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SOUTHERN BAPTISTS WORKING FOR CRIMINAL JUSTICE

**ADDRESSES FROM CONFERENCES
AT GLORIETA BAPTIST CONFERENCE CENTER
July, 1973**

**Sponsored by the Christian Life Commission
of the Southern Baptist Convention**

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SOUTHERN BAPTISTS WORKING FOR CRIMINAL JUSTICE

Addresses from the Christian Life Conference at
Glorieta
July, 1973

Sponsored by the
Christian Life Commission
of the Southern Baptist Convention
460 James Robertson Parkway, Nashville, Tennessee
Cecil E. Sherman, Chairman
Foy Valentine, Executive Secretary
Floyd A. Craig, Director of Public Relations
C. Welton Gaddy, Director of Christian Citizenship Development
Harry N. Hollis, Jr., Director of Special Moral Concerns
Lee Porter, Director of Organization
Elmer S. West, Jr., Director of Program Development

The Christian Life Commission is glad to share these addresses delivered at the 1973 Christian Life Conference at Glorieta, New Mexico. No attempt has been made to polish these spoken addresses for formal publication. It is hoped that readers will be challenged by these messages to a fuller understanding and acceptance of the Christian way in criminal justice.

SOUTHERN BAPTIST WORKING FOR CRIMINAL JUSTICE

Addressed at the Christian Life Conference at
Chicago
July, 1973

Sponsored by the
Christian Life Commission
of the Southern Baptist Convention
460 James Robertson Parkway, Nashville, Tennessee
Carl E. Howard, Chairman
Roy Valentine, Executive Secretary
Floyd A. Gray, Director of Public Relations
T. Weston Gaddy, Director of Christian Relationship Development
Harry M. Holts, Jr., Director of Special Moral Concerns
Lee Taylor, Director of Organization
Lamar S. West, Jr., Director of Program Development

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UNIT 10: THE CONSTITUTION

UNIT 10: THE CONSTITUTION - MULTIPLE CHOICE QUESTIONS

1. The Constitution is the supreme law of the United States. It is the foundation of the government and defines the powers of the federal government and the states. It also protects the rights of citizens.
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BIBLICAL INSIGHTS RELATED TO CRIMINAL JUSTICE

Dr. Jimmy R. Allen, Pastor
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San Antonio, Texas

INTRODUCTION

This is a day of rising tides of lawlessness, spiraling indices of criminal activity, and a tragic display of disrespect for law on the part of some of the highest officials of our land. Lawlessness in the form of vandalism, for instance, is creating a fantastic cost to taxpayers each year. August Gribben in his National Observer (July 14, 1973) article entitled "Crimes of Dispassion" cites figures stating that vandalism is costing schools in our nation as high as half a billion dollars annually. Railroads are facing vandalism losses so serious that some lines estimate in their own average two million dollars a year replacement costs for the damage. In the depersonalized and anonymous society in which we live, vandalism is becoming a national epidemic. The creeping malignancy of organized crime is manifesting an acceptance across our society with movies and novels about its leaders drawing great crowds. Its tenacles are found in everything from drugs and porno houses to gambling, banking, and legitimate business. It even surfaces periodically in the field of politics.

Whatever one's opinion may be about the Watergate situation, we are being treated to the daily spectacle of admission, by some of those charged with the creation, administration, and enforcement of our laws at the highest levels of our government, that political expediency was considered more important than the law of the land. This has been true, ironically, within an administration campaigning on a "law and order" platform.

Many Americans have reached a point of panic about justice and order in our land. That panic is a dangerous reaction within itself. It could easily create a condition in which hard won liberties could be lost forever because of a yearning for security at any cost. The totalitarianism of a police state is not just an academic possibility if the tides of lawlessness run high enough. For instance, Americans are lining up in airports for search procedures which a few years ago were to be expected only in totalitarian countries. We are doing so willingly because we are panicked by sky-jackers. Liberties are often lost because of the license of a few. It has long been predicted that the noble American experiment in democracy would fail not because of some external force but because of inner decay. If men must choose order and safety in our society at the cost of personal liberty or chaos and danger in the preservation of that liberty, it is obvious that the choice will be for greater controls.

The subject we are discussing in this conference, therefore, is not only timely but is crucial to our future. For us to discuss it well, it is essential for us to start with the fundamentals. In fact, the best way to avoid panicking is to get back to the basics. Former professional football star Bill Glass shared with us some insight in handling panic in chaotic conditions. Have you ever noticed how professional football teams often seem to make more ground and

score more points in the last three minutes of a game when everything has turned to chaos and frenzy? Bill says the coach's instruction for the pro footballer is that when there is disorder and panic in those closing moments of the game, they are to get back to the basics. Don't concentrate on the disorder. Don't try the spectacular. Do your basic and fundamental task. Concentrate on performing the elemental responsibility which is yours.

It is good advice for us in this matter. Let us get to the basics. Let us examine the Bible to discover what it has to say to us about the fundamentals of justice in our society. Let us rediscover what our fundamental tasks are and concentrate on them. The job is too complex to be solved dramatically and quickly. It can be faced only as we apply basic principles. Let us examine some of these biblical insights related to criminal justice.

I. SOME BASIC INSIGHTS INTO CRIMINAL JUSTICE

A. All of our judgments on justice are to be grounded in the revelation that God is a just God. (Zephaniah 3:5)

Now that may sound too elemental and simple a beginning for such a sophisticated conference, but it is important to begin at the beginning. The stackpole around which all the rest centers is that God, who created man in his own image and ordered all of creation, is a justice-loving God. Justice, then, becomes not simply a matter of the judgment of the persons in power at the top. They themselves are under the judgment of the God who is holy, righteous Judge.

There is an inner sense of fairness in every child. He becomes indignant when his sense of rightness is assaulted. It is a reflection of divine image. The God who fashioned us gives us this capacity for outrage when we have been treated unjustly. That sense of fairness may be poorly tutored and misdirected, but it is very real.

However, justice cannot be grounded simply in human judgments about what may seem right at the time. Baseball umpire Bill Klem is said to have been talking with a couple of other umpires about calling balls and strikes. One said, "If it's a ball, I call it a ball. If it's a strike, I call it a strike." Klem replied, "Friend, it's neither a ball or a strike until I CALL IT." Now, that may work for baseball games, but it simply does not work for life. There are some things that are not subject to that kind of subjectivity.

(1) He reveals basic moral principles by which He fashioned His world.

While there are subjective elements in the administration of justice, there is an objective revelation of moral principles by which God fashioned His world. These principles, the heart of which is contained in the Ten Commandments (Exodus 20:1-17) and amplified by Jesus in his teachings (Matthew 5, 6, 7), become the framework for fashioning our concepts of justice. As W. S. Bruce states it (Ethics of the Old Testament, page 61), "Jehovah the Holy One, the righteous and just Ruler, is an ethical Deity; and the revealed conception of His character and will formed the basis of a moral society in which all men had equal rights and duties; while every fresh revelation of His nature brought Israel a quickened sense of their obligation."

(2) Respect for order is grounded in respect for God.

The Bible is clear in the fact that God is the author of order. He brought order out of chaos in the creation. He orders man's days. He is the one who created the sense of order in society. "Every Christian ought to obey the civil authorities, for all legitimate authority is derived from God's authority, and the existing authority is appointed under God. To oppose authority is to oppose God, and such opposition is bound to be punished" (Romans 13:1-3, Phillips). Paul does not deal in Romans 13 with the problem of the day when the authority of the state and man's duty to God conflict. The very church to which he is writing is an illegal group. They must break the law each time they meet. The apostles had already enunciated the duty of the Christian in that case as to obey God rather than man (Acts 4:19-20). However, their respect for order is revealed in the fact that they submitted to the punishments of the existing laws their conscience caused them to break.

We will not create a respect for order simply by respecting order. We promote order for a higher reason than for the health of the body politic. We do so because order is grounded in the creation and revealed to be the intention of God for man.

B. The goal of criminal justice is impartiality and fairness.

From the earliest understanding of the leadership of God in the affairs of the nation of Israel, He revealed Himself to be insistent upon impartiality and fairness in justice. Moses instructs the judges whom he has appointed in each of the tribes, "Ye shall not respect persons in judgment; but ye shall hear the small as well as the great; ye shall not be afraid of the face of man; for the judgment is God's: and the cause that is too hard for you, bring it unto me and I will hear it" (Deuteronomy 1:17). The awareness of God of the perversity and weakness of human nature caused him to warn them repeatedly of the possibility of corruption among judges. He says, "And thou shalt take no gift; for the gift blindeth the wise and perverteth the words of the righteous" (Exodus 23:8). He moved to improve on the customs to which they were exposed in other nations. He refused to allow the testimony of just one man to be determinative. He required the mouths of two or three witnesses. It is interesting that the third party was a protection against the collusion of two to rob a man of his good name or of his possessions.

God has revealed himself to be deeply concerned with the plight of the poor in the courts. Even a cursory reading of the Old Testament impresses one with the number of times God becomes the champion of the widow, the fatherless, and the stranger in their midst. He warns the judges, "Thou shalt not pervert the judgment of the stranger nor of the fatherless, nor take a widow's raiment to pledge" (Deuteronomy 24:17). The Psalmist cries out for men to "defend the poor and the fatherless; do justice to the afflicted and needy" (Psalm 82:8). The prophets champion the cause of the poor. Amos inveighes against those who "sell the poor for a pair of shoes" and says that God has told him, "For I know your manifold transgressions and your mighty sins; they afflict the just, they take a bribe, and they turn aside the poor in the gate" (Amos 5:12). It seems as if God is aware that the man of wealth and power could hold his own in the rough-hewn courts of that ancient day, but the poor man and the woman with no

champion and the child with no parent had to have a champion and God volunteers to be theirs.

It seems difficult for the poor to receive justice in every age and system. This is not simply a problem for ancient Israel. Our nation has allegiance to concepts of justice built upon this concern for the plight of the poor in the courts. Yet a disproportionate number of them end up in jail. This is not only because the ghettos breed crime out of the seedbed of hopelessness and despair; it is also because the poor do not have the same chance as the rich in working the system in their behalf. They often are not really aware of their rights, despite requirements to read them to the person upon arrest. Their court-appointed attorneys often have to take this on as a task on top of their already overloaded schedules. Before too many rocks are thrown at the quality of the legal assistance they are given, it should be realized that good legal minds often take their rotation on such tasks of defending the poor. They are also well intentioned. Time and available resources for the legwork to build their case are often the missing ingredient. A renowned defense attorney who had taken more than the ordinary amount of charity and court appointed tasks admitted to me that he simply didn't feel that he was able to give as good a defense for his poverty clients as for his affluent ones. This was not because of unconcern but because his busy schedule did not allow him to do much of the painstaking investigation it takes to build a good case. Affluent clients can afford to let him hire that kind of assistance.

If Amos were preaching today, in spite of our systems of justice with their enlightened concepts of safeguarding the rights of all citizens, he might thunder again the message of God, that we are ignoring the plight of the poor and selling them for a pair of shoes.

C. Punishment is to be proportionate to guilt and justice is to be tempered with mercy.

Mosaic law called for "an eye for an eye and a tooth for a tooth" (Exodus 21:24). In the light of the admonitions of Jesus to turn the other cheek and to forgive seventy times seven, we have often become highly critical of this eye for an eye statement. What we have failed to realize is that the direction in which God was moving in his revelation was a step away from what the Israelites had known. They were accustomed to a vindictiveness which meant an eye was paid for with blindness and a tooth with all the uppers and lowers one had the strength to knock out.

