

MEDFORD MAIL TRIBUNE

CRIME PROHIBITION ETC

Brevities

ONE of the most thoughtful and stimulating articles we have seen on the much discussed crime wave is in the current number, written by Professor Zachariah Chafetz, Jr., of the Harvard Law School.

A combination of fine intelligence and common sense might be said to form the keynote of this interesting analysis.

Professor Chafetz clears the atmosphere at the outset by questioning the existence of a crime wave, an expression and representation of popular imagination. He maintains we have always had, and always will have, crime and he is inclined to believe the growth of crime has not greatly exceeded our growth in population. He may well be so convinced that the accepted view of the tremendous increase in crime is merely an assumption, rather than a fact supported by thorough investigation and trustworthy statistics. He expects President Hoover's Law Enforcement Commission to furnish the statistics.

JUST as there is no single cause for crime, so there is no single cure. Indeed, crime will never be completely cured. Like disease, it cannot be entirely eradicated, it can only be controlled.

And in the task of lessening it, Professor Chafetz makes certain concrete suggestions. First, he sees no hope of successfully combating organized crime until our conception of police power and its administration is entirely transformed.

We must divorce the police power from politics. We must pay policemen more. In short, in some way we must create a police force similar to the Canadian Mounted Police, where a self-respecting loyalty has been developed, which will repel bribery as indignantly as a soldier would refuse to desert a patrol commander and go over to the enemy.

In any war against crime the police form the active army. We can't expect results, unless we give the members of that army a support moral and financial, commensurate with their importance.

UNLIKE many legal luminaries who justify dry law nullification and blame prohibition for most of our social ills, Professor Chafetz takes a middle ground between the extremists on both sides. The theory that Prohibition should be repealed or disregarded, because "penalties which do not shock the moral sense of society cannot be converted into crimes," he regards as merely a half-truth like the opposed reasoning that "laws however wise, will be ineffective, just because they are laws."

Continuing, he declares: "The rapid changing conditions of industry and population are continually creating new social needs which require legal prohibition before they are popularly recognized. If the existence of a large body of transients were conclusive arguments against a criminal statute, that rationation, factory legislation, bank legislation, and temperance laws, would never have been possible. Very often the enactment of a social law creates in its time the popular recognition of the need."

I do not mean that widespread opposition to a law is a factor to be ignored. It should lead us to watch very carefully the alleged need of the community for the law. It is this need really so great as to be worth a long period of inadequate enforcement? The gain may outweigh the inevitable accompanying evils of disregard of law, or it may not. Each case must be JUDGED ON ITS OWN MERITS and cannot be decided by general principles one way or the other.

That seems to be the excellent common sense, and if it is on this basis unexceptionably the problem of Prohibition will eventually be solved.

In agreement with nearly all jurists who have made a special study of crime, Professor Chafetz opposes capital punishment, and declares the big problem is not how best to punish crime, but how best to prevent it.

Here, also, however, the Harvard authority refuses to go to extremes. He admits that making law-breaking dangerous is worth while, but "additional forces besides fear are needed to counteract the strong emotions which lead to crime."

Like Judge Owen of Chicago, he believes both criminals and potential criminals should be studied by permanent commissions in an effort to cure those who are curable and safeguard society against the incurable. "To execute murderers," he declares, "is to destroy our laboratory specimens which may teach us how best to cure them, and thereby check killing."

In this direction he writes: "Governor Alfred E. Smith recently made the widely-accepted proposal that the jury should merely decide that the accused committed the criminal act and then turn him over to a board of highly trained men, deciding all their cases on such questions who would choose the type of confinement best suited to this individual. He might be sent to an institute system for medical treatment, to a school for training in an honest occupation, to a state farm, or to a so-called prison where he would be given time to adjust a law-abiding disposition. If he remained permanently at war with society, he would stay shut up. And of course the general effect of his fate would be considered for whatever it is worth. The reformed murderer may not be released for the sake of an example to a useful member of the prison community. We cannot save his victim, but we may save him."

If this were done the writer believes, juries would be more inclined to convict, and in every way the administration of justice would be speeded up, and the opportunities of actually reducing crime, increased.

All in all, we regard the article as one of the most important written in recent years, on the subject of American crime, and its many complications.

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THEY were buried in the United States.

THEY were buried in the United States.

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Mr. E. A. ...

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Smudge Smoke

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