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## Book Reviews

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# BOOK REVIEWS

## REVIEW ARTICLE

### A THEORETICAL EXPLANATION OF THE DEVELOPMENT OF CRIMINAL LAW\*

JAMES R. TROUPIS\*\*

*Rethinking Criminal Law* is a long, detailed treatise setting forth historical and philosophical systems which explain the development of the criminal law. Professor Fletcher demonstrates that much of what we take to be modern criminal law had its origin in historical systems. Professor Fletcher has demonstrated a breadth and depth of understanding seldom evidenced even in academic circles.

Much of what Professor Fletcher writes is rooted in his academic background. He received his J.D. from Berkeley (1963) and a graduate law degree from the University of Chicago (M.C.L. 1965); he performed additional graduate work at the University of Freiburg, West Germany. The impact of the last two institutions shows in his frequent references to legal systems other than those of the United States. Professor Fletcher is presently Professor of Law at the University of California at Los Angeles. He has also been a visiting professor at the Hebrew University of Jerusalem (1972-73) and Harvard (1973-74). The author's many publications include numerous articles on comparative law, negligence, and criminal law.

*Rethinking Criminal Law* is divided into two major parts. The first of these deals with specific criminal offenses. These offenses are analyzed from a historical perspective, and from this, Professor Fletcher derives three possible theories for explaining the development of criminal law: manifest criminality, subjective criminality, and harmful consequences.

According to the author, "The pattern of *manifest* criminality takes a particular form of act to be essential to liability. The act must manifest the actor's criminal purpose and further it must, in the typical case, constitute an unnerving threat to the

order of community life" (at 388). A crime is "manifest" if a third party observer would, without hesitation, describe the act as criminal. In contrast, "[t]he pattern of *subjective* criminality takes the actor's intent to violate a protected interest as the core of criminal conduct" (at 388). The act itself is no more than a demonstration of the intent of the actor. Manifest criminality and subjective criminality are best understood in contrast to one another. Manifest criminality begins with an analysis of the act itself and the act indicating intent.

Analysis of subjective criminality, on the other hand, begins with the actor's intent. Here the act simply demonstrates the firmness of the actor's resolve to commit the offense. Fletcher believed that the key difference is whether that which is manifestly criminal is a substantive requirement. Fletcher argues that many early criminal offenses were "manifestly criminal" while later offenses tended to take on an air of subjective criminality, the emphasis shifting from the act itself to the intent of the actor.

The third theory for explaining our criminal law is harmful consequences. According to Fletcher, "The pattern of *harmful consequences* assumes a harmful event that is conceptually independent of human action. Liability is based on the objective attribution of this harm to a responsible person and determination of culpability in bringing it about or failing to prevent it" (at 388-89). In the harmful consequences category, intentional criminal acts are supplemented by negligent and reckless acts.

This three-pronged theory is particularly effective in explaining the history of some crimes, like theft, but Fletcher acknowledges that not all crimes will fall into this three-pronged system. For example, he acknowledges that the history of prohibited sexual behavior can not be explained within his system (at 389 n.20). Fletcher concludes that much

\* A review article of *RETHINKING CRIMINAL LAW*. By George P. Fletcher. Boston: Little, Brown and Company, 1978. Pp. xxviii, 898. \$18.50.

\*\* Editor-in-Chief 1977-78, *Journal of Criminal Law and Criminology*.

or even all of criminal law can be explained as the rational development of these legal principles, not merely as an historical accident. While more theories may be required to explain the entire field of possibilities, this polycentric approach will yield a "system" for understanding criminal offenses.

