traced, from its first application to the heavenly bodies to its most recent conquest in the realm of culture.

In Part II White attempts in seven essays to clarify fundamental distinctions between mind and culture, or between psychology and *cultureology*. "The Locus of Mathematical Reality" is perhaps the best of these, although professional philosophers might not agree with his cultural solution of an *ontological* problem.

Part III is an extended essay on cultural evolution. It provides a dynamic interpretation of cultural growth in terms of the kinds of energy exploited. White formulates this basic law of cultural evolution: "Other factors remaining constant, culture evolves as the amount of energy harnessed per capita per year increases, or as the efficiency of the instrumental means of putting the energy to work is increased" (p. 368). A brief review cannot do justice to White's challenging conception of cultural evolution. It must be studied in its entirety to appreciate its richness.

In this reviewer's opinion, the two most important aspects of *The Science of Culture* are the attempt to restate the theory of cultural evolution in the light of current knowledge, and the insistence upon a cultural explanation of culture. American anthropologists have largely discarded the theory of cultural evolution. They have been willing to accept the postulate of evolution in all spheres save that of culture! White's work has already done much to counteract the unfair attacks of the "historical school" upon cultural evolutionists.

White is also correct in his claim that recent attempts to "explain away" culture by making it an individual psychological phenomenon represent a regression for anthropology. With few outstanding exceptions, most American anthropologists are now untrained psychoanalysts or psychologists using anthropological illustrations. Will White's insistence upon the reality of culture be explained in the *ad hominem* terms that Kluckhohn recently used, as being due to an "inner, largely unconscious, need to escape from the personal past, or to crawl back into the womb of the cultural past"?

The Science of Culture deserves serious study by all social scientists.

FRANK E. HARTUNG

Wayne University

MILLER, HUGH. *The Community of Man*. Pp. 169. New York: The Macmillan Co., 1949. \$3.00.

Reading this book impressed this reviewer forcibly with the rewards of reviewing books. Without having this one sent to me, I might have missed an exciting *experience*—and a difficult one. Let not the gentle reader rush in blithely, for this book is written by an anthropologist who takes a far longer look at the problem of American-Russian relations than the ordinary political scientist does, not to mention the average citizen.

The earlier chapters, which go back to the beginning of human society, and beyond, are not easy reading, but they are very rewarding. Human progress is not accidental; it is the very condition of survival. In every age it is the adaptable group that thrives and survives. It is the groups that *become* fixated by orthodoxy that decline. The fixation of feudal forms and thinking made Germany unable to adapt herself internally to sudden industrialization. The fixations of a barracks state "demoralized and drove her into aggression; and there is more than a hint here that the same fate that destroyed Germany will overtake any state that goes in for militarism.

Religious orthodoxy is hardly less destructive. All the founders of the great religions were "the *creators* of the world and the spearhead of evolutionary progress"; but their creeds suffered from orthodox fixations. In India and China, caste and tong and other fixations strangled all progress. In the West, "the Protestant peoples invariably progressed, with political and economic readaptation. The Catholic and Orthodox peoples, dominated by priesthoods, invariably declined," the decline being worst of all in Spain. The United States, where progress has been greatest, is the child of the Protestant Reformation.

"The great orthodoxies have become impediments to progress and human brother-

hood. They set Hindu against Moham-medan, Christian against Jew, Catholic against Communist, Protestant against Catholic. They are divisive, not co-operative. They dismember man and cosmos, they tear apart the living God."

It is not an accident, says Miller, that both American individualist democracy and Russian communist democracy have arisen. Each is a revolt against orthodoxy and the two are complementary, not antithetical. Our democracy based on the sovereignty of the individual is the result of 2,000 years of adaptation, and communist democracy is the product of 1,000 years of evolution through Holy Russia, with its traditions of group loyalty.

Neither society worships property as such. We use property as a means to individual welfare and sovereignty, curbing its use and distribution with that end in view; yet without communism in the world, the pursuit of individual ends, politically achieved, might disintegrate our society. Conversely, communism cannot survive without a high degree of adaptability, which can only originate in and be reproduced by individuals.

Each not only needs but requires the other. "To fixate the political economy of man would destroy adaptability and stop progress. The group which sustains evolution must have variety of every type." The step to world civilization only requires that Americans and Russians recognize that "each is necessary to civilization and each necessary to the other."

The moment, also, that each respects the other, the community of man will begin to be born. At first glance this may sound too simple, but it is a thought which is capable of a great deal of development. Certainly there is no hope in the refusal of each way of life to grant that the other has any validity.

What is the alternative to mutual respect, asks Miller? By war the United States might succeed in destroying the Soviet Government, but in two or three generations communism would arise "more vigorous and momentous than before"—and the United States, attempting to police a world in turmoil, would be "corrupted at home and lose all liberty."

This result is so nearly certain that any alert political scientist could write a convincing article on the subject, and, as it becomes increasingly evident that, like the Russians, we have sometimes acted in a hasty, immature fashion internationally since 1945, all social scientists ought to be re-examining both the premises upon which the cold-war policy is based and the end to which it leads.

D. F. FLEMING

Vanderbilt University

MILES, ARTHUR P. *An Introduction to Public Welfare*. Pp. 450. Boston: D. C. Heath and Co., 1949. \$4.00.

The profession of social work and the public who suffer from the efforts of its ill trained workers have long needed and wanted a comprehensive introduction to the field of welfare services. This work, while professing to limit itself to an appraisal of tax-supported social work, does nevertheless provide a highly usable introduction to the general field. It is a book that will bear careful reading and continued use as reference material thereafter.

The author, at the outset, avoids the morass of politico-economic surmises as to what "public welfare" should mean by limiting his definition to the content and functioning of tax-supported social work. He relies somewhat heavily upon the doubtful literature of this new field and in consequence reflects somewhat its wishful social philosophy. Much of this literature seems to base its pronouncements upon sentiment and emotion rather than logic and profound understanding of man and his governments. It gives the impression too often that what we need in the United States is a highly centralized Federal government sans county, sans state. Sovereignty in the respective states therefore is an anachronism and any limitation of Federal powers a hindrance to the common good. Yet with all this chattering about his ears, Professor Miles holds a fair course, going little if any further than the sound tenet that programs and remedies must be as wide in scope as the ills they seek to cure.

The work is divided into four parts:

"History," "Formative Developments," "Modern Public Welfare Agencies," and "Administrative Techniques." It is designed to bring to the college undergraduate and to the beginner in professional training an over-all picture of the field of social work in the area of the tax-supported services.

Part one, which seeks to present the background of English practice and recites our early colonial policies in poor relief, is less satisfying than the author's excellent discussion of the present-day program. The fact that the law of England was the law of her American colonies down to the treaty of Yorktown is not shown with sufficient emphasis; and the true nature of governmental regulation establishing jurisdictional responsibility for the payment of bills for the relief of the poor—the law of legal settlement—is left in some obscurity. It is the worst that can be said of an excellent text. This work should become standard reference in all social work libraries.

ROBERT W. KELSO

University of Michigan

BURNS, EVELINE M. *The American Social Security System*. Pp. xviii, 460. Boston: Houghton Mifflin Co., 1949. \$4.50.

Teachers and students will like this competent description of "the main characteristics of the various social security programs currently in operation in the United States, the differences among them and their relationships to each other."

The author, in carrying out her purpose, directs her principal attention to the big three of the Social Security Act—old-age and survivors insurance, unemployment insurance, and public assistance. She includes also a discussion of the railroad security programs, workmen's compensation, the emerging state systems of short-term disability insurance, general assistance, and the income maintenance, education and rehabilitation measures for veterans. Since the book confines itself to the existing government programs, it does not discuss medical care, children's allowances, or private and collective-bargaining security plans.

Mrs. Burns opens with a statement of the facts that give rise to the need for a social security program and follows this with a discussion of the nature of the techniques and devices used to provide security. She then proceeds to an analysis of the various parts of our social security system under four heads—eligibility, nature and amount of benefits, methods of financing, and administrative organization.

The resultant material has been put into admirable form for use by teachers. Mrs. Burns's pages are well documented and are backed with extensive notes which teachers will find to be of substantial help in organizing courses on social security. The book will be useful to students in the social sciences and in schools of social work, and as a background for in-service training.

The closing section is devoted to the discussion of a "rational social security system." Here Mrs. Burns states her position on some of the major issues. Her point of view toward what is perhaps the key item in social security is indicated in relation to old-age insurance: "social policy for this group might aim at allowing the beneficiaries to count upon a modest but self-respecting income which with reasonably good management will eliminate recourse to supplementary relief."

Here, as at other points, Mrs. Burns seems to imply a social insurance mainly concerned with the lower income groups, a substitute for public assistance, not far from the minimum subsistence levels of means test programs. The contrasting position is that, although insurance should certainly supply this minimum, it also may legitimately aim at something more.

As Franklin D. Roosevelt said in his address to the 1940 Teamsters Union Convention, "It is my hope that soon the United States will have a national system under which no needy man or woman within our borders will lack a minimum old-age pension which will provide adequate food, clothing and lodging to the end of the road and without having to go to a poorhouse to get it.

"I look forward to, coupled with that, a system which, in addition to this bare minimum, will enable those who have

faithfully toiled in any occupation to build up additional security for their old age which will allow them to live in comfort and happiness."

The growing emphasis upon pension programs by the stronger and better-paid unions and the pressure from groups like the Townsendites point to the importance of a universal system with contributorially founded benefits related to wages. The middle classes, as well as the lower-paid groups, want a meaningful base upon which they can build additional provision through savings, home ownership, private insurance, and the many other arrangements that individual enterprise develops. One of the best guarantees of a soundly administered system is to make it significant to these groups. The alternative is an increase in the demand for free state pensions and a miscellany of collective-bargaining plans which reduce the mobility of labor and work hardship on the employer who lacks the economic security of large-scale fiscal and operative structure.

Mrs. Burns, in her marshaling of the facts of social insurance and public assistance, has once more demonstrated her ability to take a difficult and complex subject matter and assemble it for intelligent use. In so doing she has advanced the objective about which teachers of all shades of opinion are agreed:

"The prospects for a more orderly and rational security system will depend upon the degree to which its advocates succeed in disseminating among the citizens an understanding of the problem of economic security, the advantages and disadvantages of the various available social security techniques, and the character of the value-judgments that underlie policy decisions."

KARL DE SCHWEINITZ

University of California
Los Angeles

GALDESTON, IAGO (Ed.). *Social Medicine: Its Derivations and Objectives*. Pp. xvi, 294. New York: The Commonwealth Fund, 1949. \$2.75.

As early as 1848 the famous German physician Virchow wrote that medicine was a social science and urged doctors to

participate in the battles of humanism. In England, Institutes of Social Medicine have been established at Oxford and at Birmingham and Edinburgh. In the United States, however, in spite of decades of lip service, even preventive medicine remains, as George Baehr notes in his Foreword to this book, "a neglected step-child of medicine and public health." The medical profession still focuses almost exclusively upon the ills of the individual patient, underestimating the important role of social environment in health and disease.

For this reason the New York Academy of Medicine is to be commended for its effort to break down the intellectual isolation of physicians and to alert them to the sociological ramifications of their professional work through holding an Institute for Social Medicine in connection with its Centennial Celebration in the spring of 1947. This volume is a collection of the papers, varying widely in merit, delivered at that institute by leading authorities on the changing concepts of the relation of medicine to society, on the relation of social medicine to clinical and preventive medicine, and on the place of epidemiology, nutrition, and social psychiatry in social medicine.

