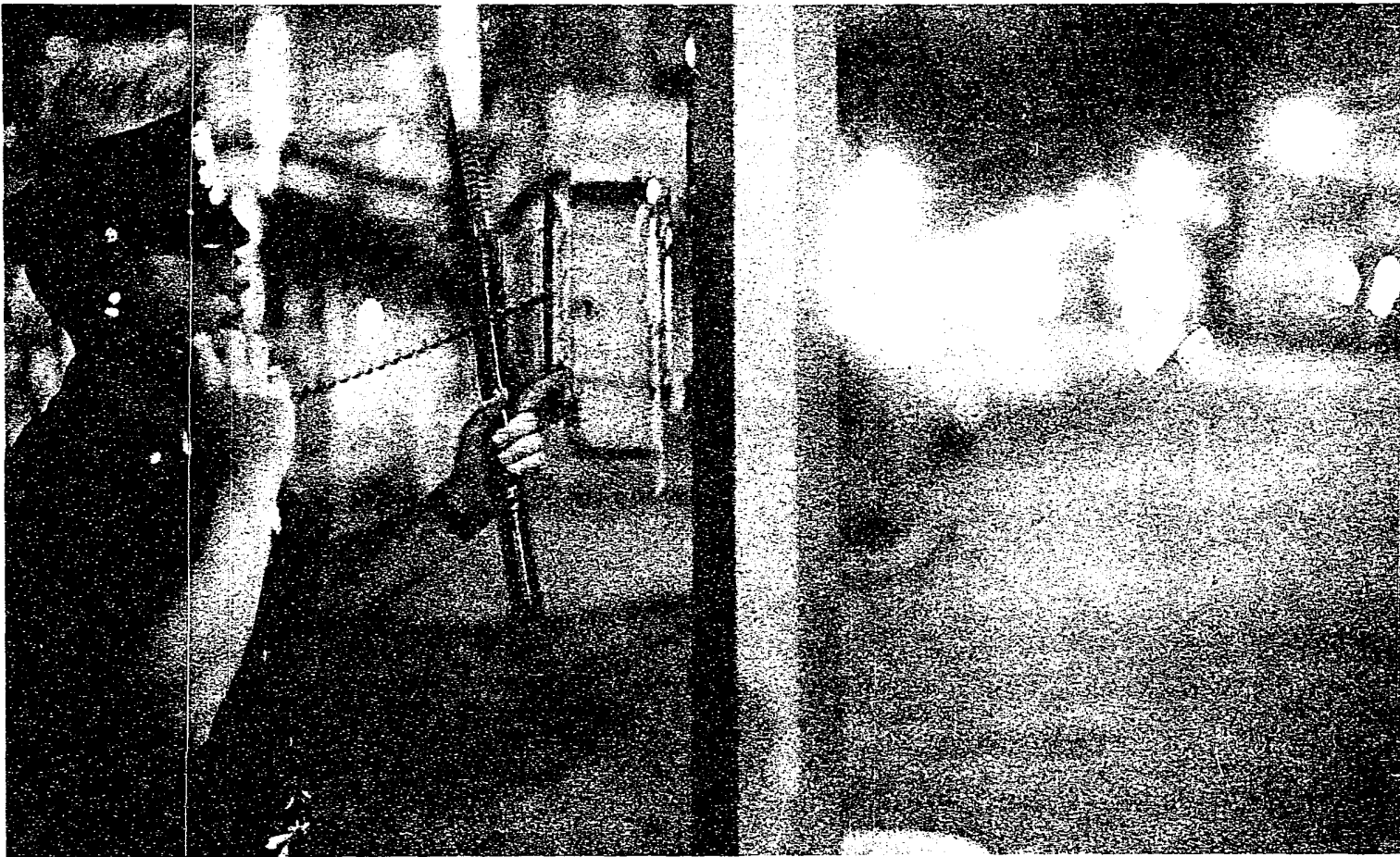


We Ask the Wrong Questions About Crime

By WILLIAM M. McCORD

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Night in New York—President Johnson's National Crime Commission, now looking into the crisis in law enforcement, will be wasting its time, says a sociologist, unless it "sweeps away" the "false" premises underlying its inquiry.

