

The Politics of Crime

In an atmosphere thick with hypocrisy and fear, members of Congress are rushing to get themselves on record against crime before they face the voters in another three weeks.

The Administration has banged the partisan drum so loudly on crime that it has struck fear into the hearts of the Democrats if not of the underworld. Except for a valiant minority who have stood by their principles, most Democrats have joined their Republican colleagues—many of whom also know better—in voting not only for every Administration crime bill but also for additional measures as well. This travesty of the legislative process has produced several bills which contain some good provisions but also much that is trivial, useless, excessively harsh, or probably unconstitutional.

The Senate has just approved the renewal of a basically sound program begun under the Johnson Administration in 1968 to channel Federal funds into state and local law-enforcement agencies such as the courts, the police, and parole and probation staffs—although it failed to heed the complaints of big city mayors to direct more of the Federal money to the cities where crime is rather than spreading it around in small towns and rural areas where the need is least urgent.

To this fundamentally valuable bill, however, the Senate appended some election-time baubles. The Federal Bureau of Investigation was allowed to investigate campus bombings on its own initiative even though local police already invariably invite the F.B.I.'s cooperation. And many other of the new proposals simply show that Congress still clings to the discredited belief that harsh penalties deter crime.

If that were all to crime prevention, crime would have vanished long ago. We salute Senator Hart of Michigan for his good sense in arguing against the death penalty as a panacea. Moreover, these extensions of Federal power undermine still further what is left of state and local authority in the crime field. This trend toward making every crime a Federal offense is deeply subversive of the whole spirit of federalism.

The House meanwhile has passed the Administration's bill to combat organized crime which had earlier been approved by the Senate. The latest bill has some procedures long desired by prosecutors which will be useful to them. But at least one of its sections is almost certainly unconstitutional. It would allow judges to impose additional sentences of up to 25 years on "dangerous adult special offenders" over and above the sentences imposed for the actual crimes committed. In deciding whether to impose this additional sentence, the judge could consider any information, written or oral, concerning the "background, character and conduct" of the convicted man even though that evidence had not been admissible in his trial. This double sentencing hardly squares with due process.

But except for 26 Representatives who bravely voted against final passage of this bill, the politicians were content to pass the whole package, good, bad and indifferent, and let the Supreme Court sort it out later—after Nov. 3.