The limitations of the volume appear to arise largely out of the restricted definition of social medicine in the framework of which the institute was called. This is given by the director of the academy in his introduction when he avers that "social medicine is concerned primarily with a mode of thought and only secondarily with the mechanics of action." Most of the participants in the conference, in spite of their competence, rigidly refrained from giving their judgments as to how social medicine could become more than a "mode of thought" through the reorganization of medical practice. The outstanding exception was the featured speaker, Lord Horder leader of a small faction of British physicians vigorously opposing the National Health Service, whose broadcast address, which concludes this volume, was permitted to go unchallenged in its reiteration of conventional and oft-refuted at-

tacks upon government efforts to bring adequate medical services to all the people.

BERNHARD J. STERN

Columbia University

MCCARTHY, RAYMOND G., and EDGAR M. DOUGLASS. *Alcohol and Social Responsibility*. Pp. xvi, 304. New York: Thomas Y. Crowell Co. and Yale Plan Clinic, 1949. \$3.50.

This book gives an excellent program for teaching about alcohol in public schools. Like other publications on the subject from Yale, it is based on three fundamental propositions (p. 252): (1) Alcoholism is a disease and the alcoholic a sick person. (2) The alcoholic can be helped and is worth helping. (3) Alcoholism is a public health problem and therefore a public responsibility.

For most grammar and high school students alcoholism is a remote personal problem. The usual pattern is to start drinking in the late teens or early twenties. Of those who drink, approximately 1% per cent, under today's conditions, become chronic alcoholics about twenty-five years later, on the average, with another 5 per cent having real trouble with their drinking. The authors' approach to education on alcohol takes this into account. It is an integrated approach, based on facts and on the historical, legal, economic, physiological, psychological, and sociological aspects of the problem. The facts, given in Part I, have been collected chiefly from other Yale publications. They are informative and interesting, although given here quite uncritically. Most readers would be impressed with the complexity of the alcohol problem and would tend to become distrustful of those advocating simple solutions. Part II tackles the methods of teaching with emphasis on the high school level. The method favors consideration of alcohol as a genuinely controversial subject requiring tolerance of various points of view. Students should become acquainted with the facts given in Part I; and the impact of alcohol on their own lives, as young people, should be faced squarely. Answers must be sought honestly to questions which the

students themselves raise, such as (p. 161) "How can I drink without becoming a drunkard? Will the boys like me as well if I drink?"

The authors have made a fine contribution in an important field. Only details may be quarreled with, of which two will be mentioned: (1) If alcoholism is a disease, what kind is it? "Psychiatric" is the easy answer; but the scientific basis for this answer is more controversial than is indicated in this book. (2) Why not educate students in the symptoms of approaching alcoholism, such as frequent drinking before breakfast?

It seems unlikely that formal education will markedly change the percentage of drinkers, nor does this book preach abstinence except on occasion, such as when driving a car. The program advocated here, however, should give a good preparation for the critical post-high school period when drinking or nondrinking patterns of behavior are generally set.

E. DOUGLASS BURDICK

University of Pennsylvania

DEES, JESSE WALTER, JR. *Flophouse*. Pp. xxv, 170. Francetown, N. H.: Marshall Jones Co., 1949. \$4.00.

Flophouse has been widely advertised. It is supposed to be the result of a decade of personal undercover "study of the jungles, missions, public shelters and cheap hotels frequented by hobos, tramps and bums." The author has used only 47 pages to describe the work of a decade. When one expects to be brought up to date on Hobohemia, one is disappointed to find that a major part of the book is a review of other studies in the same field, rather than the result of an undercover study by a mature sociologist. While the book was published in 1948, it contains little information beyond the thirties.

This book begins with a "Who's Who" in Hobohemia (A Glossary) and ends with appendices which include data on *The Hobo News* and two articles from *The Chicago Tribune*. There is a brief bibliography but no index. Chapter I is an eight-page review of public relief policies in England from the seventeenth through

the nineteenth century. In Chapter II there is a study of public relief policies in America for homeless men in ten communities. One—Bloomington, Illinois—was visited by the author. Information concerning nine of the ten communities was taken from studies made by others in the thirties.

The next five chapters include a review of work with homeless men in Chicago, studies made by Beasley, Solenberger, Sutherland, Locke, Anderson, Roseman, and Johnson between 1923 and 1937.

Next the author includes a brief account of his undercover study of flophouses and shelters in Chicago. For this work he was disguised as a homeless man. The results are not impressive, since they add too little to the knowledge presented by the writers mentioned above. One should be able to include this study in a bibliography for a course on Methods of Social Investigation; but it pays little attention to research procedures. Several grammatical errors appear in the author's diary. "Presently, all we men—" (p. 98) is an example.

Shelter services are described, including the process of shelterization. There is a portrayal of a typical flophouse hotel with a cross section of shelter conversation. There is a chapter on "Findings and Conclusions." The methods of social work are criticized. Outdoor, cash relief is urged, thus providing the same care given a family man. "The man need not break community or social ties because of accepting relief" (p. 143). Actually, there is a problem because these men have already broken community ties in every state in the United States.

L. GUY BROWN

Rhode Island State College

CHENG, DAVID TE-CHAO. *Acculturation of the Chinese in the United States: A Philadelphia Study*. Pp. x, 280. Foochow, China: Fukien Christian University Press, 1948. \$2.50.

This is a useful but not very convincing book on the Chinese in Philadelphia. The author went out to look for answers to the following questions: "Can the Chinese be

assimilated? Have they been assimilated at all? If not, why? If so, to what extent? Or, are they assimilated more slowly than other immigrant groups? If this is the case, what culture traits are responsible, and why are they so?" To answer these questions the author describes the background of the Chinese immigrants and their institutional life in Philadelphia before concluding with a balance sheet of acculturation, and a forecast.

The descriptive portions of the work will be instructive to lay readers who want to know something about the Chinese in America, and they will also be useful to students who want to compare Philadelphia Chinese with Chinese residents elsewhere. In order to do so the reader will, however, have to separate the facts from sweeping and apparently baseless statements. For instance, the author says: "The Chinese mother in the home has certainly no less power than any American mother" (p. 34). I think serious students of the Chinese family cannot agree with such a statement; there are no facts to back it up. Then, later, the author says of the Chinese husband-wife relationship: "There is very little husband-wife relationship in the American sense" (p. 150). —again a meaningless statement with no facts to back it up. At other points the author makes a rough sketch of the possible kinds of family, and then gives no indication as to what the actual findings were (p. 151); or estimates "the Chinese Christian population in Philadelphia to be in the neighborhood of one-hundred or a little more than 10 per cent," and then proceeds to make refined comparisons between this alleged figure and other figures (P. 191).

The reviewer also finds the extended theoretical introduction (pp. 4-14) quite unrelated to the body of the book. He looks in vain to find the actual utilization of the concept of acculturation as a "give-and-take" process. Perhaps it is this failure to digest what he includes that leads the author to glaring misunderstandings such as the following: On page 32 the author begins his discussion on Chinese family life by quoting and endorsing Kulp's dubious "fourfold analysis" of its

functions, namely, "the natural family," "the sib, or the conventional family," "the religious family," and "the economic family." But the author says: "A fifth function of the Chinese family should be added here. It is the *clan organization*" (p. 32). Had the author looked at the literature or facts closely, he would have found that Kulp's "sib" is the same as his "clan organization."

The conclusions of the book are quite contrary to known facts as well as to the author's own thesis. One example must suffice: As factors and events which will make for an improvement of the situation of the Chinese in America he cites, (1) "The Chinese government through her consulates in the United States has urged the overseas Chinese to throw away their infamous practices such as opium-smoking and gambling"; and (2) "The Chinese Nationalist Party has established branch organizations in all the big cities in the United States . . . [and] formed the . . . Youth Association in which the Three People's Principles are inculcated as preparatory training leading to full membership on reaching twenty-one years of age" (pp. 2S8-9). In other words, according to Dr. Cheng, the Chinese in America will stop opium-smoking and gambling only after, and not before, the Chinese government tells them to do so; and in order to better their position as citizens of the United States, they must be organized by the lately dominant political party of China. One wonders why, in spite of the author's numerous references to anthropological works on the subject, his understanding of acculturation remains so unusual.

FRANCIS L-K. Hsu

Northwestern University

MAKI, LILLIAN. *The Constitution of Justice*. Pp. 150. New York: Exposition Press, 1949. \$3.00.

Miss Maki, Oregon schoolteacher, housewife, and mother, has read widely in the literature of anthropology and current problems, reacting with a freshness uninhibited by such academic considerations as possible lifted eyebrows of skeptical colleagues. She feels strongly on the

subject of sexual injustice and pulls no punches in her accusations of guilty males.

Government, rooted in men, industry, rooted in men, and religion, rooted in their ideas, constitute the basic triad of life and society. Woman's resistance to reproduction was equally as important in the history of mankind as the struggle for existence and production. Women evolved the belief that there is something inherently wrong with sex and erotic pleasures as a weapon of self-defense. Men, in a kind of retaliation, evolved the belief that women were inferior to men. The constitution of justice will provide for an equilization of the male and female roles by allowing women more of the freedom now enjoyed by men and by allowing men to share more of the prestige inherent in parenthood. After what Miss Maki considers a correct analysis of human beings and their needs, she prescribes: elementary education at home rather than in school; paying both mother and father to look after their (two or, at most, three) children; more leadership from women. She suggests five departments of government: primary education (under Mrs. Evangeline Lindbergh), vocational guidance (Mrs. Eleanor Roosevelt), recreation and social activities (Dr. H. C. Link and his wife), agriculture (H. A. Wallace), and manufacturing (Henry Kaiser). "Good leaders will make sure that everyone has a decent home, and beautiful and useful things to put into it. There will be security and freedom, there will be nothing to fear. Desires will be satisfied to a reasonable degree, in return for willingness to cooperate. A few generations of proper procedures, security, successful marriages and proper education are most likely to produce a superior race. Everyone might be beautiful and happy, strong and healthy, and bright and talented. The world can be transformed into a pleasant place to live in—a veritable 'kingdom of heaven.' Justice will conquer dissatisfaction, and bring the salvation of happy and efficient living" (p. 149). Persuasive *führers* have been promising this New Caanan for a long time; Miss Maki does not analyze the fallacies involved.

Throughout the book there is a strong

plea for virginity and chastity; the harnessing of sex seems to her one of the most essential demands of civilization.

There is neither index nor specific references.

JESSIE BERNARD

Pennsylvania State College

PHILOSOPHY

WIENER, PHILIP P. *Evolution and the Founders of Pragmatism*. Foreword by John Dewey. Pp. xiv, 288. Cambridge, Mass.: Harvard University Press, 1949. \$5.00.

Dr. Wiener presents pragmatism as a cultural movement, as an attempt to explore in different fields the implications of the theory of evolution. There are chapters on Chauncey Wright, C. S. Peirce, William James, John Fiske, Nicholas St. John Green, and O. W. Holmes, Jr.