At this point we need to remind ourselves of the unfolding revelation of God. Paul pictures the law as a schoolmaster leading us to Jesus. It was that not only in the dimension of spiritual pilgrimage but also in the concepts of what constitutes justice. They moved from revelation to revelation in their understanding of the nature of the God with whom they were in covenant. "It is therefore natural that in Israel the apprehension of moral law should run parallel with their progressive apprehension of the ethical character of Jehovah" (W. S. Bruce, op. cit., p. 44). It would be a mistake for us to justify present practice of criminal justice simply by citing the example of ancient Israel. They must be judged in the light of the conditions of their days and the direction in which God was guiding them.

The punishment should not only fit the crime but also be tempered with the mercy of common sense. The paradox of the God of justice is that he is also the God of mercy. He is interested in reclaiming man, not simply in venting His anger upon him. At the same time, He must maintain the standard of justice by which all men are judged. W. S. Bruce comments, "Yet though His mercy save man from sin, He will not acquit them in it. The guilty will not be 'cleared' by a love exercised at the expense of justice. The divine mercy has an element of resentment as well as pitiful kindness. Jehovah is a just God and a Savior; and man's justice must correspond to God's. The thought of divine justice penetrates all the moral and religious views of the prophets" (W. S. Bruce, *op. cit.*, pp. 50-51). For instance, God appointed six cities of refuge for those who had killed a man in what we would call manslaughter. If a man could reach such a refuge he would be protected against the kinsmen of the one he had killed (Numbers 35:6,11). It was also the custom to find refuge at the horns of the altar in the tabernacle or temple. If one stayed there, he was protected from vengeance for his misdeeds. It symbolized a God who cared but who also was just.

II. SOME IMPLICATIONS OF BIBLICAL INSIGHTS APPLIED TO SPECIFIC PROBLEMS IN CRIMINAL JUSTICE

The Bible does not treat systematically some of the problems in criminal justice which plague us. This does not mean that biblical principles are not revealed which apply to them. I want to examine three problem areas in the field of criminal justice and search for such principles to assist us in thinking through them. These areas are the purpose of penology, capital punishment, and so-called victimless crime.

A. The purpose of penology

While there is no biblical treatment of prisons and their purpose, they appear as a necessity in the life of Israel as early as the day of Moses (Numbers 15:32-36). Students of criminal justice must face the fact that we have an inadequate understanding of the purpose of punishment and imprisonment in our society. It is apparent that the purpose of penology is threefold: to protect society from damage by the wrongdoer; to deter crime by a witness for justice and a discouragement to future or potential criminals; and to redeem the person involved in the wrongdoing. The earliest biblical mention of prisons was simply a holding operation while punishment was being decided for the crime. In Israel's day punishment met the basic demands for deterring crime. It was swift and sure. If a trial before the elders at the gates was performed, punishment was exacted immediately. Whether it was restoration with penalties of goods, lashes, or stoning, it happened soon. Prisons as holding operations are a major factor in our jails today. The crowded conditions of our court dockets, easy availability of bail for those with money, and our eagerness to allow appeals so that the innocent will not be punished without every recourse of trial results in many of our jails being crowded with poor persons awaiting disposition of their cases.

While there is some protection for society involved, considerable improvement in the way our prisons work is essential for the establishing and maintaining of criminal justice in our country.

The biblical principle of seeking to redeem the lost calls for rehabilitation

to be the major goal of our penal systems. This calls for commendation to those penal systems which are employing the latest tools of psychological research in dealing with the deviant person in an attempt to help him function as a useful citizen. Most persons in prisons will return eventually to society. If they are a continual threat to society, the laws should be revamped to keep them isolated from the community. If they can be rehabilitated or already have achieved a level of response to responsibility which would make them useful citizens in the community, they should not be kept in prison beyond that point. Behavioral science is an inexact science. We cannot predict future behavior adequately enough. However, we should put our energies behind every effort to salvage human beings through our criminal justice system.

Churches have a particularly strategic role to play in assisting in this rehabilitation program. We will not have done our task as a group of Christians discussing criminal justice if we spend this week simply critiquing the system and do not explore creatively the opportunities we have as Christians to be supportive and helpful in the process of reclamation.

B. The issue of capital punishment

One of the hottest and most controversial issues in the area of criminal justice is the question of capital punishment. The Bible nowhere condemns capital punishment as the right of the society to perform. Ancient Israel practiced it prodigiously. Mosaic law is often cited as justification for capital punishment. The problem with this method of justification is that it was used for too many things. For instance, parents with stubborn and rebellious children were commanded to bring them before the elders of the city and they were stoned to death (Deuteronomy 21:18-21). That might solve the problem of juvenile delinquency, but it would be a real blood bath in the land.

The biblical principle of responsibility to seek the redemption of persons mitigates against capital punishment. Though some biblical scholars reject John 8:1-11 as being added later to the text and therefore not trustworthy, I agree with Dr. Ray Summers and others that the story of Jesus' treatment of the woman taken in the act of adultery sounds so much in tune with his treatment of sinners that it must be valid. Here was a woman guilty of capital crime. There was no question about it. He simply refused to join her accusers. Indeed he challenged them on the basis of their own guilt or innocence. I have always wondered what he wrote in the sand as he stooped there. It would have been so appropriate for him to trace there the Ten Commandments of God. He challenged that the one without sin cast the first stone left the accusers speechless and incapable of killing the woman. The thrust of his statement "Go thy way and sin no more" is that he refuses to condone her acts but reaches out to rescue rather than to destroy. One thing is for sure: when one pulls the switch to the electric chair, he has ended forever the possibility of redemption of that person.

Study after study has sought to discern whether capital punishment deters capital crime. The results of such studies indicate that capital crime does not diminish significantly or at all in areas where capital punishment is practiced. Yet many law enforcement officials cite incidents of criminals choosing to act in ways to avoid capital crime where capital punishment exists . . . or in the opposite direction stating that they did go ahead and kill a rape victim to silence

a testimony since capital punishment was not practiced. The argument will probably continue ad infinitum. My point of view is that penalties should provide for stronger protection of society by making prison terms more meaningful, but that capital punishment should be prohibited. The biblical principle of redemption is pivotal in that position. I may also be influenced in that position by walking through an eight-year wait with a man found guilty of capital crime. With the Damocles sword of the electric chair hanging over his head and his world shut down to a ten by twelve cell area, he lived to die. I watched him become a self-educated man and a believer in Jesus. If we had chosen to kill him at the end of that period, we really wouldn't have been killing the man who had done the murder. He was a new man. He was now my brother in Christ. In my judgment, we would have murdered a brother.

C. The issue of victimless crime

There is a trend toward the idea of classifying some behavior as crimes without a victim and deciding to legalize it. The popular euphemism to avoid negative response to legalizing criminal activity is to call the action "decriminalization." The categories of so-called victimless crime include such things as sexual relationship (both heterosexual and homosexual) between consenting adults, drunkenness (except where persons are damaged by drunken behavior such as D.W.I. accidents), pornography, drug abuse among adults, and so forth. Arguments cited include the clogged up criminal justice system, and the idea that it is not society's business to regulate what adults do so long as "nobody is hurt in the process."

There may be some limited areas in which deviant behavior can be treated in a non-criminal way by society. For instance, laws requiring persons with the alcohol-related drug problem to receive treatment rather than imprisonment lies in the direction of redemption. However, there is danger in the idea that there is such a thing as victimless crime. The purpose of laws lies in the protection of the young and the weak in a society. Often the victim is the lawbreaker himself. He does not need society's reinforcement of his destructive behavior. He needs instead for society to take seriously his plight and to move to build barricades against destructive forces which prey on his weakness.

The Bible does not recognize the "consenting adults" argument whether it deals with prostitution, homosexuality, or the heroin traffic (Leviticus 20:10). God condemns prostitution and adultery and places the blame on the man as well as the woman. (It is interesting to note that some states are now in the process of arresting men for approaching prostitutes as well as the prostitutes. The Womans Lib movement has returned us to biblical principles at that point.)

Destructive practices which place pressures on the weak are matters in which society has a stake.

CONCLUSION

Finally let us see that the biblical principle of responsibility of all the citizens of the nation for assisting order is essential to our modern society. The concept of citizens arrest is part of the warp and woof of Israel's approach to obeying the laws of God and enforcing them in the behavior of men. Any

Israelite had responsibility to bring charges for criminal behavior. The judges in the gates heard the cases and pronounced sentence. The punishment was meted out by the community as a whole. We cannot allow the day to come when lawmaking is solely the business of legislators, law interpreting solely the business of the judges, or law enforcement solely the business of the policeman. Citizens should be involved and informed and communicating concerning the making of laws. Citizens should preserve the role of the juries by being personally involved in the findings of the courts. Citizens should be involved not only in respecting the law but in assisting the enforcement of it. We cannot hire enough policemen to enforce the laws in communities which have lost their respect for it. If we could hire enough enforcement personnel, we should not. To do so would produce a police state. Each of us should be a part of the enforcement process. In Titus 3:1 Paul tells the young preacher he left in Crete to "put them in mind to be subject to the principalities and powers, to obey magistrates" and also "to be ready to every good work." Those who are "ready to every good work" become the salt of the earth to preserve the criminal justice system for the good of all.

A TEAM--THE CHURCH AND THE POLICE

Paul Townsend
Assistant Chief of Police
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Police administrators, in order to dramatize a point, have often posed this question when speaking before an assemblage: "Can you imagine what life would be like in this city without police protection?" It immediately brings to mind the specter of criminals running rampant, life and property at the mercy of those who don't know what the word "mercy" means, the law of the jungle. I have posed this question to audiences a number of times and it never fails to produce the desired result.

As I prepared my remarks on the subject of the church and the police as a team, it occurred to me that a churchman could use the same tactic when addressing a group of police officers. He could ask: "What would enforcing the law be like if there were no churches?" It's a sobering thought, indeed!

As I continued to think along this line, I realized that while citizens tend to take police protection for granted, the police take the work of the churches for granted. Without the moral suaveness of the churches, our difficulties would be increased tenfold. I think that for the first time in my police career, I have come to appreciate what the churches really mean in relation to the crime problem--in relation to my job.

Every day police officers see the results of human failings. We see it reflected in the faces of people from all age groups and from every strata of society. And were it not for the good work of the churches, we would be dealing with far greater numbers at a time when our resources are already stretched to near the breaking point. It's too bad, really, that someone hasn't done a definitive study on what it means in dollars and cents for someone to be diverted from the criminal justice system. It's safe to say that each diversion means a saving to the taxpayer of many thousands of dollars. It's unfortunate that the average taxpayer really has no conception of how much he is being saved by the work of the church.

The churches and the police have been working together--working in concert--all along. Of course, we don't work together as closely as the components of the criminal justice system, that is to say, the police, the courts, and corrections. But it's obvious to me--and it should be to others--that the influence of the church, the work that it is doing in the critical area of crime prevention, is of incalculable value.

Preventing crime rather than dealing with it after it occurs just makes good sense. While we are convinced of the wisdom and the validity of this premise, the criminal justice system for the most part does not attempt to treat criminality until after it has developed--until after it has become a problem. Outside of a few experimental efforts in several school systems which have been undertaken within the past year, there is no effective effort at all in our society, outside of the work of the churches, that is devoted to the prevention of the development of criminality.

The most recent issue of the Justice Department's uniform crime reports shows us that almost fifty per cent of all those arrested for serious crimes during 1971 were eighteen years of age. Mounting youth crime and juvenile delinquency lend credence to claims of unresponsive government and system deficiencies. But, as I said earlier, the criminal justice system is not geared to crime prevention. In fact, our efforts could best be described as an "after-the-fact" brushfire approach to crime prevention. While law enforcement, courts, corrections, and juvenile justice frantically work with the known offender in attempts to apprehend, punish, rehabilitate, restrain, and inject the offender back into the mainstream of society, thousands of new criminal minds are being developed. And the sad and horrible truth is that this new criminality is being bred into the minds of our very young children.