The second major portion of *Rethinking Criminal Law* deals with those areas which cut across many criminal offenses, e.g., complicity, mistake, omissions, and self-defense. This part of the book describes various objective, personal, and social theories underlying the general areas of criminal law. There are particularly interesting comparisons in chapter eight where the author considers derivative liability for criminal offenses. He notes that "commission by omission" (a failure to intervene) and "accessorial liability" are remarkably similar in their make-up, each having only a problematical link to the harm and the conduct of the primary actor, and each requiring a lesser degree of intent than is required to prove the underlying criminal act. The discussion of "commission by omission" in mercy killing and euthanasia, however, reaches a rather disappointing conclusion that there is an "intuitive" difference between "letting die" and "killing."

Professor Fletcher's treatise is one of the broadest treatments of criminal law that I have seen in recent years. Its breadth, dealing with offenses themselves as well as general defenses and theories of liability, does demonstrate that a system can be devised to explain much of criminal law. The author's treatment of each area is interesting, particularly from the historical perspective, and his comparisons of otherwise diverse areas of law are well drawn. The allusions to negligence law, criminal liability, and comparative law may present questions as to the depth of the work, but they are nonetheless thought provoking. Furthermore, *Rethinking Criminal Law* provides some excellent discussions of the definition and bases of certain crimes.

While I do not pretend to criticize the underlying theories presented by Professor Fletcher,<sup>1</sup> there are several problems of which the reader should be aware. First, as the author specifically warns in his Preface, this book was not intended to be a textbook. It would not be useful for that purpose. In

my view, the book is a mixture of history, philosophy, and law. Exactly which audience this book is aimed at is not clear although its usefulness to a variety of audiences including professors of criminal law and legal philosophy can not be doubted.

A second problem is Fletcher's extensive reliance on his own prior works. Much of the first part of the book was traversed in a *Harvard Law Review* article written several years ago,<sup>2</sup> and part of the section on derivative liability restates, practically word-for-word, an article published in the *Washington Law Review*.<sup>3</sup> By and large, however, this book represents a massive expansion of Professor Fletcher's views and often considers areas not published before this book.

A final criticism concerns purely personal stylistic preferences. *Rethinking Criminal Law* is ponderous reading. While Professor Fletcher's ideas are fascinating, his writing style detracted from the substance of the book. Central themes were not repeated often enough and the internal summaries were not adequate for a book of its length.

The author has demonstrated an incredible depth and breadth of criminal law knowledge. *Rethinking Criminal Law* is recommended to criminal law scholars, but not to the casual reader.

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CRIMINAL VIOLENCE, CRIMINAL JUSTICE. By Charles E. Silberman. New York: Random House, 1978. Pp. xviii, 540. \$15.00.

Silberman's book is timely, readable, informative, but generally unsatisfying. Anyone who reads the book—policeman, criminal, lawyer, professor, victim, or politician—will find his view or experience reflected. Whether anyone's perspective will be changed, however, is doubtful, notwithstanding the author's stated purpose: to change thoughts "about criminals and crime and about the operation of our system of criminal justice."

The book is worth reading, especially for its general overview of crime and the criminal justice system. Extensively footnoted, it also contains a thorough and exhaustive bibliography of related books, reports, and articles. Additionally, a short appendix examining the use and misuse of the FBI's *Uniform Crime Reports* for crime statistics is included.

As the title suggests, the book is divided into two

<sup>2</sup> Fletcher, *The Metamorphosis of Larceny*, 89 HARV. L. REV. 469 (1976).

<sup>3</sup> Compare Fletcher, *Prolonging Life*, 42 WASH. L. REV. 999, 1010 (1967) with G. FLETCHER, *RETHINKING CRIMINAL LAW* 604 (1978).

<sup>1</sup> Professor Fletcher's account of the impossibility defense has already drawn severe criticism from others. See Dutilleul & Moore, *Mistake and Impossibility: Arranging a Marriage Between Two Difficult Partners*, 74 NW. U.L. REV. 166, 193-94 (1979).

parts. Although well over two-thirds of the material is devoted to the system of criminal justice, the first section on criminal violence represents the book's main contribution.

