

1951

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Recommended Citation

Adlai E. Stevenson, Crime and Politics, 41 J. Crim. L. & Criminology 397 (1950-1951)

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CRIME AND POLITICS

Adlai E. Stevenson

On September 19, 1950, Governor Adlai E. Stevenson of Illinois delivered the following address before the Section on Criminal Law of the American Bar Association at the Association's annual meeting in Washington, D. C. It contains many thought-provoking comments by one of this country's outstanding public officials upon an issue of vital importance.

Governor Stevenson is a graduate of Northwestern University School of Law. In addition to his J.D. degree, Northwestern and several other universities have conferred upon him the honorary degree of LL.D. He received his A.B. degree from Princeton University.

Following an active practice of law in Chicago from 1927 until 1941, Governor Stevenson served as assistant to the Secretary of the Navy from 1941-44. He also served on various U. S. governmental missions in Europe and, in 1945, as Assistant to the Secretary of State. He was chief of the U. S. delegation in the organization of the United Nations in London and later served as a U. S. delegate in the General Assembly of the U. N. He became Governor of Illinois in 1948.—EDITOR.

COMMERCIALIZED GAMBLING IN ILLINOIS

A few months ago the Illinois State Police, acting upon my orders, launched a program of raiding notorious gambling establishments throughout the state. This action was widely heralded as a "crack-down" against commercialized gambling in Illinois. It was not only a crackdown; it was a breakdown as well—the breakdown of local law enforcement, the breakdown of decency in government in many parts of the state, the triumph of greed, corruption and, perhaps worst of all, cynicism.

In ordering these raids, I did not feel the joyful exhilaration of a knight in shining armor tilting with the forces of darkness. I felt more like a mourner at a wake. For something had died in Illinois—at least temporarily. And what has happened in Illinois is by no means unique. The formation of the Senate Crime Investigating Committee, under Senator Kefauver's able and effective leadership, as well as the fact that you have chosen this subject for your annual meeting, indicates that organized commercialized crime is in reality a menace throughout the country.

In Illinois, as in most states, the enforcement of the general criminal laws traditionally has been a local matter, with responsibility resting squarely upon local officials—the county sheriff and state's attorney, and the mayors and city police. That is as it should be. Government should be as small in scope and as local in character as possible. And, if all local officials in Illinois had done their sworn duty, as many of them have, there would have been no occasion to use the State Police. But almost from the moment I took office I was besieged by urgent requests from outraged citizens who complained that open gambling and

other forms of vice were rampant in their communities, and that they could secure no action from local officials. I was reluctant to use the State Police, despite insistent demands. For over a year prior to the first raids, Attorney General Elliott and I attempted to stop commercialized gambling by several methods. We found direct talks with local officials of offending counties and personal persuasion the most effective method. The local authorities cooperated with us in many cases. In others we were successful only temporarily, or in part, or not at all, although on the whole, the results were reassuring, and commercialized gambling dried up in many counties. Some local officers, however, failed to act. Hence the raids by the State Police.

The evidence obtained by the State Police is turned over to local prosecuting authorities. They can no longer claim to be ignorant of the existence of organized gambling in their counties or that they have been unable to obtain evidence upon which to base a prosecution. The evidence is there. If these officers fail to do their duty now, they must answer to the people, and, if nothing happens, it is the people's own fault, because the people are stronger than the gamblers or any other criminal element.

IMPROVEMENT OF LAW ENFORCEMENT

Our campaign against commercialized gambling has resulted in what the St. Louis Post Dispatch referred to recently as a "new kind of pay-off"—the pay-off of success, of new and increased respect for law enforcement, the pay-off of the satisfaction which every decent citizen can take in the fact that commercialized gambling, with all of its poisonous effects upon the quality of local government, is at its lowest ebb in Illinois. As evidence of this change, the Collector of Internal Revenue for the central and southern Illinois counties reports that federal tax stamps for gambling devices have declined forty percent in one year.