Let me give you an example of what I mean. A black youngster walked into one of our community service centers one day. During a conversation with one of our officers, the boy was asked what he wanted to be when he grew up. This youngster of eight confided matter of factly that he intended to be a pimp. Because of the flashy cars driven by procurers and the money they flashed, he would pattern his life after theirs and embark on a life of crime. But this casual visit to our service center may well have changed the course of his life. A spark of decency in the boy was fanned on successive visits to the center and talk of "making a fast buck" turned to "making good grades." In less than six months, the boy walked into the center proudly waving his report card. The officers had showed some interest, had pointed him in the right direction, and it had paid dividends.

Much satisfaction is derived from a success story like this one. But what of all the others that we don't reach? Who is showing an interest? Who is pointing the right way? The police are doing this on a very limited basis. The pressure is just now building up for something to be done in the schools. Again, the church can be singled out as the only institution in our country that is attempting to prevent criminality from developing.

The church still believes that if you bring up a child in the way he should go, he will not depart from it. A big segment of our society has apparently forgotten the common sense of that biblical quotation. I say that because in case after case of juvenile crime, we find one common factor--parental neglect. The most appalling aspect of the American crime picture is the increasing involvement of young people. The correlation is inescapable. Parental neglect leads to crime and youthful criminal acts are growing in numbers.

The steady growth of the nation's crime problem is not attributable to any single social or economic factor. But I would say that the principal one is breakdown of the home. During their early formative years, our nation's youth desperately need the security and the moral guidance which sound homes provide. In many respects, juveniles today are victims of a society where indulgence has replaced discipline. Their parents cater to every whim. We have reached the point where society is in danger of being swept away by a wave of parents who have forgotten how to say no. Youngsters have no sense of responsibility and no respect for authority. It may sound harsh to some, but we must provide our youth with definite standards of conduct backed up by authority which rewards compliance and punishes infractions.

Of course, parents are the key. They must legislate the code, police it, prosecute infractions, pass judgment on the conduct, and execute justified punishment or provide earned rewards for their children. Good parents rear good children. Of course, there are exceptions, but these are rare and society could easily cope with them. A parent must know his child and must realize that the adolescent is in an important stage of development, abounding in great curiosity and confusion. It is a serious mistake for a father or mother to wait for the symptoms that indicate their offspring is "going bad." The parent who takes his job seriously will recognize and meet the symptoms that reflect that the son or daughter is growing up. He will solicit and answer the youngster's natural inquiries about such topics as drinking, sex, dating, conduct at social affairs, personal manners and attire, and aspects of adult life. The prudent parent will understand that the teenager, for all his surface impertinence and rebellion, genuinely desires a definite code of conduct. The prudent parent will at all times firmly but fairly administer direction and discipline to his youngsters. Above all, the wise parent will personally satisfy his child's greatest want--the need for an example and model of good reputation, good living and good citizenship. Today's youth need not become victims of the unparalleled freedom and material benefits they enjoy if only thinking parents will take the time and effort to afford the youngsters a proper perspective and sense of values.

Why, you may ask, is he telling us all this? Why should a police officer touch on these points in an address to a church group? The answer is that we want you to know the magnitude of the problem, the basis for it, and how seriously we in the police profession view the problem. And we want you to know how earnestly we solicit your support in the solution of the problem. Where does crime prevention begin? It's almost like asking the question, "Which came first, the egg or the chicken?"

Tragically, we now have several generations of parents who have turned away from the old sense of values and standards. We in the criminal justice system are striving to a better job of overcoming and correcting adult delinquency. By that rule of thumb, if we have any success, we should be able to greatly reduce the delinquency of children. The unhappy fact is that for many parents, it is too late! I'm not saying that we should throw up our hands in despair and give up. On the contrary, we must keep on keeping on. In Dallas, we have a first offender program in which parents of youngsters who have gotten into trouble for the first time are required to attend two counseling sessions along with their wayward children. The aim at these counseling sessions is to develop in both the children and the parents a better understanding of laws--why laws are necessary, what is expected of them in society both legally and morally, and why they should respect the law and the rights of others. And while this program has met with some success, it is limited in scope. We are only scratching the surface. But if the prospects for success in crime prevention are brighter in another area, then we must concentrate our efforts there. And the prospects are much brighter if we place the emphasis on children. At present, unfortunately, the criminal justice system is dealing with the development of criminality and antisocial behavior after the fact. And it is a fact that although behavior during elementary school years is a crucial indicator of future delinquency, attention is seldom focused on the problems of young children.

The answer--as I see it--is that we must give our very serious attention to

the proposition that responsibility and morality be taught in the schools as well as in the churches.

An attempt to teach responsibility to parents would appear to be totally impractical, although I fear that it may someday come to that. A way must be found to hold parents accountable. But we have not yet reached that point and we must find an acceptable alternative. It would necessarily follow then that we must get the message to the next generation through this one. I am well aware that it doesn't call for a super intellect to figure that out. It's the obvious answer. But outside of the church, precious little is being done about it! And that's my point! Police officers enforce the law. We are not particularly good at evangelizing but we try. We are not exactly voices crying out in the wilderness. We are being heard, but our converts are too few.

I realize that my remarks are beginning to sound as though I am exhorting you to do something more than what you have already done. But if the police cannot turn to the church for help, where can we turn? We turn to you because we have been informally aligned for years. We know the coalition is still intact and we know that you are willing to help. You can support our call for the teaching of responsibility and morality in the schools. You can tell your friends and acquaintances of the deep concern that I have expressed here today about where crime prevention should begin. You can write or call your state legislators and your congressmen and let them know your thoughts on the matter.

It is unfortunate that those who are already doing more than their share are called upon to accept an even greater burden. But I don't see that either of us has any choice. I feel compelled to call upon you to do so. We must start somewhere and the hour is late. I am not asking you to leave the work of the church behind so that you can concentrate on a new cause. Heaven knows I am not asking you to do that. Without the influence of the church, our crime rate would be beyond the imagination. Our criminal justice system would be in shambles. Our country in ruin. But we have the church, and it is still a strong bulwark against the very evils that are eating away at the foundation of our society. And I am convinced that the church can and will be heard.

As a police officer and a private citizen, I want to go on record here and now that I thank God that there are still among us people who live their lives according to the Ten Commandments and obey the laws of the land.

DEVELOPING POLICE RESPONSE TO SPECIAL COMMUNITY NEEDS

Paul Townsend
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It has taken the better part of a decade for the lesson to sink in, but police in the large urban areas of the United States have come to realize that even the best trained and best equipped police department cannot cope with the crime problem without community support, without citizen involvement.

Unfortunately, several seemingly unrelated factors have unwittingly conspired to make this most difficult task--gaining community support--even more formidable. One of the most important factors that has contributed to the problems of law enforcement was only recently discerned. Author Vance Packard, in his book A Nation of Strangers, points out that social fragmentation is setting in on a vast scale in many parts of the country because people are moving so often from place to place. Packard says millions of people are losing a sense of having any significance to places or to other people. Community life is being undermined. People who move a lot, says Packard, tend to be indifferent to local charities and long-term projects such as building a new park or a YMCA. Crime soars, he says, because strangers are packed together in large groups as they are in urban areas. It is easier to steal from a stranger than from an acquaintance. And it is harder for thieves to operate in a genuine community where strange prowlers would be more quickly spotted. Packard says, and it has the ring of truth, that there seems to be a clear tendency for loosely rooted people to show less concern for the social consequences of their behavior. They do things they wouldn't ordinarily do in a traditional-style community.

Mobility has been both a blessing and a curse. When police departments became mobilized--that is to say when the patrol function was changed from walking a beat to driving a car--it was hailed as a great advancement in law enforcement. And it was. After all, an officer driving a car can cover a much bigger area in a shorter space of time than a man on foot. But few, if any, realized at the time that police also suffered a loss. We began to lose close contact with citizens.

When an officer walked a beat, he knew just about everybody by sight and reputation and just about everybody knew him. He was always around. He was always accessible. He was a part of the community. But the patrol car created a barrier, both a real and a psychological barrier, between patrol officers and people. The officer was still around a lot, but he was not as accessible as before. For most, he became a stranger passing through the neighborhood on his rounds. That is where the communications gap began. And it got wider and wider.

It was during this same period of time that the police lost more ground because of low public opinion. Let me pose this question to you. How have you come to think of police officers as you do today? Most citizens do not have the occasion to request police assistance. In fact, the only contact most citizens ever have with the police involves traffic citations.

I think it is fair to say that opinions are formed by what people see on television, in the movies, what they hear on the radio, and from what they read in the newspapers, magazines, and books. People view us for the most part through the eyes of someone else.

For years, we didn't get much help from the movies. In fact, our image has suffered since the days of the Keystone Kops. They were funny. Audiences from coast to coast thought so. But because of the Keystone Kops, police officers became the first victims of typecasting. I say that because following the era of the Keystone Kops--during the thirties, forties, and fifties--you just didn't see a movie in which a policeman solved the big case. From Charlie Chan to Perry Mason, police officers were usually depicted as bumbling, well-meaning incompetents or even worse. We had no heroes and few defenders. That kind of thing over a long period of time penetrated the national consciousness and helped perpetuate the image of the dumb cop. We dropped lower in public esteem. Near the end of the decade, police came under attack--both verbally and physically--by various groups who attempted to drive a wedge between citizens and police by casting us in the role of oppressor. We are still learning to live with a new crop of derogatory terms.

And for a time we had to contend with what amounted to "open season" on police officers. We were faced with what appeared to be a dangerous shift in public attitudes. We had learned, albeit the hard way, that it is the enemies of law enforcement who gain from our isolation. It became painfully obvious to mayors, city managers, and police chiefs that very few areas are more vital to a city than the relationship between its people and the police.

Something had to be done. But how do you overcome all of the obstacles that I have outlined? There was the image problem. We were undermanned, under trained, and under fire, attempting to enforce the law where, according to Vance Packard, people apparently care less and less. How do you overcome years of neglect in the area of police-community relations? I think you'll have to admit that this is a tall order, indeed.

In Dallas, we launched two programs simultaneously. An educational incentive pay program for police officers and a vigorous effort to improve police community relations. Dallas Police Chief Frank Dyson has stated that a police officer, in order to gain and maintain respect for his judgment and authority, should have an education that is at least as good as, and preferably better than, the people he serves. As a result of this philosophy, the man behind the badge in Dallas is undergoing a transformation.

We now require 45 college hours as an entrance requirement. A college degree will be required in 1977. The average number of college hours per officer in Dallas is well over 50. The number of degree holders exceeds 250. As we carry out our education program, we are attempting to communicate to the public that we are doing our best to put in the field the best educated, best trained police officers possible. We are trying to get across to the public that the officers we are sending out to regulate human behavior--the officers that may be called upon to make a life or death decision--are really qualified to make those decisions. I am convinced that many of our community relations problems will largely disappear when the public is made aware of the progress that is being

made in education. And I believe that we can expect an improvement in attitudes and greater support. Higher educational standards will help to improve the police image.

I'm also pleased to report to you that we are at long last getting some help from the movies and television. In the last year or so, police officers have become modern folk heroes. The cowboys and the private eyes have lost out to "Columbo," "Madigan," "McCloud," "The Rookies," "Adam-12"--even Raymond Burr has changed roles. Instead of Perry Mason, he now plays Chief Ironside. We've been discovered! And it couldn't have come at a better time. Police officers have complained loud and long, and with justification, about our characterizations in the past. And while the current TV shows and movies are heavily laced with fiction, police officers are being portrayed in a better light.