In the criminal violence section, the chapter on race and crime is fascinating, but difficult and incomplete. Silberman here attempts to explain why the poor, black male is disproportionately involved in violent crime. First, diminishing the usual explanation of poverty, he points out that black involvement in strict property crime (e.g., burglary, larceny-theft, and auto theft) correlates to the poverty level, but that black accountability for violent crime exceeds by far any correlation to income statistics. Secondly, Silberman shows, through comparisons of crime statistics between blacks and Hispanics, that while the latter group is at least as poor, blacks account for at least three times the number of arrests and convictions for violent crimes (relative to population). Whether this is a valid comparison is arguable since, as Silberman admits, the history of Hispanics in urban areas is relatively recent, assimilation is foreseeable for them, and violence in their communities appears to be on the rise.

The author discounts the bad genes theory, noting that the homicide rate in Africa is below the rate in white or black America and is comparable to the rate in western Europe. Blacks in America are violent, he concludes, because violence, brutality, and oppression were imposed upon them from their introduction into America. But why are blacks more violent now than ever before? Because, says Silberman, young black males do not stand on the corner playing the dozens and "toasting" (narrative poetry) Stagolee as they used to. Instead, they rape, rob, and murder.

It is not that simple, but unfortunately, Silberman seems caught up in this dramatic imagery of black oral culture to the exclusion of focusing on other theories for the increase in violent crime. The misdirected use of violence as a response to perceived economic and political repression should merit as much discussion as the declining significance of poetic rhetoric, but such is lacking, as is treatment of the increased wave of violent behavior projected through television and movies, the effects of the Viet Nam war, and the increased availability of firearms.

The criminal justice section of the book outlines the attempts of our major institutions to deal with crime and criminals. The police, the adult and juvenile courts, and the correctional system are

examined in a personal, yet objective, style. For the reader familiar with the subjects, nothing new will be gleaned from these pages. It is, however, with a few exceptions, an excellent general overview of the various bodies and functions of the criminal justice system and should be required reading for the criminal justice student or the interested layman.

Readers familiar with the operation of criminal courts in urban areas will find the chapter entitled "Perry Mason in Wonderland" bemusing. Silberman announces that "most criminal courts generally do an effective job of separating the innocent from the guilty; most of those who should be convicted are convicted, and most of those who should be punished are punished." The problem, according to the author, is not what actually happens, but rather with the appearance of injustice in the form of shabby and overcrowded courtrooms, overworked judges, unprepared prosecutors, incompetent defense lawyers, and discourteous court personnel.

If the courts appear unjust, it is because they are. Ask the defendant, black or white, who sits in jail for six months awaiting trial because he cannot make bail. Talk to the public defender or defense lawyer about prosecutorial discretion and sentencing disparity as it relates to the race of the defendant. Look at prosecutorial discretion and sentencing disparity in relation to the *victim's* race. Watch jury selection and observe the prosecutor arbitrarily exclude blacks and Hispanics from the jury. Silberman is most correct when he admits that his thesis that "the court system works" seems to fly in the face of common sense.

The author concludes with an Afterword, where, in an obvious though unsuccessful attempt to end on a positive note, he unpersuasively advances the concept of community development or regeneration as a means of reducing violent crime. Several model community programs are discussed, and a call for a society free from poverty and racism is made. The book ends: "The question is no longer what to do, but whether we have the will to do it." Unfortunately, for most readers the question of what to do will still remain.

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NEUTRALIZING INMATE VIOLENCE: JUVENILE OFFENDERS IN INSTITUTIONS. By *Barry C. Feld*. Cam-

bridge, Mass.: Ballinger Publishing Company, 1977. Pp. xxvii, 241. \$16.50.

*Neutralizing Inmate Violence* is one of several books arising out of an ambitious investigation of youth correctional reform in Massachusetts from 1967-1976 conducted by the Harvard Center for Criminal Justice. This work is a welcome addition to an area which has received relatively little attention since Polsky's *Cottage Six* appeared over seventeen years ago.