The chapters on these men are preceded by two provocative chapters on "The Background of Science and Natural Theology" and on "The Birthplace of Pragmatism: Peirce's Metaphysical Club." In the first chapter, Wiener presents a survey of scientific ideas of the mid-nineteenth century, with particular emphasis on the development of the concept of chance in the physical and social sciences. This survey is presented in order to "help us understand the scientific success of Darwin's theory of chance variations and the mechanism of natural selection" (p. 8). Each of the men listed above applied this theory to different aspects of philosophical and scientific problems, with each one succeeding in helping to effect far-reaching changes in the disciplines with which they were concerned. Wiener's discussion of their contributions shows how superficial the criticism is "that pragmatism was an expression and organized reflection of American commercialism" (p. xiii). If that criticism were true, William James could hardly have said, in his address to the New England Anti-Imperialist League: "This country has once and for all regurgitated the Declaration of Independence and the Farewell Address, and it won't swallow again immediately what it is so happy to have vomited up. . . . It has deliberately

pushed itself into the circle of international hatreds and joined the common pack of wolves. . . . We are objects of fear to other lands . . ." (p. 126).

Of all the men treated in this volume, Fiske is perhaps the one who most justly could be said to have presented an "organized reflection of American commercialism." Dr. Wiener, in my opinion, tends to deny this, and not too successfully, I think, to those who have read Fiske.

Although the book as a whole is exciting, the chapters on Wright and Peirce appealed the most to me, perhaps because of my lack of acquaintance with them. Wiener expounds their positions, shows how they coincided with and differed from the other "founders," and attempts an evaluation of their present significance. As a result of the works of these men, "American liberalism came to philosophic maturity." Wiener's concluding paragraph seems reasonable enough:

"If American philosophy is to continue to be a significant cultural force in the world, it will have to draw on its pragmatic legacy. That legacy contains the reasoned and humanitarian faith that the future course of evolution has room in it for the cooperative efforts of free individuals to enrich life with peaceful and creative activities beyond the sheer struggle for existence and power."

FRANK E. HARTUNG

Wayne University

DAUGERT, STANLEY MATTHEW. *The Philosophy of Thorstein Veblen*. Pp. viii, 134. New York: King's Crown Press, Columbia University, 1950. \$2.25.

Since friend and foe agree in classifying Thorstein Veblen as one of the greatest of American writers in the social sciences, a book which in the compass of little more than a hundred pages examines the origins and development of the main ingredients of his philosophy is valuable.

Daugert sees the germ of Veblen's inductive method in Kant's "judgment," developed and influenced in his mind by Noah Porter. Veblen's conception of society as an evolving phenomenon came from Herbert Spencer. His psychology

assumed that men had regard for their reputation and that reputation was to be found in existing society through pecuniary success: hence Veblen's "economic emulation." Man's nature, to Veblen, was composed of two ingredients, an original element—"peaceful and unaggressive"—based on a sense of group solidarity, and another constituent developed through changes in the cultural environment. According to Daugert, the "instinct of workmanship" by 1906 had been replaced by what he calls a "sense" of workmanship, which was affected strongly by habituation, and "idle curiosity" came to occupy the center of the stage as a motive of behavior, this "idle curiosity" having come to Veblen from Loeb, Groos, and Spencer. Inquiry led to technology, a cultural factor of great magnitude in the modern world. Pragmatism Veblen regarded in a somewhat restricted sense but he accepted a good deal of it. Evolution, adaptation, and cumulative causation Daugert sees throughout as the fundamentals of Veblen's thought, as they were of Spencer's. Perhaps the main contribution of Daugert's study is this linking of Veblen to Spencer's sociological thought; and probably the fact that this reviewer—being English—had read Spencer before he came into contact with Veblen's writings helps to explain why he has been less impressed by the American than have many of his contemporaries. Veblen's economic analysis remains largely untouched, being outside the scope of Daugert's inquiry.

To students who are willing to read carefully and can understand what they read, without popularizing expedients, this should be a stimulating introduction to Veblen's books; and those already familiar with Veblenian literature may find that it helps their understanding of it. The picture presented of Veblen shows that, like many other famous writers, he was less of an original thinker than many of his followers appear to believe and that his main contributions were in synthesis and in the application of ideas suggested to him by the works of others.

EDMUND WHITTAKER

Colorado Agricultural and
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LEVI, EDWARD H. *An Introduction to Legal Reasoning*. Pp. 74. Chicago: University of Chicago Press, 1949. \$2.00.

This highly concentrated and competent treatment is not at all an exercise in formal logic as the title seems to suggest. It is a careful, stimulating monograph concerned with the normative side of law. From the sociological perspective, it is a study in social control—in the formulation, modification, and selection of norms and standards (rules of law). To Levi reasoning is a process of norm selection—of thinking in a social context—and not a mystical entity; and this emphasis on process is what makes the work valuable for a social scientist or for anyone calling himself such. "Legal reasoning," says Levi, "[is] that kind of reasoning . . . in which the classification changes as the classification is made." This has important implications when added to Sorokin's analysis of law as a system of sociology, for here norms grow out of facts and fact situations. "The existence of some facts in common brings into play the general rule." Thus "the basic pattern of legal reasoning is by example. It is reasoning from case to case. . . . The finding of similarities or differences is the key step in the legal process." Here too is the key to "certainty" in the law—a certainty based on process rather than on absolutes (law is not simply a command). "Certainty" is relative and serves temporal purposes, for "in an important sense, rules are never clear, and, if a rule had to be clear before it could be imposed, society would be impossible [and] . . . the categories used in the legal process must be left ambiguous in order to permit the infusion of new ideas." This keeps rules (norms) and situations (interaction types) in relation. This illustrates the derivative quality of norms and of "laws." This aspect of Levi's treatment is well documented to writings on logic and scientific method.

But "legal reasoning has a logic of its own." It deals with giving meaning to ambiguity. Sixty-eight pages deal with specific examples of giving meaning to the ambiguity of rules in terms of three stages of legal reasoning: (1) the creation of the

norm built as cases are compared; (2) the more or less fixed quality of the legal concept or norm (as the process is elaborated); (3) the breaking down of the concept (where the suggestive influence of words—as special symbols—are no longer needed or desired). Then these stages of the process are shown as they operate in case law, statutory interpretation, and constitutional construction.

The treatise deals with the formulation and operation of norms in appellate courts and with the judicial process from the position of a scholar skeptical concerning rules. Thus, Jerome Frank, in *Courts on Trial* (1949), has called Levi a "rule-skeptic." Judge Frank, a self-designated "fact-skeptic," indicates that Levi's analysis is only part of the judicial process (therefore only part of the social control process). The reviewer regards Judge Frank's statement, "One who reads Levi would think that the facts of a case appear in court ready-made, waiting only to be compared with those of some previous [case]," as a warning that we have been too ready to write about law as if it had to do only with upper court decisions, passing over the fact that facts are "found" in trial courts. This merely suggests what is needed to complete Levi's analysis.

For what it proposes to encompass, Levi's book is compelling and valuable as a contribution to law and social science—illuminating the operation of the control process in a particular context. Its meaning and message become more explicit when read with Frank's *Courts on Trial* and Edmond N. Cahn's *The Sense of Injustice* (1949).

FREDERICK W. KILLIAN

Yale University Law School

FOREIGN COUNTRIES

PETRIE, CHARLES. *Earlier Diplomatic History 1492-1713*. Pp. xii, 251. New York: The Macmillan Co., 1949. \$2.75.

Sir Charles Petrie has performed a useful service in providing a brief, balanced, well-organized, and illuminating guide to the diplomatic history of early modern

Europe. The second volume, which appeared earlier, covered the years from the Treaty of Utrecht to the accession of Hitler in 1933. The twenty-two chapters of the present book carry through a complicated series of more or less interwoven stories with a minimum of duplication and with commendable clarity. By skillful choice of many little-known but typical episodes, the author has managed to bring out significant developments and revealing clues to the character of the men or women behind them. The Ottoman Empire and the Mediterranean area are neatly integrated into the larger framework, as are Scotland, the Low Countries, and the Scandinavian North. In view of the paucity of materials available in English for the region, one should not be too surprised at the omission of the international struggle for Livonia in the sixteenth century; which engaged the attention of Sweden, Russia, Denmark, Poland, and the Empire for a quarter of a century.

As a work of this nature may well require a new edition in the near future, a few hints at possible revisions may be appropriate. To state that "the foreign policy of the Commonwealth was a failure" (p. 154) is to raise an arguable point. When so careful a student of the period as Dr. W. A. Shaw adverts to the "high and strong foreign and domestic policy" of Oliver Cromwell, and feels justified in asserting in respect of Oliver's last months of power that "abroad his arms had been successful and his influence decisive," a less categorical statement, or one assessing varying views of his policy, might be in order. When the author mentions the Treaty of Copenhagen of 1660, he states that the Danish king "surrendered almost all the remaining Danish possessions on the Scandinavian peninsula" (p. 214). This appears quite to ignore the continuing existence of the dual kingdom of Denmark-Norway after that date. In discussing the secret Treaty of Dover he says that Charles "insisted that he should make the public declaration of his conversion [to Roman Catholicism] before entering upon any war with the Dutch" (p. 186). This seems misleading, in view of the evidence that Charles insisted throughout the ne-

gotiations on using his own discretion in that matter. Sir Charles hits the nail more nearly on the head when he remarks: "The religious clauses seem to have been inserted by the English King solely for the purpose of extracting money from the French treasury" (p. 188). In appraising Charles II's foreign policy (p. 189) and emphasizing the imminence of the Dutch danger, should Charles's failure to appreciate the danger to England of French aggression in the Spanish Netherlands be practically left out of the discussion? The first name of the fire-eating bishop of Minister (p. 166) was Christoph, not Christian. Charles XII did not sail "straight to Copenhagen" (p. 215), but to Seeland. But these are only minor blemishes in a useful and generally dependable work. Nine well-chosen maps enhance the value of the book. The Select Bibliography, composed of some four titles for each chapter, is of uneven quality and could be improved by omission of out-of-date material and inclusion of recent and more authoritative works.

WALDEMAR WESTERGAARD

University of California
Los Angeles

STRAUS, HANNAH ALICE. *The Attitude of the Congress of Vienna Toward Nationalism in Germany, Italy, and Poland*. Pp. 164. New York: Columbia University Press, 1949. \$2.75.

The researches of Miss Straus support the long-established view that German, Italian, and Polish nationalism fared badly at the Congress of Vienna largely because these movements had little popular support by the people themselves; and that Vienna Congress leaders cannot be accused of being unaware of national feelings even though some may have unduly discounted their long-term potentials. Her researches show how difficult it is to categorize the Congress as pro- or anti-nationalism. Some members, of whom Metternich is representative, were hostile to nationalism as a force threatening the status quo and engendering Jacobinism. Others such as Hardenberg favored na-

tionalism as a policy for their own people rather than as a principle for all. Castlereagh appears to have been neutral. It was characteristic of his time, as of ours, that he could subordinate nationalism to considerations of power balance and containment.

Metternich, this book shows, considered nationalism (especially German, Polish, and Italian) as a threat to the internal cohesiveness of Austria. Prussians were divided between those who were more German than Prussian and those who were more Prussian than German. Mediatized princes saw in German union a chance to recover some prestige. Talleyrand dismally discovered in German nationalism the menace of an united Germany on the French flank. Alexander I flirted with Polish nationalism.

The author writes for readers who know their Vienna Congress. Her bibliography is impressive, although there are a few puzzling omissions. The continued dependence on works produced within ten years of the Congress should hearten contemporary writers on recent conferences. Her book has limitations. One gets the impression that nationalism was chiefly a diplomatic concept instead of a great moral and spiritual ground swell. It is indicative of the author's focus that a reader needs more grounding in diplomacy than in nationalism. If, in addition to diplomatic materials, something more folkish than the *Rheinischer Merkur* had been employed as sources, the study would have gained in depth and feeling. Neither German, Italian, nor Polish nationalism receives treatment full enough to be satisfying. One wonders if it is semantically desirable in a scholarly book to use the name of a whole nation when the name of a single diplomatic representative can be employed. The book does present a competent and useful statement of the place of nationalism in the deliberations at Vienna, 1814-1815.