Getting back to a subject I mentioned earlier, back to "walking the beat" would overcome our problem of isolation. But most cities don't have enough money to fund that type of patrol operation. Still, something had to be done. In Dallas, we have found that the establishment of police-community service centers, particularly in minority neighborhoods, opened up new avenues of communication. Closer contact was regained. Through the work of our community service centers, we have dealt with crime problems more effectively. These centers also serve as a clearing house for referrals to other city departments regarding city services and to other agencies, both public and private.

The officers who man our centers become ombudsmen when the occasion warrants and good Samaritans when the need is there. Here is an example of what I mean. A teacher advised an officer working at a center that a teenage girl would be unable to continue her education unless she was fitted with glasses. A personal visit by the officer to her home resulted in the discovery that four of her brothers and sisters also needed eye correction. Clear vision was a luxury they could not afford. Through the efforts of the center, a serious eye infection in one of the children was detected and cured at Children's Medical Center. All five children, through the cooperation of a Lions Club, were fitted with new glasses. Needless to say, this family now views the Dallas Police Department with a different perspective. That's just one example. There have been countless others.

We have six such centers in Dallas. They serve their communities and the police department extremely well. But we cannot afford to establish community service centers in all sections of our city. And a method had to be found to bring the police back into all areas on a personal basis so the average citizen could gain an insight into his role and assist him in his job.

After a great deal of brainstorming and discussion, we decided that we would attempt to organize anti-crime committees in each police beat in Dallas. We dubbed the program "Operation: Get Involved." Officers from our Community Services Division went forth looking for members. We employed various methods to publicize organizational meetings--newspaper announcements, radio bulletin boards, and fliers. Once the nucleus of an organization is formed (after officers are elected) meetings are scheduled each month. These meetings bring together the officers who patrol the beat and the residents who live there. Pamphlets are distributed on drug abuse and how to protect life, home, and property. Crime

problems in the neighborhood are discussed. We ask for vigilance--not vigilantes. Citizens are urged to report unusual occurrences that might indicate criminal activity, but to get involved only to that extent.

Since February of 1970, we have organized 62 out of the 109 patrol beats in the city. Total attendance at all meetings since that time exceeds 112,906. And while we have not kept figures on the number of persons that we have reached--that is, persons who have attended at least one meeting--we believe that a conservative estimate would be over 140,000. There is no doubt in my mind that we have brought about a higher degree of vigilance on the part of citizens in the areas where beat committees have been organized. Residents are much better prepared to protect themselves and their property from criminals. And those persons who have become involved have a much better understanding of the problems that we face.

Urban living presents a paradox. People are closer together and yet farther apart. Back in the days of the early settlers, people would travel miles by horse-drawn wagon just to be together. Now, we drive miles away on the weekends to be apart. At the risk of sounding provincial, we are fortunate in Texas because some of the pioneer spirit of "helping your neighbor" has carried over into the present day. But I will be the first to admit that life today even in Texas, and particularly in the big cities, is a good deal more impersonal than it used to be. Perhaps we are suffering from the same malaise (malady) that Packard talks about in his book. We seem to have lost some of that old sense of community. We still refer to "my neighborhood," but we don't know the neighbors who live at the end of the block. There is nothing intrinsically wrong with living an impersonal life if everything is going well in your neighborhood. Unfortunately, all neighborhoods in Dallas and across the nation, have become targets for thieves and narcotics pushers. No neighborhoods are "off limits."

That is the reason why we have placed so much emphasis on the formation of anti-crime committees in Dallas. People needed some sort of rallying point. We have provided those persons who are deeply concerned about the crime problem with the means to offer their assistance and support. We like to think we have restored, in a limited way, a greater sense of community.

Our experience has proven that if you really work at it, you can arouse interest. There are people who really care, people who can be organized, people who can get things done. Perhaps you've heard it said that there are three kinds of people: those that make things happen, those who watch things happen, and those who wonder what happened.

Police departments must be service-oriented. And if people will not come to us, we must go to them. For too long, police departments reacted to events. We made no effort to help shape them. Our police chief--our department--has a different philosophy. We believe that a police officer must not only deal with society as it is, but has an obligation that goes beyond his area of basic responsibility to change it for the better.

During the last several years, a Citizen Ride-Along Program has accomplished a great deal in our efforts to close the communication gap. We invite male residents of Dallas to ride with a patrol officer during his regular tour of duty. While

most citizens have a vague idea of what police officers do, the ride-along in most instances is a real eye opener. We utilized a variation of this same program a year or so ago when we invited Dallas ministers to participate in a "Clergy Ride-Along." The response was very gratifying! Fifty churches, many of them from the Baptist faith, were represented. The ministers rode with patrol officers from 6:00 p.m. until 2:00 a.m. in all sections of the city. The following Sunday, the pastors shared their experiences with their congregations. Two weeks after the Clergy Ride-Along, the ministers were invited to attend a question and answer session with the chief of police. Most of them had made notations about matters of interest as they participated in the Ride-Along and brought them to the attention of the chief. It was a fruitful exchange. Everyone agreed that it was a very worthwhile undertaking--that it brought about a better understanding by the churchmen of police problems. We expect to repeat this program in the not-too-distant future.

Another program designed to bring about greater community involvement, one which we have been very enthusiastic about, has been only moderately successful. And we don't really understand why we have not had greater success. About ten years ago, Police Chief Everett Holladay of Monterey Park, California, came up with an idea to help prevent burglaries. It involves the use of an electric engraver to mark property. Perhaps you have heard about it. The mark, in most cases a driver's license number or a social security number, is registered with a police department. Stickers are placed near doors or on windows to warn a burglar that all valuables inside are marked and are on file with the police. If and when a burglar carts off a piece of marked property, the process of apprehending and convicting him is simplified. If law enforcement officers recover merchandise that they know is stolen or they believe might be stolen, it helps catch the criminals. And, it can bring about their conviction when true ownership of the stolen goods is established by identifying marks. Return of the stolen property to its rightful owner is facilitated.

Now, you would think that such an idea would spread immediately. Unfortunately, it hasn't. Only in the last year or so has the idea spread rapidly outside California. It's a shame that a good crime prevention idea doesn't catch on like the hula hoop craze. Everyone agrees that it's a great idea, but the response in Dallas and around the nation has been disappointing. The attitude seems to be: "I really should get this done. And I'll get around to it one of these days." I suppose that with this program like everything else the educational process is slow. It is my hope that eventually we can establish a computer network that would allow any police department in the nation to check on stolen or recovered merchandise through a property identification system.

Any good burglar knows that marked items are hard to sell and that possession constitutes an engraved invitation to jail. The burglars know that. All we need to do is get that point across to the potential victims. And, believe me, all of you are potential victims. Of course, it's a little like preaching safe driving. We're trying to overcome the old "This won't happen to me" syndrome. But, if you have such a program in your home town, participate in it. If you don't have such a program, do your best to get one started. A property identification system offers the best opportunity in history for citizens to work with the police department to reduce burglaries and thefts.

Two years ago, the Dallas Police Department was given the opportunity to participate in the YMCA Honda Mini-bike Program. Officers from our Traffic Division have spent many off-duty hours teaching underprivileged youngsters how to ride. They organized a mini-bike drill team which has participated in a number of parades and similar events in Dallas. I must admit, however, that the kids were standoffish and suspicious at first. But, as it became apparent to them that it was all in good fun and would benefit them, we won them over--another small, but very important contribution to our community relations program.

Through our Police Athletic League Program, we are providing hundreds of underprivileged youngsters with the opportunity to participate in football, baseball, basketball, and boxing each year. We don't claim that we save all of these youngsters from a life of crime, but we do provide them with wholesome recreation and keep them off the street. We in law enforcement know that it is vitally important that youngsters have a good understanding of laws--why they are necessary, what is expected of them both legally and morally, and why they should respect the law and the rights of others. This we know.

We also know that fifteen-year-olds commit more crimes in the United States than persons of any other age. We also know that more than half of all serious crimes in this country are committed by youths under the age of eighteen. What is causing this staggering increase in juvenile crime? There is no single factor that we can point to as the culprit. It's a combination of things.

It is ironic, but true, that one of the big reasons that youngsters turn to crime is that they have nothing to do. For the lower-income families, it is the high school dropout who cannot find a job. For the affluent it is the youngster who is bored. Both extremes, the rich and the poor, have nothing to do. For the parents of youngsters who have nothing to do and plenty of money to do nothing with, a word of advice: find something meaningful, something worthwhile for them to do.

Finding jobs for the youngsters from poor families is a much bigger problem. There are many more of them and they commit more of the crimes. I don't have a solution to the problem, but I can tell you that the police in Dallas and in your home town would like to get them off the streets and into something constructive. Many of them could be trained to succeed at something. Right now, they're learning how to commit crimes. It wouldn't take much of a job to keep some youngsters out of jail. Just a small amount of success with a job, with earning money, could make a big difference. We've given people in the lower economic groups middle- and upper-class values before they can afford them. Youngsters are surrounded by an excessive desire to obtain money or what money will buy. Poor kids feel they have to have material things and money in their pocket. One of the main things they steal is a car, which is a very important status symbol. They feel big when they're driving a car. It seems to me that we've got to give more attention to the effort to give young people a legitimate way to acquire cars and other material things and at the same time give them something constructive to do: namely, a job.

There is, of course, a more basic reason why youngsters are turning to crime. We are witnessing a constant lowering of family values and standards. I believe the core of the problem is the basic moral fiber of our people. All too often

these days, values and standards, manners and morals are forgotten. We are just about at that point where society is in danger of being swept away by a wave of parents who have forgotten how to say no.

Crime prevention must begin in the home. It can best be dealt with through a greater emphasis on parental and individual responsibility. Selling this idea is another matter, at this stage. The staggering increase in juvenile crime is a clear indication to me that parents are abrogating their responsibilities. The three "R's" should be increased to four: "Readin'," "Ritin'," "Rithmatic," and "Responsibility."

It's too late when they reach reform schools and prisons. We have some young offenders today who move from reform school to jail to prison the same way most people graduate from grade school to high school to college. This cycle must be broken.

What young people need most today is almost precisely what adults need: a faith in God, a greater faith in oneself, a greater trust in one's fellow citizen, a deeper commitment to the family, and a greater appreciation of and respect for the laws of the land in which we live.

CHRISTIAN CONCERNS ABOUT CRIMINAL JUSTICE

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Judge Learned Hand in the book The Religious Experience of Colonial America defined the spirit of liberty, saying:

What do we mean when we say that first of all we seek liberty? I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes, believe me, these are false hopes. Liberty lies in the hearts of men and women. When it dies there, no constitution, no law, no court can save it. No constitution, no law, no court can even do much to help it. While it lies there, it needs no constitution, no law, no court to save it. . . .

What then is the spirit of liberty? I cannot define it; I can only tell you my own faith. The spirit of liberty is the spirit which is not too sure that it is right. The spirit of liberty is the spirit which seeks to understand the minds of other men and women. The spirit of liberty is the spirit which weighs their interests alongside its own without bias. The spirit of liberty remembers that not even a sparrow falls to earth unheeded. The spirit of liberty is the spirit of Him who, nearly two thousand years ago, taught mankind that lesson it has never learned, but has never quite forgotten: that there may be a kingdom where the least shall be heard and considered side by side with the greatest.

The first and primary Christian concern about crime is to stop its increase, then to decrease crime. It is impossible to eliminate all crimes but they can be decreased.

For practically every crime there is a victim or victims whose life, liberty, or property is taken. There is much talk about victimless crime today, such as addiction to alcohol, heroin, or other narcotics. This is a misnomer. An addict hurts not only himself but usually many others and often ends up as a public charge expensive to all of us.