The primary focus of the study is the influence that the organization goals and intervention strategies of youth correctional personnel have on the inmate social systems which develop in cottage settings. Of particular concern is the manner in which correctional policy affects the level of inmate violence. Feld's hypothesis is that the organization feature of the cottage will influence the inmate subculture which develops, with a resulting impact upon the nature and extent of violence among inmates. To test this hypothesis, ten cottages representing a wide diversity of organizational goals and intervention strategies were selected and placed within a correctional typology based on the goals of the cottage (custody/treatment) and the intervention strategies utilized to achieve these goals (group/individual).

From the data which were gathered, Feld found a clear relationship between formal organizational goals and intervention strategies employed in the various cottages and the types of subcultures which emerged. There were substantial differences among the cottages in terms of the perceptions of staff held by the inmates, the types of institutional adaptations of the inmates, and in the patterns of interaction among the inmates. For example, residents of the custody-oriented cottages generally held negative perceptions of staff and inmate interaction was characterized by violence and exploitation. Juveniles in the treatment-oriented cottages, on the other hand, held more favorable views of both staff and other inmates and the intervention strategies utilized in these cottages served to control or neutralize inmate violence. Feld concludes from his data that differences in organizational structure, particularly as these influenced the types of relationships that the staff established with inmates, had a major impact on the development of inmate social systems (at 163).

In addition to these conclusions, there are other specific findings in the book of considerable interest. In his consideration of the influence of the

juvenile's sex upon subcultural adaption, Feld found that the inmate social system in the female cottage was not characterized by the elaborate family structure and kinship networks that had been reported by previous investigators, such as Giallombardo in *Social World of Imprisoned Girls*. Rather, it appeared that the reforms in correctional policy initiated by the prison commissioner, one of which was to reduce the length of incarceration, had served to diminish this adaption.

While both the conceptual framework utilized by Feld and his findings are of considerable importance, there are several features of this work which leave the reader uneasy. Throughout the book Feld relies extensively on studies of adult institutions in discussing both inmate subcultures and the role of violence within them. Given the substantial differences between adult and juvenile institutional populations, the applicability of much of this material to incarcerated juveniles is questionable. In addition, other than the writings of Polsky in *Cottage Six*, much of the juvenile literature which is cited is of little value in assisting Feld to establish and maintain his theory of inmate violence as the key ingredient in juvenile institutional life. Throughout the book, Feld makes many statements which are unsupported by his own data or by prior research. For example, he notes that the violence and aggression which characterizes most relationships in the inmate subculture are the result of the "culture of violence from which the bulk of delinquent inmates are drawn" (at 132). But this statement is not supported by either prior studies or his own data, which indicate that the majority of the juveniles in his sample were incarcerated for nonviolent offenses and many of these for status offenses.

Another somewhat disturbing characteristic of the book is the superficial treatment of various components of the inmate subculture. In his discussion of informing among the inmates, for example, the reader does not sense that Feld appreciates the complexity of this phenomenon or the fact that most inmates, regardless of the particular institutional environment in which they are incarcerated, will inform to some extent, while maintaining at least verbal support for the inmate code prohibiting it. Similarly, many of Feld's conclusions are not documented in sufficient detail. Having stated that "[i]n the treatment-oriented cottages, although violence and emphasis on toughness among inmates had not been eliminated, the

two were qualitatively and quantitatively less than in the custody-oriented cottages," Feld provides the reader with no data indicating the actual numbers of juveniles within each type of setting who directly experienced violence or indicating the extent to which the real or perceived threat of violence affected their daily lives (at 134-35). In all fairness, the author's failure to provide detailed data could be due to the fact that a companion volume in the series also dealt with the subcultures in the same ten cottages. Yet without it, the work seems incomplete.

