

Charles McCabe

Himself

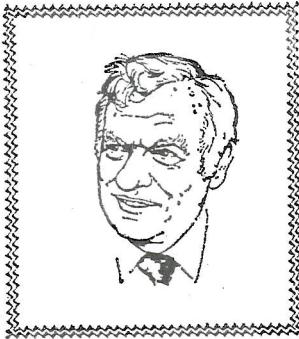
The LAWS Are the Problem

IF YOU WISH to get the most backward possible ideas on crime and punishment, a good rule is to talk to your friendly Chief of Police. These babies, with few exceptions, see the whole thing as grown-up Cops and Robbers.

If there are robbers, you assess money to buy cops to jail these fellows. If there are lots of robbers, buy lots of cops. This is nice for chiefs of police, since it widens their turf. The theory has not been as helpful in getting rid of robbers as it has been in creating cops.

But if you want **R E A L L Y** backward views on crime and punishment, go to Supercop

himself, the head of the FBI. The incumbent is a hard-nose out of Kansas City named Clarence M. Kelley. Recently, Director Kelley addressed himself to the subject of crimes based on laws governing personal morality, so-called victimless crimes. Maestro Kelley talks about these matters like a bishop, not a sensible hardened cop. And he's just as wrong about vice as most bishops are. Listen to this:



"Besides the debasement they bring to the fundamental nobility of life, gambling, drugs, prostitution, homosexual behavior and obscenity generate and accommodate a broad range of serious lawlessness.

"All of these offenses depend on accomplices who are principally to be found in public places. As a result, the activities lend themselves to exploitation by organized crime elements that can provide the facilities and services which permit the vices to flourish."

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THE CART, here, is firmly before the horse. It is simply not true that gambling, homosexual behavior, obscenity, etc., etc., "generate a broad range of serious lawlessness." It cannot be too often repeated that it is not these activities themselves, but

the laws which we have enacted against them, which do that. Illegal vice is the villain.

If there were no laws against gambling and drugs, there would be no more organized crime in these fields. Organized crime sprang up when society prohibited a very popular appetite of most Americans, for alcoholic drinks. Organized crime is a black market created by legislation against morals. When new and popular — and immoral — appetites sprang up in gambling and drugs, the means were at hand for their underground satisfaction. The means are usually called the Mafia, these days.

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THE BENT COP could hardly exist without these laws, no matter what Mr. Kelley says. If a given activity is taken away from the purview of law enforcement, there is no way in which a trafficker in that activity can corrupt a cop. You can't pay off a cop to let you walk down the street. Not yet, anyhow.

The difficulty with the Kelley mentality, and that of nearly all other cops (some of whom are damned good at their job) is that they cannot get past that word "enforcement." The laws to these men have no meaning, except in that they are on the books for cops to enforce.

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CHIEFS OF POLICE have a great respect for laws, even if patently silly, because they have a vested interest in them. Laws **HAVE** to be right, if only because cops have been hired to enforce them. What are you going to do with all these cops if these laws should not exist?

I suggest the time has long passed when this kind of thinking is useful to the community, coming from chiefs of police, or mayors after the Mrs. Grundy vote, or anyone else. It is time, really, to question severely the laws which have been given to the police, and to brood whether they are not trivial and desperately wasteful of manpower. It's not "vice," but the laws against vice that should be worrying us.