

The Washi

AN INDEPENDENT NEWSPAPER

Respect for the Law

In the name of combatting crime, the Senate yesterday passed a bill that undermines the administration of justice. It is by no means so reckless and irrational as the omnibus crime bill for the District of Columbia passed by the House of Representatives. Nevertheless, it has its fair share of irrationality. It would strengthen the police by weakening those procedural safeguards that are the bulwarks of American freedom. In the name of law enforcement, it would authorize disregard of the Constitution that is the foundation for all law in the United States.

This bill would authorize the police in the District of Columbia to detain suspects in a police station and question them for as long as three hours (exclusive of interruption) without judicial approval and without assuring them the assistance of counsel. This shortcut would enable the police to get around the Fourth Amendment's ban on arbitrary arrests; it would enable the police to circumvent the Fifth Amendment's privilege against self-incrimination; it would enable the police to deprive defendants at the most crucial time of the Sixth Amendment's assurance of a lawyer's advice.

What is the essence of the argument for giving the police such power? The argument is that it will help the police to investigate crime. The same argument can be made in behalf of the rubber hose, the thumbscrew and the rack. They are all valuable aids to investigation. Yet it is one of the great glories of life in the United States that such techniques and instruments of investigation are forbidden here.

There are those who regard the renunciation of such investigative methods as sentimentality. They go about saying that restrictions on police and prosecutors imply more concern for the rights of criminals than for the rights of their innocent victims. Yet the whole of history teaches the grim lesson that restraints on the police are an indispensable condition of freedom. Even the best of policemen—and those in Washington are among them—need to be restrained in their zeal, despite the admittedly great dangers and diffi-

culties of their job.

The men who wrote the restraints of the Fourth, Fifth and Sixth Amendments into the Bill of Rights were not sentimentalists. They were practical men who understood that the rights of the best of men can be secure only so long as the rights of the worst of men are respected.

It is beguiling to seek law enforcement by sacrificing freedom. It is easy—especially if one is educated and knows his rights and has ready access to a lawyer—to let the police push the poor and ignorant and the helpless around as they please. It is easy, and it has the additional virtue of being inexpensive—far less costly than providing extra policemen or giving the police better equipment and training or correcting the conditions of squalor and inadequate education and joblessness that breed crime.

There are just two things wrong with this cheap and easy approach to the crime problem. One is that it will not work; it will not only leave the causes of crime to fester but it will breed disrespect for the law because of the inequality of its application to the rich and to the poor and because of the disrespect for law it countenances on the part of law enforcement officers. The other thing wrong with it is that it will diminish the freedom which is the real source of American safety.