In addition to these considerations, the reader is left wondering to what extent both the attitudinal responses of the inmates and their observed behavior were affected by the length of incarceration. In the opening pages of the book, Feld notes that the average length of incarceration for the juveniles in the sample had been reduced from ten months to four months. Given the evidence in correctional literature that the length of incarceration may influence both individual inmate adaptation and the nature of the inmate social system which develops, one wonders how this shortened period of incarceration affected Feld's results. While the author does address this issue in discussing his failure to find kinship networks and homosexual roles within the female cottage, he is silent about its potential influence on his other findings.

Finally, it should be mentioned that the presentation of the data in this book would have been considerably enhanced had Feld adopted the techniques employed by Polsky in *Cottage Six*. This would have been particularly helpful in his discussions of the hierarchy among the inmates and inmate roles. The author's failure to "bring to life" the juveniles in his study leaves the reader without a sense of the human dimension of cottage life so vividly captured by Polsky.

These considerations, however, should in no way distract from the contribution of Feld's book, both in terms of its specific findings and in the conceptual framework employed. Far too much research in criminal justice has attempted to understand the patterns of interaction within and between criminal justice agencies and institutions without considering the organization context in which such patterns of interaction take place. Feld's results raise serious questions about the validity of this practice. Not only will the book be of interest to professionals and students of juvenile corrections, but one would hope that researchers in other areas of criminal

justice will take note of Feld's conceptual framework and utilize it more often in the future.

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SENTENCING: PROCESS AND PURPOSE. By *Gerhard O. W. Mueller*. Springfield, Ill.: Charles C Thomas Publishers, 1977. Pp. xiv, 214. \$16.75.

Professor Mueller, who is currently serving as the Chief of Crime Prevention and Criminal Justice for the United Nations, has long held an academic and pragmatic interest in sentencing. In addition to having written extensively on the subject, he has also organized a number of highly successful programs on sentencing for American judges under the sponsorship of the National College of the State Judiciary. This book has emerged from a series of previously published articles. In pursuing this course, manifest risks are involved—informational gaps, unintentional redundancy, and outdated references—but fortunately, the book has largely managed to avoid these pitfalls. What the reader will find is a collection of lively and thought-provoking essays on American and continental criminal law and procedure as it relates to sentencing, as well as a host of comprehensive recommendations for basic change and reform. In short, this is not a conventional sentencing textbook, although the legal process is described; it is rather a thoughtful look into current sentencing practice and its social and legal consequences.

Two major themes prevail in this short work: the need for greater due process protections in the postconviction corrections stage and a call for less reliance upon imprisonment as a sentencing disposition. With respect to affording offenders greater legal postconviction protections, Mueller's observations and suggestions are far reaching: first, he offers a massive attack on the constitutionality of "caging"; second, he proposes adopting a penal code which spells out criteria for imposing different types of sentences; and third, he recommends requiring that those advocating a prison sentence meet the burden of proof showing that this disposition is necessary.

As for less reliance upon the use of imprisonment, the author urges greater use of economic sanctions. Recognizing that the poor constitute the bulk of the offender population, Mueller does not rely on fines. Rather, he suggests the use of sanctions which attempt "to tie offenders in, or back in . . . with the

economic mainstream of society . . . and in which, perforce they ultimately must function again peacefully." He recognizes that this is no small order and would take years to implement. In specific terms, he suggests more emphasis on developing crafts skills in prisoners (envisioning a rebirth of handcraft in our society), and more semi-skilled personal public services in lieu of prison, built on the model of existing European programs. Aware of the obstacles, he comments on the steps that would be needed to overcome the public, legal, and philosophical objections, as well as those of labor unions and correctional administrators.

In summary, this short work consists of an engaging, thoughtful set of essays on the diverse goals and ramifications of current sentencing practices which also provides the reader with imaginative reforms designed to rationalize and humanize the sentencing process.

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THE WORKING ADDICT. By *David Caplovitz*. White Plains, N.Y.: M.E. Sharpe, Inc., 1978. Pp. 161. \$12.50.