Christian concern in my opinion should first be for the victim or victims. He or they seem to be the forgotten ones. For the most part there is little concern for them officially and they are seldom recompensed for their losses. Millions of innocent persons lose their lives, suffer severe bodily injuries, and suffer economic losses running into the billions of dollars for crime. Not one victim in a thousand is fully restored. Most receive no restoration at all. There is some talk of legislation for the state to partially reimburse the victims of crime. This means that the law-abiding taxpayers still will pay the cost of crime; we will just distribute the cost over all as we now do in some of the costs--such as the maintenance of police, the courts, jails, penitentiaries, and institutions for narcotic addicts.

So my first concern as a Christian is for justice for the innocent victims of crimes. Prevent crime. Reduce crime. This is first. This paramount. All other concerns are secondary--a poor second to this primary concern for justice for the victims of crime. I would advocate measures for the governments to restore, where possible, the victims to their former state, but I am afraid that the practical consequences would be a substantial lessening of the opposition by society to most crimes of property and the abuse of such a system would probably make the present abuse of our public welfare system pale into insignificance.

Most crimes are never solved. The criminal is never identified, arrested, tried, convicted, punished, or reformed. But in that minority where the criminal is identified half are never convicted, punished, or reformed. In a small percentage the perpetrators of crimes are identified, arrested, tried, and convicted. Of these, 65 to 80 per cent are arrested again for crimes so very, very few are reformed by our correctional procedures and institutions. But conviction and punishment and even the reformation of the criminal does little for the victim of the crime. So my chief emphasis remains upon the prevention of crime.

We need many more police, better trained police, better paid police, more and better police equipment, better police organization and procedures, and more civilian support for the police. We need a greater emphasis upon the prevention of crime.

It is often said that the greatest deterrent to crime is the speedy arrest and conviction of the criminal. I have grave doubts as 65 to 80 per cent repeat. There is no proof that capital punishment deters crime. There is no proof that any punishment deters crime. The example of England is not applicable here.

We can probably increase the percentage of crime solved and criminals arrested and convicted. More police, better paid, better trained, better organized better equipped with better civilian support will do this. More trial and appellate courts better organized to give speedy trials will contribute to this end. Reformed criminal procedures will also contribute to this end. This would include laws making confessions easier to obtain, restrictions on the privilege against self-incrimination, elimination of the necessity of grand jury indictment, elimination of most continuances and other forms of delaying trials, elimination of special venues, revision of the laws concerning illegally obtained evidence, and reform of the attitude of state appellate and federal courts which reverse convictions in a multitude of technicalities and make a final conviction of a criminal most difficult today.

In 1969 I received from Mr. Leon Jaworski, recently president of the American Bar Association, a "Supplemental Statement on Constitutional Limitations" which he and several other members of the President's Commission on Law Enforcement and Administration of Justice filed with the formal report of the Commission. They likened the American situation to that in Great Britain and quoted Lord Shawcross who, after commenting that "the criminal is living in a golden age," stated:

The barriers protecting suspected and accused persons are being steadily reinforced. I believe our law has become hopelessly unrealistic in its attitude toward the prevention and detection of

crime. We put illusory fears about the impairment of liberty before the promotion of justice.

The Supplemental Statement advocates some significant changes in the privilege against self-incrimination and the laws pertaining to confessions.

About the same time in the Dallas News I read quotations from speeches made by Chief Justice of the Supreme Court of the United States, Warren E. Burger, when he was a federal appellate judge in Minnesota. In 1967 he said:

Our system of criminal justice, like our entire political structure, was based on the idea of striking a fair balance between the needs of society and the rights of the individual. To maintain this ordered liberty we must maintain a reasonable balance between the collective need and the individual right, and this requires periodic examination of the balancing process as an engineer checks the pressure gauges on his boilers.

In 1968 he said in a speech to the Ohio Judicial Conference:

Today we have the most complicated system of criminal justice and the most difficult system to administer of any country in the world. To a large extent, this is the result of judicial revisions of the code of criminal procedure and evidence and to a substantial extent imposed these new procedures on the states.

Surely it is arguable that the basic concepts of orderly procedure must apply to the enormously complex task of rewriting a code of criminal procedure. Over these past dozen years, however, the Supreme Court has been revising the code of criminal procedure and evidence 'piecemeal' on a case-by-case basis, on inadequate records and incomplete factual data rather than by the orderly process of statutory rule making.

He characterized this method of revising the rules of criminal procedure and evidence as the "sunburst doctrine of discovery of constitutional rights which spring into being as of midnight on a stated day." This case-by-case piecemeal revision he deplored and stated that sound judicial statesmanship would have accomplished any needed revision of the rules of criminal procedure and evidence in orderly and comprehensive fashion by the rule-making power of the Court after thorough study and hearings by advisory committees.

Apparently the Supreme Court did not want to use the slow process of the rule-making power but wanted instant equality, liberty, and justice as do many impatient campus rebels, radical minority groups, and hippie contingents. There is a striking similarity in philosophy and technique.

I believe we have arrived at the point in our history where the individual has more liberty in the area of criminal justice than the self-discipline, self-restraint, and morality of the average American citizen will support. Liberty and law and order in a free, democratic society are more matters of individual self-government and morality than criminal procedure.

Time and time again we have seen liberty come to a people either by revolution or by gift of a former ruling nation only to see the people lose their liberty because they lacked the basic habits of self-restraint and self-discipline to make continued individual liberty possible. All of us remember with what high hopes and rejoicing the people of the former African colonies greeted the new constitutions which gave them individual liberty and self-government. After a period of chaos and disorder, each quickly fell under a totalitarian government with less individual rights and liberty than under the former European colonial government. We have been watching the same process repeated again and again in Latin America for 150 years--also in new Asiatic countries.

Of course, I make no claim that we have arrived at such a low estate, but I do believe our problems in the area of law and order are due chiefly to the decline in individual self-discipline, self-government, self-restraint, morality, and religion. I agree with the editorial which I saw in the Dallas Morning News. The writer there stated:

But democracy itself is the product of the nonconformist conscience--the Puritan ethic, if you will--and there is no telling where the one leaves off and the other begins.

Again it was said:

Democracy needs religion to fulfill its basic assertion of the worth of the individual as a spiritual unit. Democracy without religion makes the individual a social cipher in a system devoted to mass man--whether it be socialism, communism, or fascism.

In the Virginia Statute of Religious Liberty, Thomas Jefferson wrote "that our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry." A few years later the French people overthrew their rulers and announced that the day of liberty, equality, and fraternity had come. Religion was repudiated and the Age of Reason welcomed. Well-meaning people wanted instant liberty, equality, and fraternity; and their efforts degenerated into the national catastrophe known as the Terror, a time when no man's life, liberty, or property was safe. Out of this chaos came the man on horseback, Napoleon, to restore law and order with a new totalitarian government.

Jefferson was wrong. Our civil rights are dependent upon our religious opinions. George Washington, after the French Revolution, observed that our government was dependent upon law, and law upon morality, and morality upon religion. In his farewell address in 1796 he stated:

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert the great pillars of human happiness--these firmest props of the duties of men and citizens. The mere politician equally with the pious man, ought to respect and cherish them. A volume could not trace all their connections with private

and public felicity. Let it simply be asked, "Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government.

There is an old book written in 1835. It is called Democracy in America and was written by a young Frenchman, Alexis Henri Charles Maurice Clerel, Comte de Toqueville, after he visited America in 1831 on a mission from the French government to inspect the prisons and penitentiaries in America. This book remains today the profoundest analysis of the American political system ever written. In it de Toqueville observed:

Religion in America takes no direct part in the government of society, but it must be regarded as the first of their political institutions; for if it does not impart a taste for freedom, it facilitates the use of it. . . . Americans . . . hold it to be indispensable to the maintenance of republican institutions.

Again he wrote:

The Americans combine the notions of Christianity and of liberty so intimately in their minds that it is impossible to make them conceive the one without the other.

Of the Americans he says:

They brought with them into the New World a form of Christianity which I cannot better describe than by styling it a democratic and republican religion. This contributed powerfully to the establishment of a republic and a democracy in public affairs; and from the beginning, politics and religion contracted an alliance which has never been dissolved.

What is the basic American political proposition? About 20 years ago Walter Davenport wrote a book entitled The American Proposition to answer this question. He claimed that the basic American political proposition was a religious one--the supreme value of the individual man created by God in God's own image.

Look at what Thomas Jefferson wrote in the Declaration of Independence.

We hold these truths to be self-evident, that all men are created equal, and that they are endowed by their Creator with certain inalienable rights that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

Thus Jefferson stated the basic American political proposition upon which our government is founded. It is the fundamental principle of the American Constitution which was, as is stated in its preamble, ordained and established "to secure the Blessings of liberty to ourselves and our Posterity."

Let us look again at what Jefferson wrote. He said that God created man and endowed him with liberty and that God meant this liberty to be inalienable. No government could rightfully deprive man of his God-given liberty. Indeed, Jefferson wrote that the reason governments are created is to secure the blessing of liberty to the citizens. The above political proposition is clearly a religious proposition. Jefferson called it a self-evident truth. It may have been self-evident to our founding fathers, but not to the rest of the world. This is a religious proposition which was not accepted by a majority of the people of the world in 1776 and is not accepted today by a majority of the people of the world. Indeed, most of the people of the world today deny the truth of Jefferson's statement and live under governments which officially deny that there is a God, that man was created by God, or derived any inalienable rights from God. These governments hold that man is an economic, social, or political animal who has only such rights or liberties as the government may choose to give him.

But our government is founded on the proposition that man is the supreme value in society, that he has this value because he was created by God in God's image. God himself set the value on man when he became incarnate and suffered death upon the cross that man might be saved for eternal life. There is naught in all creation for which God died except man. Only a government which denies God and God's eternal and inalienable concern for man can treat man as a mere economic, social, or political animal subject to the service of the government. This is the philosophy of Communist governments around the world. But a people who believe in God dare not have a government which demeans or enslaves man.

Because most Americans have generally subscribed to this religious and political proposition of the supreme value of the individual and because our political institutions were founded and operated on this proposition, Americans have enjoyed more freedom than any other people of all history. We have not in all instances and all times proved true to this proposition and have as to certain peoples at times refused to regard them as equal in the sight of the law and in the sight of God. The problems and troubles of our land today, particularly in race relationships, are due largely to this failure to live by our basic American proposition. We have been free to the extent we have been true to this basic proposition and we have suffered where we have not lived by it.

Alexis de Toqueville reported to the French government in 1835:

I went at your bidding and passed along their thoroughfares of trade; I ascended their mountains and went down their valleys; I visited their manufactories, their commercial markets and emporiums of trade; I entered their judicial courts and legislative halls--but I sought everywhere in vain until I entered the church. It was there as I listened to the soul-elevating principles of the gospel of Christ as they fell from Sabbath to Sabbath upon the masses of the people, that I learned why America was great and free, and why France was a slave.

Many are concerned about certain trends in our nation today. There is widespread disrespect for law and order. The crime rate continues to increase alarmingly. The general morality of our people is on the decline. The divorce rate and illegitimacy rate continue to climb, and the family as the basic social unit is threatened with dissolution. Self-restraint and self-discipline are becoming rare as personal virtues. The influence of religion in the lives of Americans grows weaker.

In a Gallup Poll taken about 1960, 75 per cent of the people of the United States indicated that they thought that the influence of organized religion in the country was on the increase. A similar poll conducted by Gallup ten years later showed a drastic change. Now 75 per cent of the people are of the opinion that the influence of organized religion is on the decline. This represents a significant shift of 50 per cent of the people. It is not my purpose here to analyze the reasons for this reversal of American opinion concerning religion, but certainly some of our religious leaders have failed to remain relevant to modern issues. They persist in answering questions which are no longer being asked. Certainly there has been an increasing secularization of our society and an increasing reliance upon the government to solve all our problems. Worship of the state is no longer a monopoly of the communistic societies.