Some people have urged that the State take over the enforcement of the criminal laws, and that the State Police should make wholesale raids and arrests. Apart from any constitutional and legal considerations involved, I have three objections to this, at least so far as our situation in Illinois is concerned. First, the state does not now have the resources to assume this responsibility. Our State Police force has its hands full patrolling the highways, enforcing traffic laws, and cracking down on overweight trucks—in other words, in performing the functions for which it was primarily intended. Second, the use of state officers to enforce the general criminal law when local officers are already charged with that responsibility would mean that the public

would be paying for law enforcement twice—and this at a time when both state and local governments need more revenue, and the public is demanding economy in government. The third and most fundamental objection is that such a move would be one more step in the abdication of local governmental responsibility, one more example of the growing and dangerous tendency to look to higher levels of government for the solution of problems that could and should be solved closer to home.

For the state to take over local police powers seems to me a dangerous acknowledgment of the failure of local government. However, organized crime with its attendant corruption and corroding disrespect for law enforcement is even more dangerous, and, if local government cannot or will not meet the challenge, the people will demand and receive help from other levels of government, just as they have demanded and received other services which were not provided on the local level. But whatever our views as to who should enforce the laws, we are, I take it, all agreed that law enforcement can and must be improved.

What are some of the obstacles to better law enforcement, and what are some of the things that can be done to improve it? Securing better personnel is part of the answer, but only part.

Crime and politics must be divorced! Police forces, on whatever level of government, must be severed from partisan political control. In Illinois one of the first things I asked from the Legislature was the removal of the State Police from politics—and we now have a force which functions under a merit system. The old system was intolerably expensive and inefficient. Every time the Governor's office changed political complexion, virtually the whole police force of five hundred was discharged and a new one of the proper political faith recruited and trained, only to go out when the state changed its politics again. It is obvious that a man cannot be a good police officer and owe a greater measure of loyalty to his political sponsor than to his superior officer.

Safeguarding against political interference does not in itself guarantee a competent police force; the fact that a man is honest does not necessarily make him a good policeman. Amateur crime detectors cannot cope with the professional criminals of today. We need more police forces that are truly professional in the best sense of that term. Recruiting and training practices must be improved. We have made progress along these lines under our new merit system in Illinois, too, and hope to make more.

Our police must be paid adequate salaries—salaries that are not an invitation to graft and corruption. In many of our larger Illinois cities, policemen have not had a salary raise for several years, despite sky-

rocketing living costs. Here again, this salary problem is tied up with the pressing need of local governments for more revenue, thus emphasizing the interdependence of so many of our governmental problems.

Another thing we can do to improve the quality of law enforcement is to re-examine our entire law enforcement structure. Obsolescence and duplication present formidable obstacles to efficient law enforcement, and diffusion of authority makes it difficult to fix responsibility. Where responsibility cannot be fixed, public opinion has no chance to operate effectively, and the democratic process is weakened.

The basic pattern of our law enforcement structure is an inheritance from a bygone day. To this, some latter day accretions have been added more or less haphazardly. In some instances, state, county and municipal officers have overlapping or conflicting authority. The duties of the office of sheriff and constable, for example,—to say nothing of the coroner—have been largely inherited from medieval England. Some law enforcement officers are so burdened with other unrelated duties that they can give only a fraction of their time to the apprehension or prosecution of criminals. They are, at best, only part-time law enforcement officers. Some elective offices have constitutional or statutory restrictions as to succession, making it impossible for them to be manned by professional career men. I do not say that all of these things are necessarily bad, but I do say that they need to be constantly re-examined in the light of present day conditions.

This problem of obsolescence and duplication is not peculiar to our law enforcement machinery. It is a problem of government generally, and the Hoover Commission report, followed by the formation of "little Hoover commissions" in approximately one-half of our states, shows that the public is acutely aware of the general problem. There should be similar studies with a view to improving our law enforcement machinery. Of course, there have been studies like that in the past, and I am not unmindful of the invaluable work that the organized bar is constantly doing to improve the administration of criminal justice. But there is need for a larger, more comprehensive study, and the problem must somehow or other be dramatized for the public.