The subject of this investigation is an unusual group within a deviant population: addicts who manage to hold a full time job in spite of their addiction. The sample consists of 555 addicts undergoing treatment in rehabilitation centers in New York City during 1974-1975. While they were working, all had been addicted to drugs for at least three months. Ninety-three percent were addicted to heroin. Data were collected by means of structured interviews involving seventy-three questions.

The book reveals that the working addict differs significantly from the general population of addicts undergoing treatment in New York. For example, working addicts tend to be better educated, older, more often white, and more often married than the general population of addicts undergoing treatment. However, most of the working addicts scored well above the low point of the author's drug involvement index. More than half spent more than twenty-five dollars a day to support their habit, 82 percent were so dependent on drugs that they had to use them during the workday, and 39 percent used other hard drugs in addition to heroin. There is little truth to the notion, then, that working addicts are able to hold jobs because they are only marginally involved with narcotics.

The book also found that, with respect to class position, working addicts are considerably more

likely to have backgrounds in manual work than nonmanual work. In terms of income, however, the working addicts had about the same average and distribution as the general nonaddict population. The degree of involvement in drugs varied directly with the size of the addict's income, indicating that the degree of involvement is conditioned largely by opportunity.

Probably the most important part of the book is chapter five, which discusses the impact of narcotics on job performance. While 53 percent of the sample reported having been absent and 31 percent reported having fallen asleep on the job due to drugs, a majority said taking drugs made their jobs easier. This assertion is backed up by their supervisors' evaluations, which placed 64 percent of the addicts in the very good range and 32 percent in the fairly good range in job performance.

The final two chapters demonstrate the existence of a drug subculture at work and the addicts' ties with the narcotics culture beyond the workplace. For example, about a third of the addicts reported buying their drugs at work and knowing coworkers who were also addicts. Outside of work, addicts spend a majority of their time with other addicts. Like unemployed addicts, most must engage in criminal activity to support their addiction. About 40 percent steal from their employer for this purpose.

The book suggests that many working addicts eventually fail to hold on to their jobs. In order to afford the drugs they need, they must, notwithstanding being employed, engage in crime. There is a high probability of being caught, and this will inevitably lead to job loss. The author argues that if we adopted the English model, where the addict is treated as a medical case and given the drugs to sustain his or her habit, more addicts would be able to hold steady jobs.

The book could be improved in several ways. While it makes use of bivariate and multivariate tables, it accepts and rejects the presence of a relationship without a test of statistical significance. One should be included. The work would benefit from a greater use of individual case studies. Surprisingly, there are no references made to other works in the area, and there is no bibliography. Also, there is some poor organization and explication, such as the introduction, which fails to point out that this is a study of heroin addicts. Another example is the discussion of the drug involvement index (at 20-21) which fails to state exactly how the components of the index are weighted. A major limitation of the study, as the author is careful to

point out, is that it does not include the hidden working addict, one who has not come to the rehabilitation centers for help. It is unclear to what extent Caplovitz's results would be replicated for such a population.

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THE AUTOBIOGRAPHY OF A THIEF. By *Hutchins Hapgood*. First printed New York: Fox Duffield & Company, 1903. Pp. 349. Reprinted New York: Johnson Reprint Corporation, 1970.

The historical perspective is frequently not given its share of recognition in criminal justice literature. Unfortunately, few people give credence to George Santayana's wisdom, "[T]hose who cannot remember the past are condemned to repeat it." For those who do wish to remember the past, there is the incredible story of Light-fingered Jim.

There are no shortages of books written about people from good families who turn to crime. *The Autobiography of a Thief* is such a book. It is, however, quite unique. Light-fingered Jim was born over one-hundred years ago, on the east side of New York City

to poor but honest parents. My father was an Englishman who had married an Irish girl and emigrated to America, where he had a large family, no one of whom, with the exception of myself, went wrong. For many years he was an employee of Brown Brothers and Company and was a sober, industrious man, and a good husband and kind father. To me, who was his favorite, he was perhaps too kind. I was certainly a spoiled child. I remember that when I was five years old he bought me a twenty-five dollar suit of clothes. I was a vigorous, handsome boy, with red, rosy cheeks and was not only the pet of my family, but the life of the neighborhood as well.