Free self-government is possible only in a society where an overwhelming majority of the people are able and willing to govern themselves individually. They must voluntarily comply with the law and participate in the processes of self-government. They must not only be law abiders but to some extent law enforcers. If a substantial minority of the people are not willing to voluntarily comply with the law and are hostile to the government, the government can exist only as a totalitarian state with enough police to compel compliance with the law. This is the situation in the Communist nations of the world. About a tenth of the population are governmental agents, and the people have very little freedom.

Where the people discipline themselves, a free society is possible. Historically, the motivation for such self-discipline, self-government, and voluntary compliance with the law comes only from religion. The average American does not commit murder, robbery, theft, arson, and other crimes against the law because he fears the policeman or because he fears punishment by the state but because of his religion--his obligation to his God and his Christian concern and respect for his fellowman. Remove the influence of religion and we can have law and order only with a police state. If you seek the reason for the increase in crime rate, look to the decline in influence of religion in American life.

De Toqueville wrote:

Religion is the safeguard of morality, and morality is the security of law and the surest pledge of the duration of freedom.

He wrote:

Thus, while the law permits Americans to do what they please, religion prevents them from conceiving, and forbids them to commit what is rash or unjust.

William Ernest Hocking, the dean of American philosophers who died a few years ago, wrote in his book The Coming World Civilization in 1946, "Democracy is the most difficult and perilous form of government because it calls for unselfishness on the part of officers and voters alike. To sustain this high morality against the tide requires religion, because it is only religion that makes morality a command of the cosmos." He claimed that a democratic state, such as America, "depends for its vitality upon a motivation which it cannot by itself command." "The power of the state must come from a law higher than itself." This motivation and this power in America has been and is religion, and our nation as a free society is dependent thereon.

To restore religion, morality, respect for fellowman, self-discipline, and self-government to their former place will take much longer than the period of rapid decline. There are no easy solutions, and it is not a task just for judges and lawyers but for all our society; but judges and lawyers can certainly do their part. This is the only solution to our problem consistent with continued liberty and law and order.

Meanwhile, in the area of criminal justice, our legal system provides for more liberty and more protection from the state than our current state of religion will support. We have more liberty than our morality will support, more liberty than our self-discipline will support. If we are to maintain law and order, we will have to reduce the degree of liberty in this area to fit our decreased religion, morality, and self-discipline. Some of these reforms may well drastically reduce the privilege against self-incrimination which exists only in the English-speaking world, or provide for practical interrogation of suspects by police or less strict requirements for the use of confessions. Others should call for more courts and more speedy justice. Reform will come primarily because of the demand of citizens.

We should be prepared to support revolutionary revisions of our legal procedure necessary to maintain law and order. Continuance of present trends in decline in morality, respect for law, and self-discipline will otherwise ultimately bring anarchy and then a totalitarian government to bring law and order without individual liberty.

JUSTICE IN THE COURT SYSTEM

Dr. Abner V. McCall
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Let me say that Dr. Porter asked me to comment upon the report of the Court's Task Force Section of the National Advisory Commission on Criminal Justice Standards and Goals.

They have several recommendations. I agree with all of them except one. Let me say that if you are interested as laymen in improving our court system and improving our administration of justice in criminal affairs, the first thing to do is to get informed. Get informed. Learn about the details, know when the bills come up; get hold of your legislator and jump on him about supporting them. Do what you can. Organize things like the Anti-Crime Commission of Texas and generally throw your weight around. You have got more weight than you thought; you have just as much vote as anybody else. I have always found that if you just holler loud enough and make a lot of noise and you know what you are talking about, you get some results. Sometimes it takes 25 years, but you get some results. This is what needs to be done for you as average laymen to have any effect in the administration of justice.

I said you can't rely upon lawyers alone. One lawyer in the crowd this morning didn't exactly appreciate all my remarks, but all lawyers, just like I'm a lawyer, will help. I might illustrate by answering the question one of you asked about the dual function of a lawyer.

I defended a man for murder. The sheriff had gone into his home, taken the clothes that he was wearing and sent them off to the laboratory at Austin. They were to analyze the blood on them and the grease and the hair, and they produced evidence that he had murdered a man down on the railroad tracks where they had found similar grease and hair.

My client said he didn't know whether he did it or not. He said he was so drunk that he didn't remember what he did. The man had been stabbed several times, and was the father-in-law of the defendant. I objected to this evidence that was obtained illegally, in violation of the Texas Statutes and Constitution, and the Trial Court overruled me and accepted the evidence, and convicted the man for murder. The Court of Appeals ruled that I was right and they could not use this evidence. This man thereby went free.

Now, I don't agree with that statute at all. I don't think that statute is correct in Texas or that it is not really an interpretation of the Constitution except that the people shall be free from unlawful search and seizure. As a matter of fact, I don't agree at all with the whole Supreme Court decision that ruled on illegally obtained evidence. I think you ought to punish the officer when he is guilty of illegally obtaining the evidence. I think you also ought to punish the person the evidence convicts. What we do is to let two guilty people go free, instead of punishing both of them.

Now, as a lawyer defending an individual, I am going to represent him under the law as it exists. This is my job. This is my responsibility. Our individual freedoms come from everybody being given his legal rights. What they can do to you, they can do to me. What they can do to the poorest and most despised person, they can do to anyone if the government official wants to do it. So our liberties and our rights and our securities rest upon the fact that everybody has the advantage of the law as it exists. We are a government of law and not of men. Now that doesn't mean I have to agree with the law. So I claimed this man's rights under the law, and he gets acquitted and I think he probably shouldn't have been acquitted. But under the law, they couldn't use this evidence against him.

I told the Texas legislature not long ago that they ought to change this provision of our search warrant laws and allow a person to obtain this type of evidence. Under our laws, what can be seized as legal evidence is very narrow; weapons with which crimes have been committed, contraband materials, weapons stored to commit riots, and that's all.

If I wrote out a confession of murder and left it on the table, and an officer came into my home legally, he couldn't pick that confession of murder up, even though he came to arrest me for murder. If he did, it would be illegally obtained. To me, that is absurd. Yet, if I were defending a man for murder, and this confession of murder had been picked up, I would object and have it excluded. So the fact that the law is not perfect, every lawyer is going to claim that right for his client. That's the American system, and there is nothing wrong with that. That lawyer, just like in my case, might claim that law ought to be changed. It does not provide administration of justice. It is an unnecessary suppression of the truth in the trial of criminal cases.

The first thing they recommend is speed and efficiency in the court process - just speed everything up. They suggest that the time involved from the time of arrest of an individual to the time of trial be 60 days or less. We have cases on the books in Texas that have been there for two years or more. A pretty high percentage have been there one year; I would say at least half. So if you could have a situation where a man would be tried in 60 days from the date of his arrest, it would be a vast improvement from what we have in Texas and from what we have in practically every other state in the Union. It would take more courts, more prosecutors, more police, and about twice as much money as we are spending now. But it would be worth it.

For some reason, if you go down to the Texas legislature and try to get another court created, and try to get more prosecutors, they get awfully economy-minded. They always cite the fact that there are judges who sit around and don't do anything. They recommend here that every judge work from 9:00 a.m. until 5:00 p.m. I was in a trial in Dallas about twenty years ago. The judge never arrived until around 10:30, and then left about 2:30 or 3:00 in the afternoon. It took two weeks to try a case that could easily have

been tried in two days. I don't know what he was doing, just sitting in his office, I suppose. We must have worked about three hours a day trying that case. If we had started at 9:00 and gone until 5:00, we could have finished up in a couple of days. Some legislator gets up and says, "My judge isn't there more than two days a week. He doesn't need any help." Of course they don't need help.

We have 254 counties in Texas and only about 16 of them are what I would call urban. Most of the urban courts need help. Now some are organized and working well. If we could get the courts we have working and organized and under some sort of supervision, we would have quicker administration of justice. If there is any truth to the proposition that a speedy public trial will help deter crime, we would be able to find it out and do it.

They have other recommendations which encourage speed and efficiency in the court process. One of these would be the selection of the jury. I have seen it take as long as two weeks in Texas to select the jury. If we would let the judge select the jury and give the pre-trial examination of the jury, it would save a great deal of time. Another recommendation would be to do away with the Grand Jury indictments, and the necessity of it in all cases, by letting the prosecutor file the case. I like the suggestion that the Task Force which directed its attention to the delays that occurred in the course of the trial itself. To this end, standards were written, recommending juries of less than 12 persons, voir dire conducted only by the trial judge, and daily court sessions which run from 9:00 a.m. until 5:00 p.m., and streamlining rules regarding opening and closing statements by counsel. I have seen an entire day spent by counsels arguing the closing statement.

The Task Force also recommends prohibiting the introduction of repetitive evidence. An example of this would be character references. I have seen them bring in 20 or 30 people to give character references on a man. All of these things are good, if you can get them done. It will help speed up the time that courts spend hearing a case.

The second major recommendation from the Task Force regards upgrading prosecution performance. If we increase the courts and give them better support, we are going to have to increase the number of prosecutors. They make a recommendation that we pay the prosecutors the same thing that we pay the district judge. I think it ought to be done as he has a responsible job. Usually the judge gets paid a great deal more than the prosecutor. To get good, well-trained, and capable people, you have to pay them more. In most of our states, we need to double the number of the prosecutors and pay them better. We need to give them the support they need, including a strong investigative staff. In very few counties in Texas, the prosecutor does not have any investigating staff. He has to rely upon the police. Now if he is investigating the police and something they have done, he is in very poor shape. Every prosecutor needs an independent investigating staff. The prosecutor in reality handles more cases than the judge.

The third major recommendation from the Task Force is the upgrading of the caliber of the judiciary. They recommend the adoption of the Missouri Plan, which basically is having the judges appointed from a select panel and then the man runs against his record each time for election. A man has to be really sorry to be kicked out on that basis. I don't think it is the best plan. I am for judges being elected. I think if they stay close to the people, they are more responsive to the people. I have seen too much difference between the way the federal judges act and the way the state judges act. Some of the justice has to remain fairly close to the people, or eventually it loses the support of the people for law enforcement. To be effective, you can't get the administration of justice too far separated from the political and moral beliefs of the people. I am against the appointing of the judges as proposed under the Missouri Plan.

They suggest a unified court system. I like the idea of having 254 judges in Texas responsible to a chief justice. He could move them around. It would be possible that in one court, he would not have enough to keep him busy, and he could be moved from district court to district court, where he could spend the time and help in the disposition of the cases.

They also make a recommendation that we ought to use the computer system in our court system. Now this would not work in many of the small, rural counties in Texas, but I believe that in the 16 urban counties that we ought to use all of the modern business methods that we have at our disposal.

The last recommendation that the Task Force makes has to do with non-adversary disposition. In some states, 90 per cent of all the cases are handled by what is called plea bargaining. The defense lawyer comes in and talks to the district attorney, and the district attorney has more cases than he can possibly handle, and he is going to have to settle most of them, so for the plea of guilty or nolo contendere, he will agree to give a minimum sentence or a suspended sentence. An example of this is a man arrested for driving while intoxicated. The lawyer will agree to a lesser charge such as being drunk in a public place, and pay \$100 fine. This makes the prosecuting attorney look good, he got the record of a conviction, and the case is settled.