GARLAND DOWNUM

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FEJTŐ, FRANÇOIS (Ed.). *The Opening of an Era: 1848*. Pp. xxviii, 444. Lon-

don: Allan Wingate Ltd., 1948; distributed in U. S. by The Macmillan Co., 1950. \$4.50.

"The explanation of the Revolution of 1848," said John Stuart Mill, "is, in short, that it is entirely inexplicable; and this is intended, not as a confession of ignorance, but as a sufficient theory." This conclusion by an eminent philosopher need not be taken too seriously. Mill had a good conception of the historical chain reaction which began on the bloodied streets of Paris, even if he was too close to the woods to see the trees. With more perspective today it is possible to see behind the historical process of the nineteenth century into causes and courses and to judge the larger pattern. It is an undeniable fact, however, that too little attention has been paid on this side of the Atlantic to the Revolution of 1848 and its repercussions.

The appearance of another European-wide revolution in 1848 indicated that the Metternichian system of reaction had been unable to consolidate itself in the face of increasing discontent. Here was another step on the ladder that began with 1789 and 1830 in the struggle of the bourgeoisie to obtain and maintain political power, constitutional liberty, and national unity. At the same time it marked the preliminary efforts of the proletariat to secure social and legal equality. Thus the Days of June betrayed the illusion of social harmony. Coupled with this was the additional fact that liberalism had been found wanting as a force for unification, and gave way to nationalism as the most dynamic political factor of the nineteenth century.

This book, a historical symposium of eighteen chapters by leading European historians, is a magnificent contribution to the task of throwing light on 1848 as a turning point in modern history. It takes the motives, causes, and separate kaleidoscopic occurrences of a fast-moving revolution in separate countries and welds them together in a unified whole "which sees Europe in 1948 with an eagle's eye and recaptures every side of the spirit of 1848." It was an excellent idea in historical scholarship to have each writer

limit himself to the history of his own national revolution. It is obvious, moreover, that each contributor is very conscious of the wider European revolution of which his narrative forms a part. The order is logical: each essay, while complete in itself, leads to the next, and the smaller countries are grouped around the great in the manner of modern satellites.

In a brilliant introduction the British historian, A. J. P. Taylor, reviews briefly the course of the revolution in the various European countries from Switzerland to Austria, and shows how two great countries escaped the revolution altogether: Russia, whose twentieth-century revolutions (1905 and March and November 1917) "were in the true spirit of 1848," and America, which was already democratic. "To the present day," says Mr. Taylor, "the one Great Power offers Europe repression, the other material wealth. Neither can offer the liberty of spirit which was the true aim of 1848." The editor of the symposium, François Fejtš, contributes a fine opening chapter concerning the eve of the revolution and a concluding chapter which ties the work together. Others are equally as good, especially Halperin on Switzerland, Bourgin on France, Cantimori on Italy, J. P. T. Bury on England, and Endres on Austria. Germany's breach with the European tradition is illustrated nicely by the fact that a German historian was not found to write the German chapter, which is capably handled by Professor Edmond Vermeil.

The Macmillan Company is to be congratulated for making this important volume available to the American public. It would have been helpful had the American publishers included in the book brief "About the Contributors" notes, giving the main facts about the professional careers of the historians, who are without exception well known in their own countries, but not in the United States.

Louis L. SNYDER

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STAPLETON, LAURENCE. *The Design of Democracy*. Pp. 301. New York: Oxford University Press, 1949. \$4.00.

In this time of conflict between totalitarianism and freedom it is well to re-examine the ideas upon which western democracy rests. *The Design of Democracy* offers no blueprint for the reorganization of government nor plan for the introduction of pet reforms, but an analysis of the basic principles of democratic government and the context in which they can operate most effectively.

The principles of democracy, according to the author, are those of equality, freedom, and self-government. These principles are interdependent. They supplement but also limit each other, and democracy, to work effectively, must keep them in nice balance. Equality does not mean uniformity or equality of ability and wealth, but rather a sincere respect for the dignity of the individual. But this can be realized only when there is a large area in which there is freedom of choice, freedom of speech, religion, and assembly. Hence considerable scope for voluntary and private associations must be allowed. But complex societies require governmental controls, and such controls must be established by consent of the majority freely expressed. Self-government makes possible the realization of the other basic principles of equality and freedom.

In an interesting chapter on the political process Miss Stapleton discusses Laski's doubts as to whether parliamentary government can survive when the major parties differ on fundamental as well as on minor matters. Her answer is in the affirmative. It can survive as long as both parties agree on the democratic method of solving problems even though the problems be as important as those involving "the ultimate constitution of property." England's recent experiments in nationalization are cited as evidence of this view.

The chapter on "The Economic Basis of Democracy" will probably cause the raising of a good many eyebrows for its thesis is that no particular kind of economic system is necessary for democracy. Too many people, the author thinks, equate capitalism with democracy. The author's conclusion is that either a governmentally regulated capitalism or a self-limited socialism is consistent with democ-

racy. This suggests a sort of "mixed system" of economics which rejects both unrestrained capitalism and an all-inclusive socialism as dangerous to democracy. The least that democracy can demand from an economic system is more equal opportunity and a minimum standard of social security for all. This can be attained if governmental controls over credit and investment, industry and agriculture, are increased, not reduced. But government ownership of all the means of production must be avoided lest economic and political power be dangerously combined and multiple sources of power, the necessary guarantee of political freedom, be lost. "Either a socialism modified to allow for such diversity, or a capitalism modified to provide for such controls, would be compatible with democracy in its other aspects. Democracy has no Utopia, and therefore it has no eternally right economic system to match it."

The final chapters of the book examine the possibility of applying the fundamentals of democratic government in the conduct of international affairs. Persuasive arguments are advanced in favor of attempting to do so even though the overwhelming difficulties involved may strain the patience and faith of the most optimistic.

This compact little book should be read widely. It is informative and thought-provoking, and is based upon wide reading and serious thinking.

ELMER D. GRAPER

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BRINTON, CRANE. *English Political Thought in the Nineteenth Century*. 2nd ed. Pp. vii, 312. Cambridge: Harvard University Press, 1949. \$3.50.

This attractive summary of English political philosophy in nineteen personal sketches is grouped into three sections. The first centers around the struggle of 1832, and includes Bentham, Brougham, Owen, Cobbett, and Coleridge; the second around the Chartist period of social discontent, as mirrored in the writings of J. S. Mill, Cobden, Kingsley, Disraeli, Newman, and Carlyle; the third covers the later Victorian period, exemplified by

Bagehot, Acton, T. H. Green, Spencer, Bradlaugh, Morris, Maine, and Kidd. Of course, one can fall foul of any such selection and ask why, for example, Carlyle was preferred to Ruskin, Cobden to Bright, Brougham to Buckle or Macaulay. But it is impossible to bring everyone into a book of such brief compass, and it is not likely that any other panel would be more representative of divergent schools and trends and "isms." Professor Brinton holds the balance very fairly, and it would be impossible to construct his own social philosophy from his cool, *objective* criticisms and appraisals of each thinker, or even from his general summary of the age in the Introduction and the Conclusion.

The chief charm of the book is its style. The author's own words about Bagehot apply *appropriately*: "The day of the amateur whom he so much admired may be ended; but surely that of the artist is not" (p. 198). No one is less an amateur than Professor Brinton, and but few historians are so much the artist. There are verbal felicities to roll under the tongue on almost every *page*; for instance, that Newman "precisely because thinking could not disturb his security, felt all the freer to think" (p. 149); that Mill had a "mind of transparent honesty in a state of extreme tension . . . between the dogmatism imposed on him by his environment and the skepticism natural to his temperament" (p. 102); that "Carlyle was a radical in the skin of a *conservative*—a porcupine in the shell of tortoise. Naturally the quills grew inward, and forced him to cry out" (p. 177).

There are two generalizations appearing at intervals of every few pages which appear to this admiring reviewer (bound by critical tradition to find fault with something) as a little too easily accepted. One is that conservatism is the mark of a *distrust* in human nature, and that liberalism comes from an optimistic confidence in it. Surely this is true in most cases, but it would be possible to build either theory on exactly the opposite premise. The other is that the Christian religion is naturally "pessimistic" about this world (see, for *example*, pp. 130, 147, 150). The whole school of modernist theologians

would reject this; and if it be answered that they are making a new religion to suit themselves, how shall we dispose of Thomas Aquinas' doctrine that all existence is "as such" good, or Jesus' own claim not to free men from the burden of life, as did Buddha, but to bring life "more abundantly"?

PRESTON SLOSSON

Ann Arbor, Michigan

CLAPHAM, SIR JOHN. *A Concise Economic History of Britain From the Earliest Times to 1750*. Pp. xvi, 324. Cambridge, England, and New York: Cambridge University Press, 1949. \$2.75.

Sir John Clapham, drawing his students closely about him, has lectured to them in a genial conversational manner. With economy of effort and bare simplicity of language he reveals aspects of history which, though significant, often repel students because of their drabness. Out of the storehouse of his knowledge he brings many treasures both new and old. He lectured at Cambridge from 1908 to 1935 on English economic history and out of that experience this book has grown. Beginning with the earliest times and running to 1750, the work was cut short by the author's death in 1946. Professor W. H. B. Court has agreed to write a second volume to bring the concise survey of economic history down to the present.

The central theme of the volume is how the people earned their living. The great majority of them lived in rural villages and derived their subsistence from the soil. They went forth together from their communities into the open fields to cultivate the land. They cultivated long strips and rotated the crops from cereals to grass in two or three fields according to the fertility of the soil. The low yields were only four or five times the amount of seed sown as compared to twenty times in modern farming. Problems of land tenure, social status, and legal obligations to their landlords vexed and harassed most people living on the land.

Many bits of information, appealing to the curious student, are woven into the description of the daily life of the medi-

eval man. The horse rarely pulled the plough although it bore many of the burdens of war and travel during the thirteenth century. The ox stayed at the plough because it could be eaten when it was too old to work. The entire diet of medieval man was very thin compared with that of modern times. The main staples were cereals and meat, and meat **only** in season. His vegetables in varying amounts were cabbage, onions, leeks, lettuce, beets, spinach, and parsley. Such vegetables were generally scarce because he was a poor gardener. He husbanded the orchards poorly, for he still gathered his fruits and nuts from the half-wild countryside.

Not all men derived their living from the soil; many followed skilled trades in the towns. They organized guilds in the form of mystery and fraternal societies to afford social life and to regulate the volume and value of their products. Merchants also organized societies to protect themselves from highwaymen and pirates while transporting their goods to markets. After 1500 there emerged in London twelve great companies which dominated the politics as well as the economic life of the city. These merchants were the vanguard which transformed rural England into a commercial nation whose far-off trading posts became an empire during the seventeenth century. In telling this story with enthusiasm and directness Sir John Clapham has done the student of economic history a yeoman's service.

R. G. COWHERD

Lehigh University

GLASS, RUTH (Ed.). *The Social Background of a Plan: A Study of Middlesbrough*. Pp. xiv, 268. London: Routledge & Kegan Paul, Ltd., 1948. 42 s.

