

The Mayor of New York attacks the dangers

By JOHN V. LINDSAY

Once again we find ourselves in the heat of a national political campaign for office and for power. But this is also a time of uncommon turmoil for Americans; a time when bitter confrontation and violent upheaval have hit our ghettos and our campuses; a time when two great voices for social justice and compassion have been shot down by acts of madness; a time when many of our citizens have lost faith that we can resolve our troubles peacefully. And it is at such a time—as citizens begin to doubt themselves and each other—that we may, out of fear and desperation, turn to false remedies for the answers to real problems.

That is what is beginning to occur today. Across the country, we hear demands for "law and order"—indeed "law and order" has become the principal domestic issue this year. Let us understand—fully and honestly—the implications of what is happening.

Only a very small minority of our citizens favor disorder and lawlessness as a means or an end; still, we have had far too much of both in this country during the last four years. Good Americans—hard-working, responsible—are genuinely and rightfully disturbed at the growth in crime, the militancy of some protesters, the rapidity with which change is overwhelming values they have held all their lives. And there can be no response to their concern which does not admit at the outset the urgent need to prevent disorder. For when a community is gripped by fear, it loses its freedom to live in peace and confidence; to use the streets of the neighborhood; to greet fellow citizens as men who share common goals.

The guarantee of domestic peace is an inherent constitutional right, and a principal obligation of the state. In New York we know enough of this priority to have added 4,000 men to our police force in the last year; to have made our force among the highest-paid in America; and to have given top-level precedence to its modernization.

But that is not the issue. What is dividing Americans so badly from one another is the diagnosis and remedy too many of us seem ready to apply.

We have come to be enthralled by simplistic solutions which promise, but cannot deliver, a speedy end to crime; which proclaim that a greater use of naked force will restore domestic peace; and which hold that we can guarantee the safety of our future by denying the lessons of our past and the heritage of the Bill of Rights.

We would face a terrifying dilemma if these assumptions really reflected the truth. We might then have to choose between the random terror of the criminal and the official terror of the state. We might then have to concede, openly and candidly, that The Great Experiment in self-government died, the victim of violence, before its 200th birthday.

But we need make no such concession. For all the certainty of those who preach repression, it will never be an effective weapon in the battle against crime or violence. At best, it can only be a temporary sedative for the fear disorder breeds. The real struggle will be long and hard. It will require compassion and patience as well as determination and perseverance. It requires,

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also, the public's recognition that Supreme Court decisions, refusal to shoot looters and freedom of peaceful assembly are not responsible for the growth of crime and violence.

Does it help, for example, to gun down a 15-year-old boy because he was looting a store? The men who run our police forces—the men who bear the brunt of the fight against crime—do not think so. According to a survey by the International Association of Chiefs of Police, the overwhelming majority of ranking officers in cities hit by rioting last spring believe that deadly force should be used only as a last resort—in the face of a direct, immediate threat to life.

This reflects more than compassion. It also reflects a strong belief that more force would spawn only more violence; that more innocent lives, both police and civilian, would be lost; and that the overriding goal, restoring order in the streets, would be lost.

This was one of the major lessons of the bloody summer of 1967. It was one of the major findings of the Commission on Civil Disorders. And it is a lesson which should be learned by those who seek electoral triumph by preaching to the darker instincts now abroad in this nation. Rapid deployment of police; swift dispersal of crowds; isolation and detention of inciters; calm determination to restore order; these are the techniques police around the country have used successfully to control outbreaks of trouble. This is the kind of training we must encourage if the beginning of trouble is not to reach a violent, bloody conclusion.

We are told, too, that the courts are coddling criminals; that the rights of suspects are being placed above those of society; and that, as a consequence, the crime rate is increasing.

What are the facts? Since the *Miranda* decision—which required police to inform suspects of their constitutional rights before questioning them—we have had two exhaustive studies on this decision's effect. Both of these studies, taken in two large cities, have come to the same conclusion: there has been no discernible effect on the conviction rate. Either suspects have confessed to crimes anyway, or else the police had enough evidence to convict without a confession.

The policeman's real handicap is not the fact that courts today are implementing the Bill of Rights but that he is restricted by archaic technology. The capacity to deal effectively with more crimes lies not in force or deception but in new tools: voice prints, computerized information centers, single-digit fingerprints. Our officials also need the funds to hire and equip the men they need to prevent and detect crime.

And while it is true that the national crime rate has increased since recent controversial court decisions, it was also increasing before these cases—up 63% in the '50s over the '40s. It was increasing a hundred years ago, when a national magazine called the crime rate "shocking." It has been increasing because of the complex pressures and forces which drive men to crime.