Among the questions to which answers should be sought are these: What should be the respective roles of state and local governments in law enforcement? What controls, if any, should the state have over local law enforcement officers? Should these controls be direct or indirect? In Illinois, for example, the state's attorney is a county officer, but he is charged with prosecuting violators of state laws, and he receives part of his salary from the state treasury. Yet no state officer

exercises any control over him. In some states, although not in my own, the Governor may remove any local law enforcement officer who fails to do his duty; and this has proved to be a most potent instrument for improving local law enforcement. Given some such power, I have little doubt that commercial gambling could be quickly and inexpensively ended in Illinois for keeps.

There is another means for securing good law enforcement which appears to me to have been too little used—and that is the weapon of disbarment. In Illinois, for example, I should say that it represents as effective an instrument as we have for disciplining attorneys who hold law enforcement positions. This is, of course, an area where the organized bar can be of the greatest help, and I was greatly interested in the action of the Illinois State Bar Association a few months ago in filing disbarment proceedings against the state's attorney of a county where organized gambling had been permitted to flourish under a cynical system of periodic fines. I know of no duty more clearly comprehended within our obligations as members of this profession than to live up to our oaths of office when we occupy public posts with law enforcement responsibilities.

What federal laws should be enacted in aid of state laws? Parenthetically, I am gratified that Congress seems disposed to close the channels of interstate commerce to slot machines and racing information.

To what extent should the functions of investigating and prosecuting be separated? In some states, the prosecuting attorney prosecutes only upon complaint. In other states, he is expected to take the initiative in discovering violations of the law. And in many localities the public insists that he conduct investigations but refuses to allow his office to have any investigators. The result is that the average prosecuting attorney must rely for his evidence upon a police force over whose activities he has little, if any, direction.

Combining the functions of investigation and prosecution in one officer may possibly lead to abuses, but this division of authority makes it easy to escape responsibility and encourages "buck passing." We have some counties in Illinois, for example, where the bi-partisan approach has been used with singularly devastating effect. The managers of the two parties, in collaboration with the gamblers, see to it that there is always a Republican sheriff and a Democratic state's attorney, or vice versa, with the result that the citizen who wants action is told by the one that it is the responsibility of the other, and is shunted back and forth between them to no purpose whatsoever.

THE PLAGUE OF CYNICISM

These are only a few of the questions which are worth considering. In a sense, however, they are secondary and superficial, for the greatest obstacles to effective law enforcement are public indifference and cynicism. The greatest menace of organized crime is not the crime itself nor the criminal. The greatest menace is that the public will come to accept organized crime as something inevitable, as a necessary part of our social system.

Cynicism toward law enforcement is as old as government itself. When Solon was writing the laws of Athens, he was told that laws were like spiders' webs and would only entangle the poor and the weak, while the rich and powerful would easily break through them. This attitude toward law enforcement has persisted throughout the ages and, unfortunately, has not always been without some justification. In a democracy, however, there is no justification for such helpless cynicism. Nor is there any use to place the entire blame for crime and lax law enforcement upon a real or supposed alliance between criminals and politicians and to assume that the members of the public are helpless bystanders. Organized crime cannot thrive without the active support of many elements of the community, nor without the passive support of many more elements. The respectable businessman who falls for the myth that a wide-open town is good for business is just as effective an accomplice of the criminal as is the politician who seeks to win friends by influencing people. The solid citizen who thinks that illegal slot machines are just fine for his country club but bad for the corner saloon does not realize what difficulties he is making for the persons he has elected to enforce the laws.

Of the 2,700 gambling machines presently registered for federal tax purposes in 76 Illinois counties, only 800—less than one-third—are in taverns and other public places. The other 1,900 are in the country clubs, the fraternal organizations, the veterans' clubs, the Army posts and other places with which we do not customarily associate law violation, organized or unorganized. Consider the effect on the public mind, and the vexatious problem of law enforcement, through this wholesale violation of the law by the most responsible elements of our communities.