This admirable report appears in *Karl Mannheim's International Library of Sociology and Social Reconstruction*. The survey was made by the Association for Planning and Regional Reconstruction for the replanning of Tees-side in 1944-45. The enactment of the Town and Country Planning Act of 1947 led the association to offer the material as a prototype of "a social survey . . . applied to practical

planning proposals." Mrs. Glass has accordingly presented it as a case study, stripping out details of immediate interest chiefly to the Corporation and inhabitants of Middlesbrough, and expounding the method and the meaning of the findings for planning generally.

The elements of the survey that she has chosen to present concern the pattern of neighborhoods, health services, education services, and retail trade. ("Altogether 337 retailers were interviewed, all of whom were pleased to have the opportunity of expressing their **views**.") An appendix on the geographical and economic background is contributed by A. E. Smailes. "Four major sources were used: published statistics, unpublished administrative records, general field work, and specific field inquiries." There are no startling applications of advanced techniques of multiple correlations, although there is acknowledgment to "the Hollerith Department of the Cooperative Wholesale Society in Manchester" for tabulating the retail trade enquiry. The British Institute of Public Opinion lent a staff for the survey of adult clubs.

Part V, "Survey and Plan," summarizes pithily and cogently the contributions of the social survey to the planning process. Its *technical* purpose is to provide facts upon which immediate planning decisions can be based. Thus, it appears that social boundaries are as significant for realignment and regrouping as physical boundaries. The survey will also "identify neighborhoods from **which** resistance to change may be expected." Its *theoretical* purpose is to establish principles. For example, the generalization is offered that interdependence of neighborhoods should be emphasized for urban planning. "Social distance" must be reduced as well as physical distance. Mixing expensive and cheap houses is meaningful only if the residents will use the same local institutions. The *political* function of the survey is to involve the people in the planning process by interpreting their desires. ("There are occasions when it is necessary to prove the obvious in order to obtain public **support**.") If planning is, in Mrs. Glass's phrase, "our common journey of

exploration and adventure," then we must not only prepare maps and tables, but, "most of all, get to know our travelling companions."

The persuasiveness of the report is enhanced by frank recognition of its shortcomings. If the association were doing it again, "Survey and plan should not be considered as entirely separate stages. A preliminary inquiry should lead to an outline plan, which, in turn, would indicate specific problems and areas which require further detailed investigation." An admirable report!

CHARLES S. ASCHER

Brooklyn College

LIDDELL, HELEN (Ed.), EDMOND VERMEIL, and BOGDAN SUCHODOLSKI. *Education in Occupied Germany*. Pp. 148. Paris: Librairie Marcel Rivière et Cie, 1949. \$1.25.

VERMEIL, EDMOND, K. J. HAHN, and GABRIEL LE BRAS. *Les Églises en Allemagne*. Pp. 118. Paris: Librairie Marcel Rivière et Cie, 1949. \$1.25.

BIDWELL, PERCY W. (Ed.). *Germany's Contribution to European Economic Life*. Pp. 147. Paris: Librairie Marcel Rivière et Cie, 1949. \$1.25.

AUBERT, LOUIS F., and others. *Contrôle de l'Allemagne*. Paris: Librairie Marcel Rivière et Cie, 1949. \$1.25.

In Holland during 1947 and 1948 representatives of private foundations devoted to the study of international affairs met for a Conference on Some Aspects of the German Problem. Some of the papers presented there and a few of the subsequent discussions have been made available in these four volumes distributed for the Council on Foreign Relations by the Columbia University Press.

The interval between the delivery and the publication of these essays seriously diminishes their value, for the establishment of the two German governments and the International Authority for the Ruhr has already foreclosed discussion on many of the problems considered. It is regrettable, therefore, that the co-operating institutions were unable to arrange for the immediate publication of the proceedings.

Other unfortunate defects are the lack of a common editor for the volumes (denying them a much-needed coherence), the omission of many of the Conference papers and discussions, the absence of an index, the bilingual presentation, and some very unhappy typographical errors.

In *Education in Occupied Germany* differing answers are given to "the radical question of how far it is possible for the mentality and the outlook of one nation to be changed within a given number of years, by the deliberate efforts of one or more other nations" (pp. 12-13). All the contributors, however, deplore the lack of unity among the Allies in educational policies. M. Suchodolski, of the University of Warsaw, for instance, states quite emphatically that this lack of agreement made Germany feel that she was a partner in the political game rather than the subject of a program of re-education.

French actions in establishing Normal Schools for the training of teachers, in extensively revising texts, and in sending French students acquainted with Germany as cultural ambassadors throughout the German school system appear in a far more favorable light than the haphazard and half-hearted American approach to the same problems. Miss Liddell (Royal Institute of International Affairs) paints a discouraging picture of German Youth Activities sponsored by the United States Army. She indicts American confidence in the teaching of baseball as the exclusive key to an understanding of democracy and feels that our shilly-shallying actually contributed to the collapse of German moral standards and the encouragement of the careers of fourteen-year-old "Schokoladen Mädchen" (p. 127).

As might be expected, the papers in the education volume (and the others) lack objectivity. To Polish eyes western educational policies seem to be paltering political arrangements, though the Soviet Union is mysteriously immune from the same criticism, and M. Vermeil rather modestly claims that "le française doit servir à la jeunesse allemande de véhicule pour pénétrer dans le monde" (p. 65). Nonetheless, it is quite clear that in 1948 Germany was not being served by a demo-

cratic educational system, nor was there any promise that the future held much hope for its emergence.

As in the educational field, *Les Églises en Allemagne* offers little reassurance that the German clergy, Protestant or Catholic, was spiritually equipped to nurture democracy. M. Vermeil, discussing German Protestantism historically, stresses the traditional German love of state and ponders an apparently perpetual German search for a "*cohesion fervente*" (p. 12). He found the Protestant clergy inclined to disavow any personal responsibility for the rise of Nazism and to place the entire blame for Germany's recent problems on the Treaty of Versailles and on secularism in general. The churchmen were more concerned with internal church problems than with German ties to a wider religious community and were not leading parishioners to renounce the extreme views of sovereignty that have led Germany and the world down so many disastrous paths. It is sadly significant that among the Protestant clergy Pastor Niemöller emerges as the greatest champion of democracy. Despite these drawbacks, M. Vermeil feels that Europe must make a determined effort to break down the self-imposed cultural isolation of Germany and to integrate the church communities there into tomorrow's Europe.

In the same volume, Professor Le Bras, who has devoted over twenty years to sociological studies of religion in France, offers similar tentative conclusions based upon fragmentary studies of German Catholicism. He finds that, like the Protestants, the Catholics in Germany are not internationally minded. They are anti-Russian, but they don't really like any non-Germans: neither traditional allies, occupying powers, nor neutrals. Despite this, however, he feels that there are some sparks of sentiment that flash beyond Germany's borders and can be fanned by exchange programs of both books and clerics. These conclusions are shared by M. Hahn, who in a discussion of the unfortunate impact of national socialism on the Catholic clergy, shows how it was concurrently victimized and tainted by the Hitler regime.

The volume on *Germany's Contribution*

to European Economic Life, dealing with Allied policy on economic reconstruction, examines Germany's potential contribution to economic recovery in Europe and the degree of control necessary to promote rather than handicap the recovery of Europe generally. Nearly all the contributors endorse the view that substantial increases in German manufactures and exports plus a willingness to accept German goods in neighboring countries are required for a successful conclusion to the Economic Recovery Program, which Professor Hawtrey sees as bringing Western Germany into "the circle of cooperation and unity to which Western Europe is beginning to look forward" (p. 147). Dr. Lichowski, of the University of Cracow, is the sole dissenter. He attacks Germany's inclusion in the Marshall Plan, denying that more than a minimum of German reconstruction is essential to Europe's economic recovery. This minimum, he feels, should be (but has not been) subordinate and subsequent to the reconstruction of other European countries in accordance with the provisions of the Potsdam agreement.

With this cultural and industrial picture in mind, M. Aubert's contributions in *Contrôle de l'Allemagne* (variously rendered "Control of Germany" and "Control for Germany," depending on whether you consult the front or back covers of the book) note that the question emerging from the companion volumes is whether Germany is to be revived or controlled. In his opinion his colleagues have portrayed the virtual impossibility of an early emergence of a democratic Germany, and therefore, he says, there is no justification for the removal of controls advocated by the economists. He attacks those who would allow control of Germany to be exercised through cartels, pointing out the one-sided, insidious advantage to I. G. Farben of such arrangements in the past. Controls like these could only supplement, not supplant more effective ones. Nor does he feel that "control" exercised by free-roving statesmen and journalists or by systems of alliances will prove any more effective than they did in 1939. As he trenchantly reminds the world, "*Les*

voisins de l'Allemagne sont au moins aussi intéressés par un contrôle pouvant prévenir une agression que par une assistance qui la sanctionne" (p. 14).

M. Aubert finds the requirements for effective control of Germany similar to those for the atomic bomb: continuous surveillance along the entire length of the chain. He and some of his colleagues agreed that this could have been arranged through control of strategic minerals needed for arms production, inspection teams with access to all production data and information on scientific development, and the establishment of a "statistical cordon" around the Ruhr. Such suggestions are now, of course, far less relevant than when they were first proposed.

Within the compass of these four short works is the hideous paradox of Germany's position in the world today. One may well wonder, if conditions in Germany in 1948 were as reported, what wisdom determined subsequent Allied policy. Commissioner McCloy's speech at Stuttgart in early February indicates that even the Department of State has begun to ponder that question. These books, which gather together the views of scholars from many different countries, will have value to many students of Germany for whom their breadth of outlook will be sufficient reward for their editorial deficiencies.

RICHARD N. SWIFT

New York University

MEYER, ERNST WILHELM. *Die Grundlagen für den Frieden mit Deutschland*. Pp. 104. Wiesbaden: Europäische Verlagsgesellschaft, 1950. DM 2.80.

The author of the booklet under review is one of the few German diplomats who resigned in criticism of Nazi policies. Subsequently he became a professor of political science at Bucknell University, where he spent the war years. He returned to Germany in 1946 and is now teaching political science at the universities of Frankfurt and Marburg.

Professor Meyer reminds us that the present crisis has both long- and short-range aspects. The former is part of the general crisis of western civilization, whereas the latter deals with the immedi-

ate problems arising out of the war. The concrete tasks of the present should be tackled in full awareness of the need to solve the long-range problem, which has been created by our wholesale deviation from the principles of Greek and Christian civilization. These principles are briefly but forcefully restated by the author, who concludes that "in politics there is no contrast between idealism and realism. 'Idealism and materialism, realism and utopianism do constitute political contrasts. Ideal and realism, however, belong together and supplement each other. Both are indispensable for any policy which wants a truly lasting success'" (p. 51).

The American reader will be inclined to agree with Professor Meyer in these views, and he might well pay serious attention to his suggestions concerning possible ways of settling our dispute with Russia over Germany. Professor Meyer feels that an understanding with Russia can be reached on the basis of an evacuation of Germany by all occupying powers, to be followed by Germany's neutralization. German neutrality is not to be guarded by a German army nor by German troops as part of the French or any other army. The author finds himself in full agreement with French Foreign Minister Robert Schuman, who insists that Germany should not *only* not be rearmed but not become a member of the North Atlantic Pact. He feels that the only armed force to be left Germany herself ought to be a police force strong enough to deal with internal unrest. The best way to guarantee German security against outside attack would be an armed force under the authority of the United Nations. That force should consist primarily of soldiers from non-European countries or European countries which are not Germany's immediate neighbors, although a small number of Germans might be admitted. Professor Meyer believes that the mere presence of such a force could do much to prevent a clash between Russia and the Western Powers. Since its use would depend on the Security Council, its employment as a pawn by one group against the other would be unlikely. On this point the reviewer fears that there may be a contradiction, since the Security

Council would be as unlikely to establish an armed force as it would be to use it.