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By WILLIAM M. McCORD

AMERICA is by far the most criminal nation in the world. On a per capita basis, Americans commit about twice as many assaults as Frenchmen, triple the number of rapes as Italians, and five times as many murders as Englishmen. From the price manipulations of Westinghouse-General Electric and the mass violence of Los Angeles down to the subway muggings and the petty thievery of juvenile gangs, it is apparent, in James Truslow Adams's words, that "lawlessness has been and is one of the most distinctive American traits."

Yet we are at the same time one of the most puritanical of peoples, forever searching for some means to cure, suppress or punish wicked tendencies. This urge to reform has produced that recurring phenomenon in American life, the investigating

commission, of which the latest example is the National Crime Commission appointed by President Johnson. Unfortunately, however, he has asked this newest blue-ribbon panel to answer the wrong questions and it may well end its investigations without adding much to what we already know.

WHY is drug addiction increasing among young people? This is probably the most sensitive of the five questions the Commission will consider. In posing it, the President's advisers — perhaps responding to the public's appetite for sensation — have misled the commission. Any reasonable discussion of juvenile drug addiction (which, in America, means primarily addiction to heroin) should start by clearing up several prevalent misconceptions.

Drug addiction is *not* increasing; in all probability it has declined since the turn of the century. In 1915 (the

year after the Harrison Act declared opiate addiction illegal), responsible scientists estimated that 215,000 Americans were addicts; by 1922, the number dropped to 110,000 (undoubtedly, most of those who gave up the habit were not true addicts); by 1960, the Federal Bureau of Narcotics reported only 45,391 known addicts in America—a figure that, however open to criticism, is the best available and shows a declining rate of addiction. The average age of drug addicts has not changed.

Secondly, drug addiction does *not* cause crime; it may in fact decrease it.

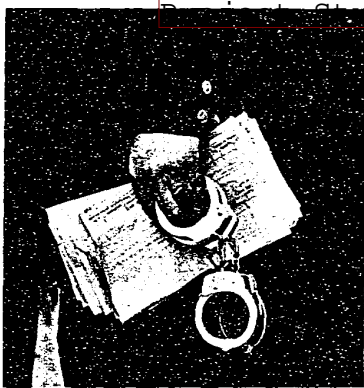
Many juvenile addicts are, of course, criminal. The "junkie" is likely to rob or shoplift or burglarize. But the best study of the subject (Isidor Chein's "The Road to H") shows that drug addiction tends to redirect the potential delinquent from more serious crimes toward those that will bring him the money to buy drugs. In all probability, drug addicts are less prone to commit real-

ly violent crimes like rape, assault or murder. The "flattening" effect of heroin often causes sexual desire to disappear and also reduces aggressiveness. In some recorded cases, addiction has actually eliminated vicious criminal tendencies.

Thirdly, drug addiction per se does not seriously injure mind or body, as do barbiturates, alcohol or tobacco. Even after 50 years of addiction in some cases, no discernible physical or mental harm has been traced to the use of narcotics. Further, the habit can be cured. Although hospital treatment has been discouraging (about 90 per cent failure among adult addicts), Synanon, a group similar to Alcoholics Anonymous, has reported a high degree of success and Chein's research shows that 26 per cent of teen-age addicts spontaneously cure themselves. Cured or not, however, many addicts continue to work — indeed, some deteriorate only when taken off the drug.

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Questions On Crime

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age juvenile drug addict, is admittedly an unhappy person, plagued by a sense of futility and aimlessness. Typically, he comes from a deprived ethnic group (97 per cent of youthful addicts come from families affected by divorce, desertion or open hostility between their members). He tries narcotics at an early age, usually by 15. Normally, he takes his first dose at the encouragement of a friend rather than as a result of a "pusher's" influence. For such young people -- passive, dependent, loveless -- the drug serves to reduce intolerable anxiety.

Should we deny them this satisfaction? For most addicts, drugs are an indispensable psychological crutch, as important to them as insulin is for the diabetic. To declare narcotics illegal may change the ways in which disordered people control their anxiety but it does nothing to cure the underlying condition; the *form* of misbehavior changes, but the causes stay the same.