Approximately five out of six drunk driving cases in Texas are handled this way. They end up pleading guilty to a lesser charge. Of course, another problem that we have is that half of the drunk driving cases in Texas are handled this way. They end up pleading guilty to a lesser charge. Of course, another problem that we have is that half of the drunk driving cases are dismissed by the prosecutor. I once checked in McLendon County, and found that we had 250 cases filed in the last four years, and only one of those cases had been tried. Those who didn't plead guilty had been dismissed. Only one case out of 250 had come to trial.

In most criminal cases, about 45% are handled by pleas of guilty. In some states, this could go as high as 90%. We need to set up standards which will control this. Of course, now the courts are supposed to approve these decisions. Basically now, whatever the district attorney will come in and

agree with, the judge will approve. The court really needs to look at it, and have some presentation of the evidence, and let the judge help be involved in determining the circumstances for plea bargaining. Almost without exception now, the judge simply accepts what the prosecuting attorney recommends. Overall, more cases are handled by plea bargaining than by trial. We could help our district attorney, help him meet a standard in regard to plea bargaining. We need to standardize plea bargaining, and involve the judges more. But to do this, we will need more judges, more courts, more prosecuting attorneys, and more help. Plea bargaining is the inevitable result of the present system. The courts could not handle the cases if everybody's case went to trial. Most people believe that plea bargaining is better than just dismissing the case, but there is a need to standardize a procedure to handle plea bargaining.

All of these suggestions for court reforms are good. It just takes more people and more money, better trained people, better equipped departments and more supervision. It is a very difficult thing to pass judicial reform, for each individual has his own vested interest. About the only way you are going to pass that is when it is a part of a great big package. This will only happen when things are a great deal worse than they are now. It will happen only when the laymen becomes informed and aroused. I have not seen much of that kind of desire for information on the part of the layman.

In working for all of these reforms in the judicial system, we have to remember the political realities. Individuals are involved; their jobs are involved, and often they will block change. We need to have laymen informed and aroused, and then we will be able to make some changes in the criminal justice system.

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BY JUDGE McCALL: EXCERPTS OF ANSWERS TO QUESTIONS FROM MEMBERS
OF THE AUDIENCE

I think we ought to have only one police force in the county, like Dallas, for instance. There is duplication in the sheriff's office, and the city police, and the constables, but it is hard to make changes politically. It would be better if we just had 50 counties in Texas instead of 254, but everybody likes to have the police and the law enforcement officers as close at hand as possible. We have a fear of national police, a little less fear of state police. When you put the police and court system right near home, they do not abuse people and freedom is more secure.

In America, we have been far more interested in individual freedom and individual security than we have been in the administration of justice. Until recently, crime has not been something that affected our personal security. It was a gangland situation up in Chicago or someplace else, and the average person was never a victim of crime. Now in Dallas, about 1 out of every 70 people is a victim of crime, and it is coming much closer home. We are now beginning to take a look at crime. As Supreme Court Justice Burger said, "We put too much emphasis on individual freedom and liberty." So I think we need to swing back and make it a little easier to convict people.

Now again, I come back to the fact that convicting people is not going to solve the problem. All the court reform and all the law reform and all of these procedures do not get to the basic problem of why there is such an increase of the violation of law in America. It involves more the religion, morality, the schools, the family, and the church, than it does the court. Reform will help some and we ought to improve the criminal justice system.

Long sentences are not necessarily a deterrent to crime. Whatever we are doing isn't helping. There is no incentive for good behavior when there are long sentences. There is no incentive for reform unless there is some sort of a parole system. Yet what we seem to be doing is that we let them out and then they go and commit a crime again. The most hopeful thing I have seen is what I have read in an article recently which they call "the shock treatment." They take certain selected people who have been convicted of a felony, young people who are first offenders, and they put them in the penitentiary, and "the shock" of being in the pen for the first month is very traumatic. They let them see what it is like and then they give them a parole. The rate of those coming back is only about 10-15%.

If you let them stay in there for four or five years, they get acclimated to the penitentiary and they don't come out as better men. Often our penitentiaries are "colleges for crime." Criminals who get to find out what the penitentiary is like may have some effect so that they don't come back to a life of crime. Up until this time, we have not put the money and the personnel into our prison system to make it a system where there can be a reform of the criminal.

To the extent that we Christianize people, we solve our problems concerning crime and immorality. The compromises we make with capital punishment or any kind of punishment is because we live in an un-Christian and imperfect world. The question about whether capital punishment is a deterrent is really a practical question. The puritist like Jimmy Allen, who does not believe in capital punishment, if I could prove that capital punishment was a deterrent to crime 99% of the time, they would still have to say, "I'm against capital punishment." The question of deterrence is a practical question. All of these things we talk about - the balance between liberty and efficiency, and the criminal justice system are a common-sense practical judgment, and compromises we make in an imperfect world. If we could get everybody perfect, we would solve all of our problems. At one time in my life, I started reading all the books on Utopia. All these concepts of Utopia are founded on the concept that you are going to have perfect people. They have tried about 50 different times to have Utopia in the United States by organizing utopian groups. In every one, somebody always fools around with celestial maidens or runs off with the treasury. We just have to realize that we live in an imperfect world. You can't have Utopia because you can't find angels to be the citizens.

WHAT OUR PRISON SYSTEM DOES TO THE INDIVIDUAL

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Many individuals will recall the weird stories they were told prior to being enlisted in the armed forces. This type of propaganda prevails as men are sentenced to prison and I am sure in many cases the stories they hear are really more severe than they find, but many of the conditions they are told about soon become reality. The pictures that the first offender has in mind concerning a penal institution begin to unravel during the first hours in the classification and orientation facility which he is directed to. Many first offenders arrive at this location very apprehensive, afraid, lonesome, of low self-concept, and burdened by a conviction of a felony and the years of incarceration facing them. Often the offenders come to the classification unit depleted of economic resources. After having served several months in the local jail awaiting trial, many of them arrive at the facility without funds. The lack of money adds to their depression as they have a desire for available commissary items. Too often, a young man in this depressed period is vulnerable to another offender who, posing as a friendly companion, begins to share with the depressed individual the much desired commissary items and cigarettes. After several days or weeks of this type of treatment by his new found friend, this situation leads to an incident where his new found friend makes certain sexual demands and after the newcomer fails to respond, he then finds himself threatened because he has accepted favors from a fellow prisoner but now refuses to submit to the desires of his friend. This situation may develop into a fight, or the resident who was ignorant of this type of procedure becomes so afraid and depressed that he will ask the administration to lock him up in a cell to himself for self-protection. Now, he finds himself isolated from the rest of the population and all activities because he has accepted favors from someone who had some motives other than just to be friendly.

In some states, when the men arrive at the institutions for the period of classification, many are placed in dormitories and others in cells holding four to six men. Often, these areas are not sufficiently supervised, especially during the late night hours. Many sexual attacks occur in this particular setting because of the lack of manpower to properly supervise a group of one hundred or more men in an open dormitory. One of the saddest situations that is found in a prison setting today is to see a young man who has been forcibly raped by four or five of his peers in a dormitory or a large cell where a number of men are housed together. I am confident that no young man will ever be the same after having lived through this experience that happens too often in prisons, county and city jails, or county workhouses. It is my feeling that a young man who has been subjected to this type of treatment, even though he may not be injured permanently from a physical standpoint, has been injured psychologically to an irreparable degree.

After a period of thirty to sixty days under these housing conditions, the resident is usually assigned to an institution where the administration feels that he can most likely be a part of the rehabilitative process that is fitting to his needs. Often the facility to which he is sent as his permanent prison unit is

housing in a two-man cell consisting of an area of not more than 50 square feet-- the minimum recommended for one prisoner rather than for two. In close quarters such as these, two men are subjected to crowded living quarters. But our provisions are out of step with our expectations. We expect him to come out of his housing unit each day with a pleasant attitude and, hopefully, a bright outlook on life. We expect him to do a decent day's work or participate in various educational and training programs after having spent ten hours in a crowded, poorly ventilated, poorly lighted cell. It is quite possible the housing alone is eroding, deteriorating, demoralizing, and devastating to the correctional process. I see the overcrowding of prison facilities as the gravest problem in the correctional and rehabilitative process.

As the offender becomes established to his permanent assignment, an effort is made to enroll him in certain areas of improvement. Quite often he is assigned to a period of work and training each day or various days in the week in order that he might have the benefit of work therapy as well as training. The men are urged to be receptive and aggressive in rehabilitative programs which include guidance and counseling by the counseling staff or the chaplain's staff. Both of these services are often very poorly accepted due to the background or the period of depression through which the offender is going. Resentment is often felt toward the administration due to a very small salary, or in many cases, no pay whatever. This leads to the discarding of good work habits and the stifling of whatever incentive that prevailed when the offender was originally sent to prison. It is fearful that when one realizes that the maximum that he can earn is \$20 a month the resident will eventually adjust his work habits to the point where he loses respect for himself and his desire to do a decent day's work.

Generally, offenders within a prison setting work no more than eight hours a day. This leaves at least sixteen hours a day for meals and recreation and other activities that are permitted behind prison bars. This proves to be too much idle time. The resulting general mood of being somewhat depressed, discouraged, and overdue for some type of excitement is an ideal setting for the participation in drug abuse. An idle mind with no responsibility is certainly conducive to developing a desire to participate in the use of drugs. This could well be the first time the offender has participated in this particular vice. Most prison officials will readily admit that it is almost impossible to keep all narcotics out of an institution. This writer has had opportunity to see young men continue their drug consumption after reaching prison. An often resulting consequence is the loss of a hand or a leg due to injections which had caused infections to the point where amputation has become necessary.

There is also a kind of addiction to the prison itself. It has been the experience of this writer to discover that long periods of incarceration have caused offenders to become completely dependent upon the institution to the point where they are literally afraid to face a life in free society. Many become quite nervous and most apprehensive as to the changes that have taken place during their fifteen or twenty years isolated from society. Considerable stress develops when they find that it is their responsibility to meet deadlines, pay their bills, look after their clothing needs and the many, many other things that have been done for them for fifteen or twenty years. It is a strong doubt that they are ever able to completely adjust to a free society after having been told for many years when to go to bed, when to get up in the morning, what to do each hour

of the day, what activities to participate in, who to visit with and correspond with, how long their visits can last, and many other items which an individual in free society has learned to live with and realizes as a part of life.

During the entire period of incarceration, some offenders experience periods of extreme tension within an institution and will beg the officials for a transfer for fear that their life is in danger at the particular institution. Many times this apprehension has merit and the feelings can be justified, but in many cases the offender lets himself get to a point where he begins to imagine terrible things are going to happen to him. Certainly a state of mind such as this is not conducive to improving one's outlook and self-concept as the administration would hope would be taking place.

After an offender completes his sentence and is released into the free society, it is felt by many that due to the things that he has been subjected to and the conditions under which he has lived, it is quite possible that he has picked up some ideas from some older offender that will cause him to be a greater threat to society than he was a few years previously when he entered prison. If this condition prevails, and I am confident it does in many cases, it behooves not only prison administrators but all segments of society to be fully conscious of the fact that what is happening with individuals in many, many cases is just the opposite of the results that we would hope to attain. The writer has never condoned the offenses that cause offenders to be incarcerated but has a strong feeling that every Christian layman should be conscious of prison conditions within his state or community and be in a position to realize what is happening with the incarcerated under the average prison conditions. May I urge you to support those issues that deal with prison reform in order that the population within our prison walls will gradually decrease due to the fact that we will find fewer and fewer individuals who are serving their second, third, and fourth prison sentences.