One of the reasons why Professor Meyer objects to continued occupation of Germany is that no occupation has yet been able to promote democracy. Then, too, in this case occupation means divided occupation, and the division of Germany constitutes one of the greatest hazards to world peace. Professor Meyer is rather critical of some of the practices of the occupying powers, but he never objects to Allied policies without emphasizing strongly that in view of the many crimes committed by Germans against their neighbors during the war their right to complain is limited.

The brevity of this vigorously written little book should not cause us to overlook it. It pursues aims basically identical with those which inspired the Quaker proposals for peace. The concrete approach is, however, much more realistic and, therefore, more promising. If the booklet could be translated, it would be very helpful in introducing the American public to the thoughts which are entertained by a not inconsiderable group of people within Germany whose ideals are the same as ours. Besides, there might result an impetus to study our relations with Russia in a fresh light. Whether the recommendations of the author, if carried out, would lead to the desired result of an understanding with Russia, at any rate so far as the key problem of Germany is concerned, is a question on which this reviewer is inclined to be less optimistic than the author. It would be to the advantage of American policy, however, to make it clear to our friends that every reasonable suggestion is considered, and that our policy, rendered more realistic by Russian failure to carry out previous agreements, remains flexible enough to take advantage of positive possibilities if and when they emerge.

FERDINAND A. HERMENS

University of Notre Dame

BOEHM, ERIC H. *We Survived*. Pp. xiii, 308. New Haven: Yale University Press, 1949. \$3.75.

This remarkable book, dedicated to the countless dead, is an excellent collection

of autobiographies of fourteen outcasts in Hitler's Reich who managed to survive the Nazi terror and the hunts of Himmler's Gestapo. These stories were in part compiled by Eric Boehm while serving with the information section of military government in Germany, and "have been kept scrupulously close to the form and language of the informants." Only a few indicated proper names are fictitious, but "the supporting documentary evidence for these accounts" is unfortunately not cited in an appended bibliography. The informants have also in many cases obviously omitted important facts, thus leaving a number of historical questions unanswered. However, these stories are valuable historical documents in their own right. They tell of the sadistic terror and racial arrogance of the Nazis, and of the sublime courage of fourteen people who were driven by their resistance to Nazi totalitarianism to become lawbreakers, plotters, deserters, fugitives, and prisoners.

These autobiographies cover many phases of the political, military, religious, and moral opposition to the Nazi terror. They reveal the sufferings and persecutions of German Jews in various walks of life, the resistance of socialists and communists, the fate of certain pacifists and opponents of World War II, and the plotting of those who were members of underground movements. Frau Stein-Landesmann, novelist and playwright, narrates her rescue by a young girl worker from deportation to Theresienstadt. The mechanic Herbert Kosney, member of the Communist Party, writes of his imprisonment at Moabit and survival of the death march, when Albrecht Haushofer and many others were killed the night before the Russians entered that district of Berlin. Valerie Wolfenstein, daughter of a Jewish architect, explains how the refusal of the Berlin criminal police to co-operate at all times with the Gestapo aided many outcasts to survive. The daughter of Dr. Wilhelm Solf reveals the activities of a circle which opposed National Socialism from "religious convictions and moral grounds." Eugen Gerstenmaier, Protestant clergyman and a leading participant in the conspiracy of July 20, 1944, tells

of his underground activities, subsequent arrest, and escape from liquidation. Günther Weisenborn gives an impressive and convincing description of a very large and active underground movement, the so-called "Red Orchestra." Heinrich Liebrecht, a veteran of World War I and a superior person, portrays the tragedy of his experiences in the face of Nazi brutality. Finally, Rabbi Baeck, an outstanding spiritual leader of German Judaism, writes of the deportations of the Jews to the death camps of Theresienstadt and Auschwitz and the planned extermination of German Jewry.

"Of the 500,000 Jews in Germany," Eric Boehm writes. "281,900 had emigrated by July 31, 1940 as well as two-thirds of the 200,000 Austrian Jews. Only a handful of the remainder are living today." The survivors were few indeed, so the autobiographies of these Jews and "Aryan" Germans opposed to Nazism should serve as a historical warning to posterity. Moreover, these accounts of illegal lives in Hitler's Reich throw new light on basic weaknesses in a totalitarian system, which the present generation of Americans should find of distinct value.

RALPH HASWELL LUTZ

Stanford University

ANGELOPOULOS, ANGELOS. *L'Etat et la prospérité sociale. Nouveaux principes de finances publiques*. Pp. 198. Paris: Librairie Générale de Droit et de Jurisprudence, 1949. 500 fr.

Enthusiastic writers often so simplify problems that they captivate the reader more than a thorough scientist could do. The author of this book, a former professor of economics at the University of Athens, is an enthusiastic believer in socialization, in economic planning, and in governmental control of economic life. Since it is obvious to him that the free enterprise system of the nineteenth century has degenerated into monopoly capitalism and that monopoly capitalism utterly failed after World War I, he does not hesitate to endorse comprehensive plans for a new political, social, and economic order. According to him, there is not the slightest

doubt that "the State" (in contradistinction to the government) is capable of securing social prosperity if it resolves to replace the outworn principles of the past by modern policies and devices. Under this new plan, the state should not shrink from assuming such broad economic responsibilities as the allocation of resources, the increase of national income, the maintenance of full employment, the control of investment, and redistribution of income and wealth (pp. 35 ff.). The state's obligations are interpreted to include also a public guarantee to every individual of an income high enough to permit a "dignified" standard of living. Since, however, all these governmental activities cost money, the attainment of social prosperity is predicated on a revolution in the realm of public finance. From this point of view the author selected the subtitle of his book "New Principles of Public Finance." This term might be misunderstood by the American or English reader, but is correct because the French language does not have a full equivalent for our concept of "fiscal policy." Certainly the author is right also in emphasizing again and again that the new principles "differ enormously from the principles of the past." "The new orientation of the state really signifies a revolution in the field of national finance" (p. 193).

To most American economists, many of those new principles will not appear so novel and revolutionary as the author surmises. For instance, policies designed to maintain full employment, the organization of public works, orientation through a "Budget of the Nation," the use of taxation for nonfiscal purposes, the establishment of social security systems, and the subsidizing of agriculture and certain industries to reduce the cost of living have long been in the foreground of economic discussions. Yet the heart of the author belongs to socialism. Prosperity, he thinks, cannot be achieved without nationalization of all monopolistic large-scale enterprises (p. 175). The first sector of the new economy, therefore, would comprise these nationalized industries. The second sector would consist of medium-size enterprises and those large enterprises

that are not *monopolies*; this sector would be subject to governmental control of prices, profit, output, and so forth. All the remaining small enterprises which need only a general "surveillance" by the government are lumped together in the third "free sector" of the economy (pp. 176-177).

As these few examples indicate, the analysis would carry more weight of it were less simplified. As far as public spending is concerned, the author is extremely generous. He would like to reverse the famous dictum of J. B. Say by stating that, under certain conditions, the best fiscal plan is the one which involves the largest expenditure (p. 58). He ventures the opinion also that expenditures for the financing of government services should not be *classified* as "costs" since government services cannot be evaluated in terms of money (p. 61). Somewhat later he seems to forget this romantic impulse by reproducing a series of French figures on net national product that include the net product of governmental services in terms of millions of francs (p. 75). It hardly needs mentioning that deficit financing appears to him to be a sorrow of yesterday. Debt worries do not deserve any important place in modern fiscal theory. Statements like the following: "Financial reasons can never justify a waste of resources and lives" (p. 163) will be particularly appreciated by the many Greek ministers of finance with a sinister record in public borrowing.

The political bias of the author is too obvious to need further example. Since his program for government action is tailored to fit the aspirations of authoritarian states, he looks with admiration to Soviet Russia, which, he believes, has rendered the greatest service to the new orientation, and outranks all other countries in striving for political, social, and economic progress.

FRITZ KARL MANN

American University

LYASHCHENKO, PETER I. *History of the National Economy of Russia to the 1917 Revolution*. Pp. xiii, 880. New York: The Macmillan Co., 1949. \$13.00.

This volume is one of the series of "significant Russian works in the fields of the humanities and social sciences" made available in translation by the Russian Translation Project of the American Council of Learned Societies. It is certainly an important contribution toward the project's goal. The English translation prepared by L. M. Herman and edited by Ellsworth L. Raymond is quite competent. The maps are very useful. It must be noted that the translation has been made from the first Russian edition of Lyashchenko's work which appeared in 1939. The second Russian *edition—considerably enlarged—*came out, in two volumes, in 1948 and 1949. In view of the present-day international tension the American reader is apt to be suspicious of even the bona fide products of Soviet scholarship just as his or her Russian counterpart might be suspicious of the works of "bourgeois" science—or in any case is expected by the Soviet authorities to be suspicious of them. In the reviewer's opinion, Calvin B. Hoover is right when he points out in his preface that Lyashchenko's book is not a "Party tract" but a product of careful study, even in spite of the fact that the names of Marx, Engels, Lenin, and Stalin are invoked by the author much too often for the outsider's taste.

Lyashchenko's book is divided into two parts of almost equal length—"Precapitalist Structures" (down to the emancipation of the serfs, 1861) and "Capitalism" (to 1917). As his part I covers the span of over a thousand years and part II of only about half a century, the "precapitalist" age is dealt with in a rather summary way. In his treatment of the Kievan period (down to the Mongol invasion of the thirteenth century) Lyashchenko follows the accepted "line" of the Soviet historiography according to which this was a period of "the emergence of feudalism" and of an economy based on serfdom. In the reviewer's opinion such an interpretation is an attempt forcefully to marshal a number of data into a preconceived rigid scheme, entirely disregarding a much greater number of facts pointing in the opposite *direction—to* the existence of a developed money economy of nonfeudal type

partly based on slavery (and not on serfdom). Lyashchenko's outline of Russian economics of the Muscovite period, while brief, is much more convincing than his chapter on the Kievan economics. In the reviewer's opinion, it is the story of eighteenth and nineteenth century economics which constitutes the main and most estimable part of Lyashchenko's book. His outline of the growth of Russian industries (especially the metallurgical and the textile) is full of valuable information. As could be expected—since Lyashchenko's own research studies dealt mostly with Russian agrarian problems—his chapters on agriculture are also rich in content. Even if the reader—and the reviewer—may not always accept the author's interpretation of the facts, the facts are there for the reader to draw his own conclusions from them if he so prefers.

GEORGE VERNADSKY

Yale University

JASNY, NAUM. *The Socialized Agriculture of the USSR: Plans and Performance*. Pp. xv, 837. Stanford: Stanford University Press, 1949. \$7.50.

For some twenty years the socialized agriculture of the U.S.S.R. has served both as the cornerstone of that country's planned economy and as a powerful weapon of propaganda in Eastern Europe and Asia, yet the nature and results of this experiment are matters which still arouse great controversy. To this study of Soviet agriculture, Mr. Jasny brings such a wealth of experience that his conclusions deserve careful consideration. He served as an agricultural economist in Russia both before and during World War I, and in the early years of the Bolshevik regime he was stationed in Germany as a grain expert attached to the Soviet trade mission. For the last twenty years Mr. Jasny has been an independent student of agrarian problems, associated more recently with the Food Research Institute at Stanford University. With this background the author is well qualified to explore the labyrinth of Soviet statistics in search of a more accurate picture of socialized agriculture than has hitherto been available, and his conclusions are backed

by statistical calculations which recognize the limitations of the available data.