In fact, the evidence suggests that juvenile drug addiction should not be considered a major social problem at all. The most civilized approach for the President's commission would be to examine ways of legalizing the dispensation of drugs under medical advice and prescription. England has long ago removed the problem from police jurisdiction. As a result, some authorities claim, the nation has only 700 known addicts. Others take issue with this figure and a few believe that drug addiction is on the rise. But Britain has apparently eliminated illegal traffic in drugs and, what is most important, stopped much of the criminal behavior which, in America, is inevitably associated with addiction.

A balanced appraisal of the English solution, rather than the study of even more intensive attempts to curb the supposed terrors of addiction, would thus seem to be the most fruitful avenue of investigation for the commission. The legalization of drug-

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taking (under medical supervision) might result in a slight increase in addiction but I do not find this possibility frightening since: (1) addiction in itself does not appear physically harmful; (2) crimes prompted by the present necessity for purchasing drugs illegally would possibly decrease.

THE second crucial question the commission has been asked to consider is, Why does organized crime continue to expand?

Whether the ranks of organized crime have actually expanded remains a subject of debate. Certain facts are apparent: mobs of strike-breakers no longer find lucrative employment; gangland killings, like the St. Valentine's Day massacre, have become a rarity. And contemporary racketeers can seldom boast, like Al Capone, that "the biggest bankers and businessmen and politicians and professional men are looking to me to keep the system going."

Certainly, organized crime—labor racketeering, Mafia operations in gambling and vice, underworld penetration of sports and business — is still an important part of American life. Admittedly, the "invisible government" of the Mafia is highly institutionalized and its power affects police and politicians in many American cities. And clearly, as the Kefauver investigation hinted, gangsters have also, from time to time, found a receptive attitude in such respectable organizations as Western Union, major telephone companies and Wall Street brokerage firms. But while recognizing, as a Fund for the Republic report concluded, that "the underworld is an independent power, vying with other great classes and movements in America for wealth and influence in our culture," it is salutary to view the problem in its historical and sociological perspective.

NEW YORK'S "Bowery Boys" and the "Dead Rabbits" of the eighteen-sixties, the gangs of the Far West in the eighteen-seventies and Chicago's "Mike McDonald Democrats" of the eighteen-eighties testify that organized crime has been an enduring, even a glamorized, element in American culture for 100 years. Racketeers flourish in catering to desires which Americans periodically declare illegal: drink, sex, gambling or security from economic competition. No government can outlaw these human appetites; to the degree that it tries to do so, the organized underworld will continue to find ready customers. In our refusal to tolerate human weakness, we have produced a legion of Lucky Lucianos and Frank Costellos.

Yet recent trends in America have led to a relative de-

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cline in the influence of such men. Once-illicit activities, like drinking, have returned to the domain of legitimate business. The economy is no longer as competitive as in the past. Labor unions have, by and large, won acceptance and there is little need for terrorism as a means of protecting workers in an era of surplus labor. All of these changes signal the passing of big-city, organized crime—at least in the form in which we have known it.

The means are also at hand to curb the racketeers even further, if the public conscience really demanded it. Robert Kennedy, as Attorney General, increased Justice Department prosecutions of organized crime from 17 in 1960 to 262 in 1963. The Los Angeles police, by internal housecleaning and external vigilance, has almost eliminated the Mafia, reducing gang killings to an average of one a year. Even Chicago, under Chief O. W. Wilson, has tightened its laws, refurbished its police and begun to clean out the more poisonous elements. The answer to organized crime, therefore, lies in the effective pursuit of justice—and just possibly in the repeal of laws that take too little cognizance of mankind's foibles.

THE third question the President put to the commission is, Why do one-third of parolees revert to crime?

According to the most authoritative research in this field (the recent studies of Prof. Daniel Glaser, who traced the histories of more than 1,000 men in the Illinois penal system), approximately one-third of parolees do return to a life of crime. But this rate of failure should not invite condemnation of present trends in penal reform. On the contrary, the evidence suggests that the spread of an enlightened approach to rehabilitation has markedly enhanced the effectiveness of the American prison.

In the nineteen-thirties, Sheldon and Eleanor Glueck of Harvard followed up hundreds of men who had been imprisoned in Massachusetts. They found that over 80 per cent reverted to crime, and the longer a man spent in prison, the greater were the chances of recidivism. Reform schools in the nineteen-thirties and nineteen-forties seemed equally ineffective. An evaluation of typical Eastern reformatories revealed that 85 per cent of inmates went on to commit crimes in adulthood.