While we are on the subject of "organized crime," let me say that one of the most disheartening things that I have encountered is what might be termed "unorganized crime." One example of this which we have had to battle incessantly and expensively in Illinois is the persistent and flagrant violation of our very liberal laws regulating maximum truck

weights on our highways. It appears, I can only conclude, that at least some otherwise reputable businessmen prefer to overload their trucks and pay the occasional and meager fines when they are caught because it pays.

To what point, I inquire, does violation of the laws have to go, or what character does it have to take, before it achieves the status of "organized crime?" I have a feeling that this category has been a little too exclusive.

The phrase "organized crime" has, in the ears of the average citizen, a horrendous ring and conjures up visions of masked men with tommy guns, bank robberies, murders and similar high and unspeakable crimes. Our average citizen also feels, probably as a result of this lurid conception, that organized crime does not touch him very closely and is something that can safely be left to the F.B.I. Senator Kefauver would, I am sure, be very quick to join me in my assurance to you that this is a highly mistaken concept. The most powerful and affluent in the world of organized crime operate in much more prosaic fields and in much less dramatic ways. They move where the money is, and this too often seems to be in such twilight zones as that of gambling where there are prohibitory laws on the books but no unanimity of moral conviction. The happy hunting ground of organized crime is in the area where too many people are disposed to participate in the breaking of a law. What these people seem not to realize is that the law cannot be broken without the connivance of elected officials, and that open and long-continued violation inevitably means that there is corruption—a pay-off in some form or another. And corruption is a cancer which cannot be confined—a public official who has gotten in on the take for one purpose has become a captive and his usefulness as a public servant is largely at an end.

I am new in politics, but I happen to believe in the value and importance of partisan political organization. I think that strong and healthy political parties are essential to our democracy, and I think also that a broader and more active participation in them by all good citizens is one of our greatest needs. But I can understand the discouragement and despair which assails those who find their own party machinery dominated by those who can fight with the aid of money supplied by the gamblers—who can, if you please, buy up all the billboards, bribe or bid highest for the services of election workers, and do all the other seemingly trivial but highly practical things which can snuff out the hopes of decent people in politics.

These are some of the facts of life about the menace of organized crime in a democracy. These are the reasons why the dropping of a

fifty-cent piece in a slot machine is too often not merely a matter between you and your own conscience or budget. This is why a double standard of law observance is no more feasible in the gambling field than it is in that of burglary.

Law enforcement doesn't exist in a vacuum, and it can't be considered in isolation. The crisis in law enforcement is but one aspect of the crisis of representative government. Good government is indivisible. You can't expect good government in other departments along with dishonest or ineffective law enforcement, and you can't have effective law enforcement without honest, efficient, responsible government all down the line. And I suspect the major problem of our age is whether or not we have enough citizens who are willing to labor unceasingly to achieve good government. Wherever law enforcement continues lax over an extended period of time, it is so only because a large segment of the population does not want effective law enforcement, at least not badly enough to labor for good government as diligently as those who want bad government labor for it.

We speak glibly of the necessity for ending the alliance between crime and politics. But so long as the support of the lawless element of the community is reckoned a more potent political asset than the support of the people who are willing to labor for effective law enforcement, this alliance will be a constant threat.

One of the most disheartening things that any conscientious official has to face is the lethargy and apathy on the part of most of the public. The malicious criticism that is leveled against us does not hurt so much. We have come to expect that. Every man in public life knows that his words and deeds will be twisted by knaves to make a snare for fools. The truly disheartening thing is that so many people—people who are neither knaves nor fools—just do not have enough interest, enough sense of civic responsibility, to take the trouble to make their government work better.

The ultimate answer to the menace of organized crime and to the problem of lax law enforcement is public opinion. And, above all, it must be continuously active. Too often public opinion is a sleeping giant. We have already had too many cycles of reform and relapse, too many moral crusades followed by business as usual. Just as our nation can no longer withdraw into an isolationist shell until some Pearl Harbor stirs us to vigorous action, so we can no longer afford to postpone effective law enforcement until lawlessness becomes a national scandal.

Today there are signs that the public is awakening to the twin menaces of organized crime and corrupt law enforcement. Let us hope this time that it will not be another ephemeral crusade but a true rebirth of citizen responsibility.