At the age of six, Jim committed his first theft. Older boys had put him up to stealing money from the till of his brother's store.

As Jim grew older, his criminal acts became more sophisticated.

It was not long before I was at it harder than ever, uptown and downtown. I not only continued my trade as Moll-buzzer, but began to spread myself, got to be quite an adept in touching men for vests and supers and fronts; any every now and then 'shoved the queer' or worked a little game of swindling. Our stamping-ground for supers and vests at that time was Fulton, Nassau, Lower Broadway and Wall Streets, and we covered our territory well.

Unfortunately, although the vocabulary has changed from Jim's time, his type of lifestyle has not.

The story of Light-fingered Jim is a fascinating one. Although the book has its lighter side, he does describe his remorse—at being caught.

I hung my head in shame, but not because of contrition. I was ashamed of being caught and made a spectacle of. All the way to Sing Sing station people stared at us as if we were animals. We walked from the town to the prison, in close company with two deputy sheriffs. I observed considerably knowing that I should not see the outside world again for a number of years. I looked with envy at the people we passed who seemed honest, and thought of home and the chances I had thrown away.

Those who make the effort to locate *The Autobiography of a Thief* will be rewarded not only by an enthralling story, but will be exposed to a rich collection of historical criminal justice knowledge.

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| D. EXTENT AND NATURE OF CIRCULATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | AVERAGE NO. COPIES EACH ISSUE DURING PRECEDING 12 MONTHS                                                   | ACTUAL NO. COPIES OF SINGLE ISSUE PUBLISHED NEAREST TO FILING DATE |                                                |
| A. TOTAL NO. COPIES PRINTED (Net Press Run)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>3777</b>                                                                                                | <b>3658</b>                                                        |                                                |
| B. PAID CIRCULATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                            |                                                                    |                                                |
| 1. SALES THROUGH DEALERS AND CARRIERS, STREET VENDORS, AND COUNTER SALES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>---</b>                                                                                                 | <b>---</b>                                                         |                                                |
| 2. MAIL SUBSCRIPTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>2855</b>                                                                                                | <b>2790</b>                                                        |                                                |
| C. TOTAL PAID CIRCULATION (Sum of 10B1 and 10B2)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>2855</b>                                                                                                | <b>2790</b>                                                        |                                                |
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| E. TOTAL DISTRIBUTION (Sum of C and D)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>2966</b>                                                                                                | <b>2904</b>                                                        |                                                |
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| 2. RETURNS FROM NEWS AGENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>---</b>                                                                                                 | <b>---</b>                                                         |                                                |
| G. TOTAL (Sum of E, F1 and 2—should equal net press run shown in A)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>3777</b>                                                                                                | <b>3658</b>                                                        |                                                |
| 11. I certify that the statements made by me above are correct and complete.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | SIGNATURE AND TITLE OF EDITOR, PUBLISHER, BUSINESS MANAGER, OR OWNER<br><b>Lucian B. Rhoads, Publisher</b> |                                                                    |                                                |
| 12. FOR COMPLETION BY PUBLISHERS MAILING AT THE REGULAR RATES (Section 132.121, Postal Service Manual)<br>39 U.S.C. 3626 provides in pertinent part: "No person who would have been entitled to mail matter under former section 4359 of this title shall mail such matter at the rates provided under this subsection unless he files annually with the Postal Service a written request for permission to mail matter at such rates."<br>In accordance with the provisions of this statute, I hereby request permission to mail the publication named in Item 1 at the phased postage rates presently authorized by 39 U.S.C. 3626. |                                                                                                            |                                                                    |                                                |
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