Today, this rate of failure has been substantially reduced. Most states now practice "parole prediction," using statistical tables to forecast a man's performance on parole rather accurately. In Illinois, only 3 per cent of parolees with favorable predictions violated their trust, while

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75 per cent of those regarded as bad risks reverted to crime. The State of Washington's parole predictions have so far proved 100 per cent accurate!

A second factor accounting for the decline in parole violations has been the modernization and humanization of the rehabilitation process. Federal prisons have introduced individual and group therapy; the relatively "open" prison system typified by Chino, Calif., has been widely adopted; new facilities for the criminally insane, like California's Vacaville, have been established; older prisons have tried such new techniques as San Quentin's group discussions for convicts and their families; and even conjugal visiting has been allowed in such an unlikely place as Mississippi.

Encouraged by the success of New Jersey's Highfields project and New York's Wiltwyck School, many of the nation's juvenile reformatories have also replaced the techniques of punishment with those of rehabilitation. This, quiet, almost unreported revolution in the penal system demonstrates how the application of social science can benefit society.

CAN the number of parole violations be even further reduced? Probably yes. Proven methods of treatment could be introduced in those states, particularly in the South, which have been almost untouched by prison reform. The parole program itself could be further improved by an expansion of staff, the establishment of more counseling centers, and particularly by easing the task of parolees seeking a legal way to make a living. (The Glaser research showed that 90 per cent of convicts seek legitimate employment for a month after leaving prison, but that their initial income amounts to only \$80 a month and one-third of them are still unemployed after three months).

A more radical solution might also deserve consideration by the National Crime Commission: the introduction of

more "indeterminate sentences" with an attendant revision in legal concepts of punishment and responsibility. The accuracy of parole prediction indicates that certain types of intractable offenders cannot benefit from the present penal system. A man like Albert Fish, who murdered, cooked and ate a young girl, had repeatedly served time in prison, yet, by contemporary law, had not been considered insane and consequently had been released each time he had been suitably "punished."

Might it not be wiser to declare such men not responsible for their actions and make them liable to an indefinite, nonpunitive sentence? In varying degrees, Britain, Sweden and Denmark already follow a policy of confining certain types of offenders to hospitals for an undetermined period.

WHY does one man break the law and another living in the same circumstances does not? This was the fourth question, and one that the National Crime Commission will, I trust, dispose of expeditiously. The circumstances which lead one man to crime and another to good citizenship are, in reality, always quite different.

I am personally acquainted with cases where a child has, it would seem, miraculously escaped the influence of a highly criminal environment. In one Boston family, for example, the eldest son became a murderer and another boy committed violent sex crimes, but the youngest turned into a mild and harmless, if highly neurotic, bookkeeper.

Until recently, these variations were attributed to the mysterious workings of moral fiber or free will or chance but now criminology has reached the point where nearly all the differences in "circumstances" can be weighed and calculated.

Research by the Gluecks has most dramatically demonstrated that distinctive factors that lead to crime can be identified

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If felons are "predictable," what should the State do?

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early in life, even at the time when a child enters school. From the findings of their "Unraveling Juvenile Delinquency"—an analysis of the differing environments of delinquents and nondelinquents—the Gluecks constructed a prediction table based on such influences as parental discipline, family cohesiveness and affection. Individual children can thus be graded on the risk of becoming delinquent. Even children in the same family can often receive a different score, since one child may be his mother's pet and the other treated as a black sheep, or one may have been born when his father was at home while another's arrival may have triggered the father's desertion.

The New York Youth Board used this scale to predict delinquency among boys starting school in one section of the city in 1952. Now they have reached adolescence, and preliminary reports indicate that the board's predictions have turned out to be 89 per cent accurate.

In a similar research project among boys who averaged 11 years of age in 1939, none of those raised in environments judged as the most "positive" had become criminal 25 years later while 91 per cent of those who suffered the most negative influences had criminal records.

Clearly, when an adult's behavior can be predicted from a knowledge of forces operating in childhood—influences which he could not conceivably control—society must begin to question the belief that a person acts from willful intent, that he should be held personally responsible for his actions and that he deserves punishment for behaving in an evil fashion.