After a relatively brief section in which he summarizes the results of the Soviet experiment as he sees them, Mr. Jasny describes the status of Russian agriculture during the background years between 1861 and 1928. He then comes to the heart of his treatise in Part III, "Socialized Organization and Control," and Part IV, "Socialized Production: Plans and Results," in which the Soviet agricultural system is analyzed in great detail and with a wealth of statistical information. Part V discusses the over-all production and income of Soviet agriculture, and is followed by an appendix of notes and statistics.

It is Mr. Jasny's conclusion that the value of gross agricultural production in the Soviet Union (including both vegetable and animal products) increased from 15.4 billion rubles of 1926-27 prices in 1928 to 17.4 billion rubles in 1940. This is a very modest increase, somewhat lower than that claimed by Soviet statistics and greatly below the targets of the Five-Year Plans. The author's estimates regarding income from agriculture, as distinct from gross production, indicate only an increase in value from 9.2 billion rubles in 1928 to 9.7 billion rubles in 1940. Moreover, this relatively poor showing was accompanied by no significant increase in the per capita production or consumption of agricultural products. That in spite of this the Soviet experiment in agriculture has not been a failure is indicated by Mr. Jasny's figures on marketings. He estimates that between 1928 and 1938 there was about a fourfold increase in the amount of grain and potatoes made available to the nonagricultural population, although less spectacular results were obtained in other products. The achievement of socialized agriculture in the U.S.S.R. has thus been one of distribution rather than one of production. Socialization has enabled the government to force an unwilling peasantry to surrender an increasingly large share of its produce, under conditions in which both the agrarian and the urban proletariat is kept at little above subsistence level.

C. E. BLACK

Princeton University

HUXLEY, JULIAN. *Heredity East and West. Lysenko and World Science*. Pp. x, 246. New York: Henry Schuman, Inc., Publishers, 1949. \$3.00.

Julian Huxley, world's foremost biologist and recently Director-General of the UNESCO, needs no introduction to the reader. His pronouncement concerning the cold war in science is therefore of utmost importance. Compared with the current compilatory study made by Professor Conway Zirkle (*Death of a Science in Russia*), the present work by Mr. Huxley is a far more lucid account of the genetics controversy and of genetics as a science, and offers a much more adequate interpretation of the man who became the storm center of the raging debate, Trofim Lysenko. According to Huxley, Lysenko is neither an embittered quack, as Professor H. J. Muller seems to believe, nor a power-thirsty Communist seeking glory, as others have presented him. Huxley gives us a far more prosaic picture of this man: Lysenko is an honest though essentially an uneducated geneticist who follows more the party line than western scientific advancement.

Whoever Lysenko may be, the most sorrowful aspect of the entire issue at stake is not a question of personality but of general circumstances. The tragic fate of Soviet biologists has deeper implications and is bound to revenge itself. Suppression of scientific freedom and absence of the tolerance that assures a reasonably free pursuit of scientific truth can not and will not pass with impunity: it is bound to produce a twentieth-century alchemy rather than a true science; it will retard scientific achievement for years to come.

The deplorable aspect of the entire debate is carried by Huxley to a far broader plane—the intolerable situation where a purely scientific theory is being determined by a political body, the Central Committee of the Communist Party. It was on August 1, 1948, that this Committee decreed in favor of Lysenko's theory, which repudiates the Mendel-Morgan genetics widely accepted in the west. This in fact marked a reversal to the now obsolete theory of Lamarck revived by the Soviet scientist Michurin and presently 'pro-

pounded even more forcefully by Lysenko backed by the government. The official declaration was soon followed by the disheartening spectacle of subservient scientists in the country who hastened publicly to adhere to the dictum of the Party; a minority of the opponents, after a feeble resistance, sulkily recanted and admitted their "errors"; a third group, which refused to bargain away convictions, preferred to accept the fate of martyrdom rather than march to Canossa, as in the case of N. I. Vavilov.

From all the accounts it becomes increasingly clear that Lysenko is more than an individual; he is the barometer that points to an unhealthy environment and an air of cultural isolation. Such an environment portends an unhappy future for both science and politics. The net result is a vacuous science serving tyranny. What is at stake therefore is, as Huxley pointedly summarizes, "the right of the state to reject scientifically ascertained facts and to brand whole branches of science as false or not permissible." To this may be added the danger of training under duress a younger generation in the principle that it must first assume unquestionable ideological dogma before proceeding with scientific research. The obvious end of such a method is an unavoidable twentieth-century medievalism.

Mr. Huxley is not pessimistic but bravely believes that the great genetics debate will carry with it constructive lessons. It will mean, he says, "that the scientific movement will for the first time have become fully conscious of itself and of its social function, and it will also mean that the western world will have a better appreciation of the nature and methods of science, of its functions as a new tool in humanity's hands." Let us hope so; for in such hope only will this generation find courage to pass through this critical era triumphantly.

ANATOLE G. MAZOUK

Stanford University

BAGU, SERGIO. *Economía de la sociedad colonial. Ensayo de historia comparada de América Latina*. Pp. 300. Buenos Aires: Liberia "El Ateneo" Editorial, 1949. No price given.

This is a "tentative," synthetic study of the comparative history of the European colonies in America, and it was presented originally by the author, an Argentine economist and sociologist, in lectures at the University of Illinois and at Middlebury College. The work is concerned with the colonial systems developed especially by Spain and Portugal in the Indies and with the British, Dutch, and French colonial institutions in America. Specifically the author deals first with the economy of the pre-Columbian American Indians, second with the medieval economy and the economic bases of the absolute monarchies established in Iberia, third with the formative elements of European colonial economy, fourth with feudal vs. capitalistic colonial economy and its social and political implications, fifth with the evolution of European colonial economy, and sixth with comparative European colonial production, distribution, and labor and some of the social consequences.

In discussing these topics the author cites many examples of similar institutions in various parts of the world. He believes that the similarities between the European colonies in America are more numerous than the differences. This is the major premise with which he begins and the conclusion with which he ends his study. Not everyone will see the picture as the author sees it, but undoubtedly everyone will find the book stimulating and thought-provoking. Certainly the volume should be read as background in connection with recent studies of contemporary economic problems in Latin America by Wythe, Rippey, Hughlett, Harris, Olson and Hickman, and Horn and Bice. It should also prove helpful to read the book along with certain studies of two and three decades ago which dealt in a somewhat stereotyped fashion with the colonial period. The book concludes with a list of the rulers of Spain, Portugal, and Great Britain, a glossary, a detailed and helpful bibliography which shows a wide familiarity with leading monographs, and a good index. The reviewer would venture to suggest that parts, if not all, of this study might well be printed in English for the benefit of teachers who endeavor to cope with

high school American history and for students of the history of the Americas who have accepted the views of Bolton and his followers.

A. CURTIS WILGUS

George Washington University

ALTAMIRA, RAFAEL. *A History of Spain*. Translated by Muna Lee. Pp. xxx, 748. New York: D. Van Nostrand Co., 1949. \$6.75.

This book is to a considerable extent an outgrowth of the author's four-volume work in Spanish: *History of Spain and of Spanish Civilization* (1900-1911). The latter acquired such a fine reputation that Professor Charles E. Chapman of the University of California in 1918 published a well-known work of his own, *A History of Spain*, in one volume, which, as his title-page admitted, was "founded on" the larger study by Altamira. It was similar to the abridgement the Spanish author had intended to prepare. He finally achieved this task and published his *Manual of Spanish History* (1933), after having produced also a charming work entitled *A History of Spanish Civilization*, which in 1930 appeared in an English translation. In 1946 the second edition of the *Manual* appeared, and three years later the present translation was published.

Rafael Altamira and the publishers of this translation are to be congratulated on this handsome volume. Not only do the 92 photographs and the 14 maps enhance its value, but in addition there is an excellent bibliography, a comprehensive list of dates in Spanish history, a helpful chart of parallel events in the history of Spanish civilization and that of other countries, and an exceptionally fine index. There are, however, no footnotes. As the name *Manual* implies, the Book is really a textbook. Political events are skillfully interwoven with discussions of economic and social developments, while cultural achievements receive adequate attention.

The book comprises fourteen chapters, the first of which covers prehistoric times, introduced by a simple treatment of the geography of Spain. The title of the second chapter, "The Period of Eastern Colonization," is somewhat confusing, for

the reader might wonder if the Spanish were perhaps founding colonies in the eastern half of the Mediterranean world. Occasionally the American reader meets with other peculiarities, such as the section heading on p. 315: "Canonical Law and Roman law." It is customary to speak of Canon Law, not Canonical Law.

One of the most interesting parts of the book is that dealing with the remarkable outburst of learning and art that began at the close of the Middle Ages and continued for some two hundred years. Altamira's admirable treatment of this wonderful phenomenon contrasts favorably with that of recent writers of American textbooks who argue that during the fourteenth and fifteenth centuries Europe as a whole underwent a process of decadence. A careful study of Italy and the Low Countries in the same period will strengthen Altamira's account.

ALBERT HYMA

University of Michigan

FINKELSTEIN, Louis (Ed.). *The Jews: Their History, Culture, and Religion*. Two vols. Pp. xxxiii, 1431. New York: Harper & Brothers, 1950. \$12.00 per set.

Because Saint Jerome, in translating the Bible from Hebrew into Latin, mistook the Hebrew word *kerney* meaning "beams" for "horns," and because the great Michelangelo, later reading in the Vulgate translation that Moses as he descended from the heights of Mt. Sinai had horns of light upon his head, created his magnificent statue of Moses with horns growing out of the Lawgiver's forehead, Jews throughout the ages have been visualized in the image that the artist wrought because of the mistranslation of the early Church Father.

This incident might well serve as a parable of the world's ignorance of the Jews, their way of life, beliefs, customs, and civilization. Undoubtedly in this ignorance anti-Semitism easily takes root and grows into wild weeds of hatred, discrimination, and persecution. To dispel this ignorance and to provide factual information about the Jews and their culture, from earliest times down to the

present, is the ambitious purpose of these volumes.

The work, edited by Dr. Louis Finkelstein, president of the Jewish Theological Seminary of America, consists of essays on different aspects of Jewish history, experience, and thought. Thirty-eight specialists, men and women, Jews and Christians, participated in this project as contributors and members of the planning committee. The preparation of these volumes was made possible by funds granted by the American Jewish Committee and their publication by the Gitelson Fund.

The total work is divided into four large parts of unequal length. The first part traces the history of the Jews from Biblical times down to the American Jewish community of the present; it is named "The History of Judaism and the Jews." In the second part, "The Role of Judaism in Civilization," the influences of Jewish thought and achievement on the civilizations of other peoples are traced and considered. The third part deals with "The Sociology and Demography of the Jews." Unfortunately, this part is the shortest section although it would normally be of greatest interest to the specialist and general student because it discusses such vital matters as: Who are the Jews?; Sources of Jewish Statistics; Jewish Migrations, 1840-1946; The Economic Structure of Modern Jewry; and The Jewish Community. The fourth and final part, by the editor himself, is concerned with "The Jewish Religion: Its Beliefs and Practices."

As is to be expected in a work of such large proportions, there is occasional overlapping of information; the essays are of varying quality both in information and in stylistic expression; and, while some are extremely superficial in their grasp of their subjects, others are genuinely worthwhile and valuable.