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not because the Supreme Court has enforced our Constitution.

There is much, then, that is simply irrelevant in today's frantic calls for repression. There is also something dangerous. For, what happens if we begin to yield to this kind of demand for "law and order"? What happens if recent Supreme Court decisions are overturned, if police are ordered to arrest without any restraints on their conduct, or if peace officers are instructed to shoot looters? What happens if, after this victory for "law and order," we find—as we will—that the crime rate is still going up, that the streets are still not safe, that more and more lives have been lost, and that America is being divided into armed camps?

The answer, I am afraid, is that these defeated hopes will escalate into new and more dangerous demands. We see now the consequences of unfulfilled promises of another kind: look to the angry streets of the ghetto, where some have simply abandoned hope of peaceful progress and preach violent insurrection. We might well see this process repeated among white Americans, who would call for further abrogations of fundamental legal rights.

Perhaps some would then look at criminal law and demand to know why we need a unanimous jury vote to convict a person of a crime? Why not declare a suspect guilty if he won't talk? Why not cast aside the privilege between clients and lawyers, between confessors and priest? And why presume a man innocent until proven otherwise? If the police arrest someone, isn't he probably guilty anyway?

What all this suggests is an old truth: that once the road to repression is taken, it is hard—very hard—to turn back. Each new loss of liberty, as it fails to bring instant peace, brings down a call for abolition of another right, until the most brilliant document for the protection of citizens ever conceived becomes a shell—while crime and violence go on.

We have already seen this process at work this summer. Many citizens have equated individual criminal acts and outbreaks of ghetto disorders with noisy but peaceful demonstrations in the streets. They have begun to assume that the exercise of a constitutional right is no different from a crime or a riot—if those exercising that right happen to dress in unorthodox fashion or hold disagreeable beliefs.

Certainly it is a matter of concern when Americans find the ordinary channels of discussion and decision so unresponsive that they feel forced to take their grievances to the streets. And surely some who demonstrate are thoroughly objectionable, seeking confrontation and hoping for a brutal response to win sympathy.

But this is exactly why those who uphold the law must be wiser and calmer than those who seek to repudiate it. It is exactly why violent suppression of those who use—and seek to abuse—constitutional rights will, in the end, only increase the likelihood of more disorder and more conflict. It was, after all, a mob which taunted, jeered and physically provoked an armed

force on our soil into what we now call the Boston Massacre—the British "over-reaction" we now regard as an assault on ideas and freedom as much as on people.

I do not minimize the dilemma that confronts us. I am mayor of a city which has had up to a quarter of a million people marching for and against the same controversial cause on the same day. We have made mistakes. We have had difficulties. But we have shown that a well-trained, efficient police force can protect both the rights of the demonstrators and the peace of the city.

In spite of this evidence, some argue that the only way to insure peace and order in a city is to restrict demonstrations. What is next? Shall we keep order by refusing men the right to hold peaceful meetings in large cities? Shall we uphold the law by suppressing controversial newspapers? Shall we forget what history has always taught us: that those who suppress freedom always do so in the name of "law and order"?

We dare not forget this. Those of us who believe in this country had better join the raging debate and begin to speak in support of that law and that kind of order which has kept America vital for almost two centuries.

The basic law of this land guarantees the right of free speech and peaceable assembly, in time of crisis and of tranquility.

American law and our legal order presumes a man innocent until proven guilty; it insists that punishment be imposed in a court by judge and jury, not on the street by armed officers.

The Constitution provides that the law shall be made and changed only by the elected representatives of the people assembled in the legislatures, and not by those who take the law into their own hands.

Let us remember this heritage of law and order—and the heritage of liberty that we have built for ourselves and our children. It is a framework and a foundation which has served us too well and too long to be destroyed now.

Let us remember, too, what our adversaries have taught us. We have heard loud cries this year that we should insure our safety by placing bayoneted soldiers every five feet, and by running over nonviolent demonstrators who sit down in the streets.

You can now see the kind of society that would be. Look to the streets of Prague, and you will find your bayoneted soldier every five feet. You will see the blood of young men—with long hair and strange clothes—who were killed by tanks which crushed their nonviolent protest against Communist tyranny. If we abandon our tradition of justice and civil order, they will be *our* tanks and *our* children.

We must never forget how this great nation came all this way—how hard we have fought to achieve equal justice under the law, how long we have had to struggle to develop an order which protects individual rights and permits dissent. And we must never forget that we must go on from here, that there is much work to be done.

For if we forget, we will have security, and we will have order. What will be missing is liberty. What will be missing is the quality which sets the life of the free man so far above the life of the slave. ◀