On the other hand, such new procedures raise the delicate question of how society should utilize them. What limits should be imposed? We may soon be faced with a momentous choice between intervening in a child's family, perhaps forcibly—in defiance of our conception of parents' rights to raise their own children—and not intervening even though we know they are injuring a child to the point where he may one day threaten society.

The President's commission would do well to examine these issues, for they will soon become a matter of wide debate.

WHY does juvenile delinquency know no economic or educational boundaries? Focusing on this fifth question may again deflect the Crime Commission from more basic issues. Every type of American

boy does, in fact, commit crimes, but persistent delinquents needing help seldom emerge from the privileged educated segments of American society.

Admittedly, one can find drug addiction in Darien, rich teenage robbers in Phoenix, "sex orgies" at Stanford, and sophisticated burglars among Harvard's student body. These wealthy, educated youths do not normally appear on police blotters; their prominence and connections insure that they will not be labeled as delinquents. (As a teen-ager, I myself committed a flagrant and dangerous traffic violation which, properly, resulted in arrest. My best friend's father, however, judged the case, and I was released with friendly admonitions.) This double standard is a disgrace that the commission, as other groups have done, should expose and condemn.

Yet, while recognizing the universality of delinquency and class distortions in the statistics, every social scientist knows that the most brutal crimes are confined to that segment of society which has been thoroughly dehumanized, that professional stealing is most prevalent where the American Dream has been least fulfilled, and that gang warfare breaks out where American ideals of courage, brotherhood and manliness are taken seriously but with the fewest rewards.

DESPITE the bias in criminal reporting, one can be reasonably certain that young Negroes commit 30 per cent more larcenies, 60 per cent more murders and 70 per cent more assaults than whites. But on the other hand, white urban slum delinquents commit twice as many assaults, three times as many larcenies and four times as many rapes as their fellow Caucasians in rural areas.

Discrepancies like these have been noted in America since 1800 and they cannot be explained in terms of the nature of Negroes or Puerto Ricans or working-class whites, or whoever else, at the moment, happens to have a reputation for delinquency. Urban Jews, Irish, Italians and Frenchmen have all previously been America's juvenile champions of crime—until they, in turn, found more useful and rewarding outlets in American life.

Boys who have to struggle up from the lowest social strata have traditionally been more prone to delinquency. Our society, in psychologist Kenneth Kenniston's words, offers working-class boys "few
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prospects as dignified, exciting and challenging as truancy, gang warfare, vandalism and theft." The middle-class boy, in contrast, soon outgrows his indiscretions as he finds more opportunities open to him for a happier or more productive or more profitable existence.

Until the preconditions of crime — ethnic discrimination, family disintegration and the rest of the characteristic malaise of industrial civilizations — are eliminated, we cannot uproot the cancer of delinquency at the center of American life.

TO eradicate crime in America will take a revolution. The National Crime Commission cannot turn America back into a poor, rural, village-based society where the crime rate was so much lower. Nor can the commission change the American tradition that honors the violent cowboy-gangster here. And clearly, a Presidential group cannot fundamentally change an entire social structure — one that forces Negroes in Watts or Puerto Ricans in Harlem or K.K.K. murderers in Alabama to pursue their ways of tragic, brutal, purposeless violence.

But the commission can accomplish two tasks. It can sweep away false questions about a new wave in drug addiction and a supposed growth in organized crime, and myths about "the good boy gone wrong" that continue to confuse the public. And it can propose solutions to new questions that the public, let alone its intellectual leaders, has hardly examined:

What would be the impact of legalizing drug addiction?

Should America legalize gambling and prostitution (thus depriving organized crime of these particular sources of income)?

Should American lawyers abandon their concepts of "responsibility," "willful intent" and, in fact, the whole set of easily accepted but barely defensible assumptions about human nature that underlie contemporary law?

Should judges revise their sentencing procedures, so that men would be treated in terms of their nature rather than their illegal acts?

Should the state consider intervening in families that, with seeming inevitability, will produce criminals?

I have no pat answers to these questions and I am deeply worried about how they will affect our tradition of privacy, our belief in man's rationality and our conviction that some men (at least) have the power to choose freely. But I am sure that by confronting these complex, essentially philosophical problems, the National Crime Commission can best fulfill its duty.