In the appendix the editor explains that he sent a questionnaire to scholars and educators throughout the United States in 1946-1947 and asked: "What questions should be answered in the book on Judaism and the Jews?" The 209 replies emphasized 29 questions that were most frequently raised. The material

found in these volumes seeks to answer the questions uppermost in the minds of people about the Jews and their beliefs. A sampling of the questions will help to make clear the nature of the contents of the volumes: What is a Jew? What is the Jewish creed? What is the Jewish attitude to marriage with members of other faiths? Does Judaism seek or accept converts? What is the concept of the Chosen People? What is the attitude of Judaism towards Jesus? What are the ceremonials and rituals of Judaism? What is authority in Judaism?

Then there are such questions as: What is the present extent of Synagogue affiliation? What is the proportion of Jews in agriculture as compared with urban pursuits? How many Jews are there in the world? in the U.S.A.? in the U.S.S.R.? What was the Jewish participation in the wars fought by the U.S.A.? What is the relation of the Jews throughout the world to Palestine and the State of Israel?

A mere reading of these questions indicates how varied and complex is the body of information gathered here to answer them. One is rather surprised, however, to find that such great Jewish communities of the recent past as those of Russia and Poland have not received adequate treatment, and that the Palestinian community which has grown into the State of Israel has likewise been omitted. The editor states that a future edition of *The Jews* will endeavor to remedy these omissions.

Despite occasional errors—unavoidable in so ambitious a work—and despite questionable emphases of material and interpretation, Dr. Finkelstein and his co-workers have created a body of useful information that should help to dispel many of the misunderstandings and much of the ignorance so prevalent about the Jews, their history, their culture, and their religion.

MORTIMER J. COHEN

Philadelphia, Pa. ..

GORDON, ALBERT J. *Jews in Transition*. Pp. xviii, 331. Minneapolis: University of Minnesota Press, 1949. \$4.00.

All too often sociological research of the type illustrated in this study is conducted by persons who have not been a vital part of the community under investigation. As a result, such reports may be statistically reliable and even include some anecdotal material, but frequently lack the fine personal touch and deep human understanding shown by the author of the book.

Jews in Transition is the product of sixteen years of day-to-day living with the people about whom he writes—the Jews of Minneapolis, Minnesota. But it is more than that; it is also the result of painstaking assembling of facts from primary sources: controlled interviews and informal conversations; the programs of activities of Jewish and other organizations; the Jewish press and the daily newspapers of Minneapolis; the records of the district court to secure data on marriages, divorces, and changes of name; and the official directories. The data are woven into a graphic and interesting description of the total social milieu.

Part I gives the historical and current setting in which the separate Jewish communities, representing the nationalistic cultures of their countries of origin, have been woven into a larger group consciousness embracing the entire area. One factor which has been perhaps both cause and effect of this group awareness is the strong anti-Semitism found in Minneapolis. The author cites discrimination in such fields as housing, fraternal organizations, invitations to participate in community-wide activities, and employment; but he also finds a number of hopeful signs, including the enactment of 1947 of a fair employment ordinance and the creation of a Mayor's Council on Human Relations.

The attitude of young people has a special significance in the potential lessening of anti-Semitism. Of 159 Jewish students enrolled at the University of Minnesota in May 1942, 91.9 per cent stated that they did not wish to break the ties that bound them to the Jewish people or to conceal their Jewish background; 96.3 per cent felt that they would not be better off if they associated exclusively with Jews; and 98.2 per cent did not feel they should re-

frain from participation in organizations because of possible manifestations of anti-Jewish prejudice.

Part II describes specific changes that have taken place among the Jewish people of Minneapolis in regard to: beliefs and practices; dietary laws; feast and fast days; ceremonials associated with circumcision, naming the child, puberty, courtship and marriage, death and burial; the synagogue; the educational process; and the family. In each instance, while some portion of the Jewish life and ceremonial has been retained, the social pressure for conformity has markedly declined. These changes are personalized in Part III, in which the author portrays the life cycle of four families through three generations. The author's concluding paragraph is an excellent summary of his analysis of the centripetal and centrifugal forces constantly playing upon the Jewish people:

"Though the Jews of Minneapolis seem to be departing from the minutiae of traditional observance, there still remains a regard for ritual per se. Whatever ritual practices will be observed in the future, it is clear that the choice will be made on the basis of whether or not these practices will help the Jews to survive as a people rather than on the basis of divinely ordained Law. Peril besets such a course, to be sure. But there remains at present no other way for the Jew to follow. His desire to accommodate his religious and cultural life to the culture of the majority while avoiding complete ~~assimilation—that~~ is, loss of ~~identity—will~~ make his task difficult indeed. But the goal is worthy of his effort."

This study has a rightful place of leadership in the growing body of research data on minority groups. It is hoped that its techniques and its interpretations will be applied to other groups in the same and other communities. Only through such studies can the social processes be appraised through which diversity and unity can reinforce each other. To achieve this dual concept in terms of day-to-day living is a challenge to all Americans.

FRANCIS J. BROWN

American Council on Education

FRANKL, OSCAR BENJAMIN. *Theodor Herzl: The Jew and the Man*. Pp. 190. New York: Storm Publishers, 1949. \$2.50.

This little volume is not a conventional biography but an attempt to present, by dramatizing some outstanding episodes in his life, an intimate portrait of the father of modern Zionism.

Against a background depicting the social and political conditions prevailing in Europe in the closing years of the past century—the period in which Herzl commenced his Zionist activities—Dr. Frankl presents, in quick succession, scenes showing the Zionist leader at the decisive moments of his career as a champion of Jewish nationalism. The opening scene takes place in Paris; the time is 1895; and the big issue of the day is the Dreyfus affair. Herzl is here as the correspondent of the distinguished Viennese newspaper *Die neue freie Presse*. The spectacle of a man being persecuted because of his Jewishness in what is considered the most civilized country in the world leaves a profound impression on this almost completely assimilated Jew and sets him to thinking about the Jewish problem. He gradually arrives at the conclusion that the only solution to the age-old problem of the Jews is an independent Jewish homeland in Palestine. He formulates his ideas in a pamphlet, *The Jewish State*, and proceeds to plan for their realization, despite ridicule from all sides and despite the widespread view that his plan is utterly fantastic and the product of a dreamer and even of a sick brain.

The heroic but pathetic efforts of this modern Moses are portrayed in a series of moving scenes: Herzl at the Zionist Congresses arousing his followers to action; Herzl knocking at the doors of Jewish millionaires, such as Baron de Hirsch and Lord Rothschild, pleading for financial help; Herzl interviewing such personages as Emperor William of Germany, Sultan Abdul-Hamid of Turkey, King Victor Emmanuel of Italy, Pope Pius X, the powerful Russian minister Pleve, and the English Colonial Secretary Joseph Chamberlain, seeking to persuade them of the

justness of the Zionist cause; Herzl meeting with such sympathizers and fellow workers as Thomas Masaryk, Israel Zangwill, Chaim Weizmann, and Stephen Wise; Herzl in the capital of Eastern orthodox Jewry, Vilna, where he, the Western, non-religious Jew, is hailed by the rabbis and the Jewish masses as the incarnation of their messiah—an event which he considered one of his greatest triumphs. A glimpse is also afforded into the rather tragic family life of the Zionist leader, who died in 1904 at the age of forty-four.

Although Dr. Frankl—a onetime close associate of Herzl—is admittedly subjective and writes about his subject with the reverence of a worshipper, his sketches combine into a picture offering the reader a deep insight into the amazing personality and efforts of the man who was primarily responsible for initiating the movement which ultimately resulted in that miracle of modern times, the rise of the Israeli nation.

SAMUEL KOENIG

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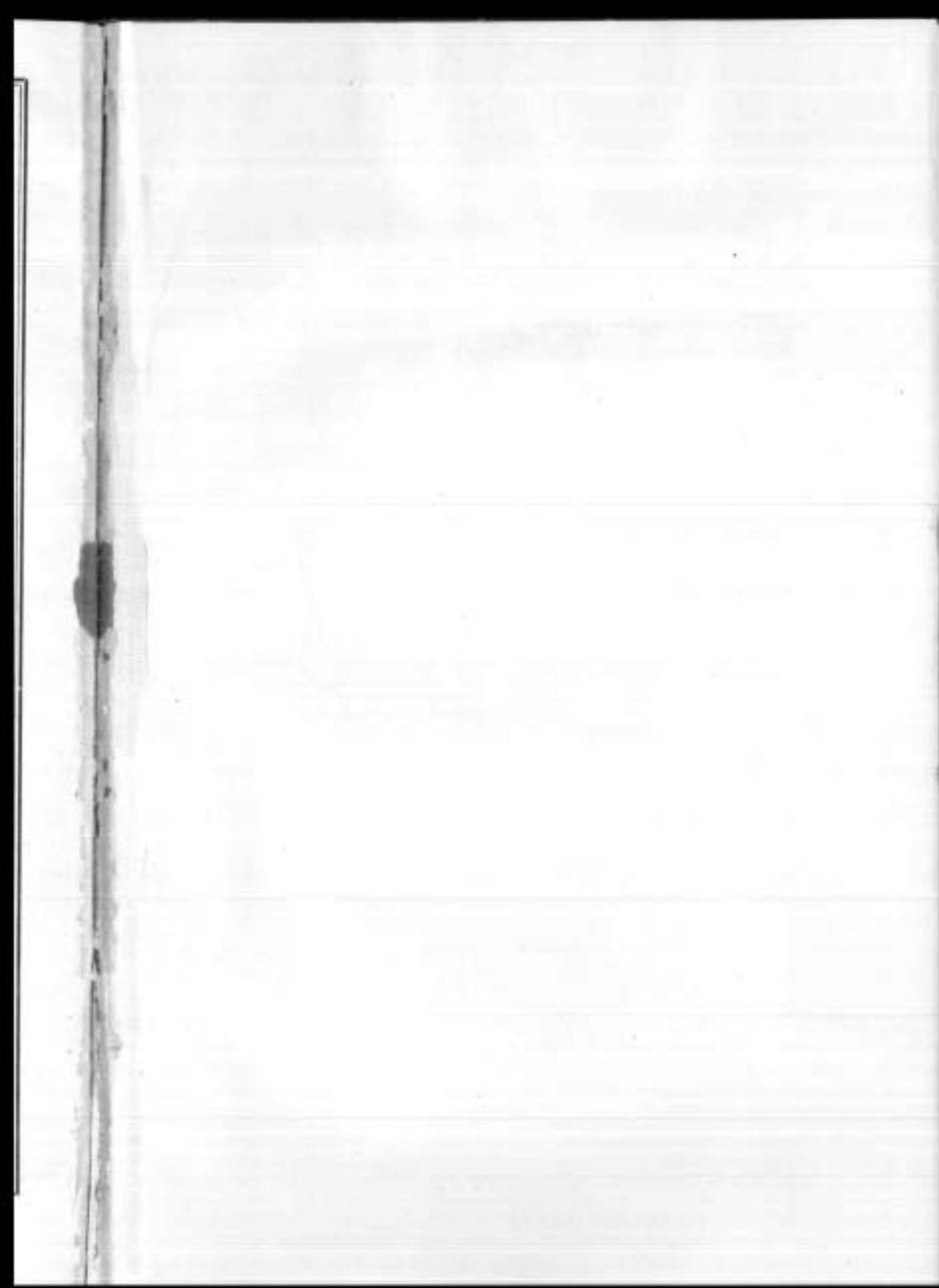
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