COMMUNITY RESPONSIBILITY FOR CORRECTIONS

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A few remarks are in order to set this topic in a manageable perspective. The treatment of this topic has to do with the responsibility of the community from the time of arrest to and including either acquittal or sentencing and time served. The paper does not intend to name, outline, or design a program of total community responsibility. It does not plead the case for or against some of the ideologies which advocate the communal ordering of society in such a way so as to determine in a personal and private way what behavior is acceptable. Frightening as it may seem, there are many who foresee the day of community interference in family life to stifle criminal behavior in its initial stages. But the paper does deal with the reality that sometimes the community steps in and says, "You are an offender." It deals with the reality of walls and bars and men and crime. Where responsibility begins and ends is an endless debate. This writer feels the horizon of community responsibility lies somewhere in Eric Erickson's statement:

Someday perhaps there will exist a well informed, well considered, and yet fervent public conviction that the most deadly of all possible sins is the mutilation of a child's spirit.

How the community deals with its responsibility with the arrest of the offender through the time of either acquittal or sentencing and confinement in a penal institution and possibly a period of supervision after incarceration is what this paper is about.

The first period, the time of apprehension until the individual is acquitted or sentenced, is a most impressionable time for the individual. The communities of this nation could well afford to be more concerned and sensitive to the needs of the alleged offender. In communities where no action has been taken toward a bail reform program, we find alleged offenders spending as much as a year in jail awaiting trial. This period of waiting is in a county jail that could be considered undesirable to have human beings locked in. Many of the alleged offenders, as has been demonstrated in many communities, can be released on their own recognizance in lieu of a high bond that many individuals cannot afford. It has been demonstrated that if proper screening is done the percentage of offenders who abscond is very, very low. I think it is the responsibility of every community to look at the conditions in the county and city jails and become interested and aggressive in promoting programs that can be of help to many offenders awaiting trial who could be gainfully employed and supporting their families until their trial date. The suspension of his daily activities may not be best for him or his family or the community.

Following the trial of the alleged offender, he, as well as the community, is made fully knowledgeable of the wishes of the court. After conviction he is properly informed as to what penalty has been placed upon him either in a county workhouse or a facility under the jurisdiction of state government. In the past

these facilities for the incarcerated have often existed as isolated units in the community. However, tremendous progress has been made during the past ten years in enlisting support from the communities in which institutions are located. In many communities of the nation the general public is being encouraged to get acquainted with the offenders who have been placed either on probation by the sentencing judge or sentenced to a period of incarceration. It is most interesting and encouraging to see how quickly communications can be established between an offender and an interested Christian layman who is able to demonstrate his interest and concern for his fellow man. Various agencies and organizations whose primary goal is to be of help to those individuals who are serving sentences or a period of probation have come into being during the last few years. This writer has had opportunity to see relationships develop between offenders and interested citizens that have resulted in a type of friendship that I am confident has been a motivating factor in the offender's making certain efforts to improve himself and be determined to never serve another prison sentence. In every community there are individuals who are being recruited and who demonstrate their interest in being helpful to men who are serving time. These volunteers do well after a period of orientation centering around the establishing of relationships with people who are behind prison bars.

In addition to whatever assistance a volunteer might be to an offender, there is additional value from the close relationship for the volunteer. It has been repeated many, many times in the presence of this writer that the Christian layman feels that he has gained more through his spiritual growth as a result of trying to be of assistance of his fellow man. The gains of the volunteer may exceed the value that the offender has received. It is amazing how involved Christian laymen can become if some effort is made to get acquainted with individuals behind prison bars and realize how much it can mean to both the offender as well as the volunteer.

The following statement is a testimony given by a Christian layman after having visited a prison one night a week for approximately three years at which time he became acquainted with several offenders and built a tremendous relationship with them. This layman I consider to be one of high Christian principles, but has had no special training in the human behavioral sciences. He did have and continues to have a deep concern for his fellow man, and since his efforts were directed to working with offenders, I am confident that he has grown spiritually as you will detect in the following statement which I quote:

This program has meant a very, very great deal to me. Not long ago, I received a letter from one of the inmates who is now working in California and if nothing else good had happened to me going out of this program in the last three years, getting this one letter would have been all of the pay or more pay than I could possibly expect to receive. This man, four months ago, was an inmate here in the institution and now he is making \$4.00 an hour. He is a department head in a bakery in Los Angeles. He has his own apartment, he has his own automobile, and he called me long distance a week ago and said, "I think about you every day," and you ask me how I feel about this program. That is answer enough I feel sure. I came out here about three years ago thinking that I was going to do a lot of good. I felt like the proverbial do-gooder

and after a little while, I started developing a guilt complex because I realized that all the good was coming my way. I was the one that was on the receiving end, and I just wondered how much good my being here was doing anybody else. I have had evidence of some good coming to others as a result of my being here, but I can give you a personal testimony tonight that the greatest authority I ever read is very true when it says cast your bread upon the waters and it will return to you one-hundred fold. That is what I have found and I have also found, along the same lines, discovered that I cannot give myself away. The more I give, the more there is to give. I grow in direct proportion as I try to give myself away, and I am real happy that I have had the opportunity to come out here every week and try my best to give myself away.

There are thousands of individuals over this nation who have had an experience comparable to the one just given by Mr. George Dunn of Memphis, Tennessee. The volunteer effort in courts and prisons has had a tremendous growth in the last few years and I feel that the experience such as Mr. Dunn has mentioned has and will continue to be helpful to many, many offenders that are currently serving sentences in prison.

The citizens of many communities can be of further help by supporting those programs that the Department of Corrections in the various institutions feel that are progressive advancements but most often need public support in order to have the authority to implement them. We, as administrators, quite often find ourselves working in an area where on our extreme right there is a very radical element of society which feels that nothing progressive should be done for people who have committed crimes against society, and that they should be punished in the most effective manner. On the extreme left, we are confronted with a part of society who we feel go overboard in trying to be of assistance to the offender. It is our hope that we might establish somewhere between these two groups programs that would be professional but not so liberal that the average member of society would feel that offenders are pampered to the point that they are given preference or treatment comparable to the average citizen who works diligently and pays for his average share of taxes. Public opinion toward offenders has changed a tremendous amount in the last few years. The offender is given the opportunity for work and the chance to establish himself in society. But there is still much to be desired in the particular area. It is the feeling of many administrators today that the large maximum security prison should be decentralized. We are convinced that many of the men serving time in large maximum security prisons could be much more receptive to rehabilitative process if they were located in smaller facilities near their home communities. This would facilitate a positive relationship between them and their loved ones and more frequent visits by the family. The idea of the smaller institution has met with stiff resistance. This writer has had considerable difficulty in locating these smaller institutions since most communities object to a prison being located in their community. I am confident that most of these objections are the results of the lack of knowledge. The objections I hear being raised make me say, "People don't really know who prisoners are and what they are really like." Neither do they reflect a sense of understanding of our objectives with these men. Communities over the nation can be helpful in supporting this progressive step in the field of corrections.

CHURCH INVOLVEMENT IN COMMUNITY CRIME PREVENTION

Mr. Ashley Wiltshire, Jr.
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By way of introduction, let me tell you something of my interest in the field of crime prevention. It is not entirely professional; it is personal. It is not at all expert; it is somewhat experiential. I am not a sociologist, a criminologist, or a locksmith. I am not even a criminal lawyer (though some people think the things I do are criminal!); I am restricted by law to civil practice.

Like some of you, maybe, my wife and I live in what is known as a "high crime" area--at least that's what a policeman has told me and that is what some real estate agents have told my neighbors. About a month after moving in, while out for a Sunday drive, we lost a TV set, a watch, a full piggy bank, some jewelry, and my visiting brother-in-law's pen and pencil set to a selective burglar who broke into our home. A year or so later, we lost a prized piece of art--an enamel on copper--to a thief with a little more taste who took it out of our backyard where we had attempted to secure it to a tree. The first summer we lived there, two women who lived within a block and a half of our home were murdered in apparent robbery attempts, both occurring while I was out of town and my wife home alone.

Like some of you, I live in a town where there is not a little bit of conflict between the police force and other members of our community, especially some quickly identifiable members and groups--like blacks and students. Like all of you, I live in a nation which is obsessed with crime and how to handle it. People are scared, people are desperate, people are annoyed, people are horrified; but also, hopefully, there are some calm folks, and hopefully that includes us, who are concerned enough and sensitive enough to try to do something intelligent and rational about it.

That's where I'm coming from, and here is where I see us going in these two sessions today. This morning, "Church Involvement in Community Crime Prevention." We need to talk first about a definition of crime, so that we will be starting together (or else know that we're starting apart). We will deal with "What is crime?", the extent of crime, and the causes of crime. Secondly we will talk about prevention and distinguish community crime prevention from other types of so-called prevention. Thirdly, we will examine the biblical basis for the Christian's interest, and the interest of the church in crime prevention. We will concentrate on Psalm 146--which, to borrow an image from one of the Convention sermons, "touches all the bases" and Ephesians 4:25-32 in which Paul gave guidance to a local church on criminals and community. Finally, I will list and discuss some practical suggestions as to what the church, the churches, and Christians might do to help prevent crime.

This evening I will discuss some community efforts I know about and have participated in and some I don't know about and haven't participated in. I am looking forward to the discussion times and learning about some of the efforts

you may be involved in where you are.

I. A. A crime is what the criminal law says it is. The criminal law is what the legislature enacts. The legislature enacts, usually, what society wants it to enact. In our country, following the British system, there are two types of law (at least. We could break it down further, but this will do for our purposes): statutory law--that enacted by the legislature and common law--that based on the accumulated precedent of court decisions which have interpreted and applied the statutes or interpreted and applied ancient traditions of social and business intercourse.

Because crime is statutory, what is a crime in our jurisdiction may not be a crime in another. Even within our country, there are variations: at least 51 in fact. Each state has its own criminal law; there is a federal criminal law; then local governments have their own criminal or quasi-criminal laws. It's all quite a maze and sometimes contradictory. A glaring example is the fact that in the last century the law of one of the neighboring states here, Utah, permitted polygamy while other states did not. Consequently a man with several wives could be a fine, upstanding man in one state but when he crossed the line into another state, he was a criminal. Parading without a permit may not be forbidden at all in Pierre, South Dakota, but punishable by a jail sentence in Birmingham. Criminal laws pertaining to labor's interference with the operation of a business differ from state to state, and then there can, in the alternative, be federal penalties. Gun laws. Dope laws. Sex laws. They can all differ from jurisdiction to jurisdiction.

In addition the penalties differ according to the statutes of the jurisdictions. A stick-up that gets you three to five years in one state may get you ten to twenty in another. There are lots of differences in the statutes, and we haven't even come yet to the differences in application.

The matter is complicated further by the fact that we change our laws. Saturday's paper brought news that with the action of a new city council, it is now a crime to smoke pot in Ann Arbor. Prohibitions come, and prohibitions go. The guy who was a fine upstanding citizen and worked as a bartender in 1918 all of a sudden found that unless he changed jobs he was committing a crime. Many of the 19th century American business tycoons built empires with tactics which are now criminal under the federal anti-trust laws. Crime is what our laws at the time say it is. The field both expands and retracts. There is now-a-days some tendency in some places to decriminalize some behavior which is considered personal, but at the same time in our complex society there is increasing necessity for criminalizing some business practices which in the past were merely "sharp practices."²

Crime is an act or omission which the legislature has said offends the state and should be punishable by a loss (freedom, time, and/or money). The phrase "offends the state" is important and should be noted for this distinguishes criminal law from other norms such as folkways, mores, and customs--the violation of which offend one's conscience, family, church, friends, or associates.³ The violation of these would not be a crime--unless they were enacted into law. (And that's an unnecessary and regrettable complication to which we shall speak later.)

Crimes should also be distinguished from torts, which are offenses against an individual. The person who hits you in his automobile may have committed a traffic violation by driving on the wrong side of the road and committed a crime by driving while intoxicated, but he has also committed a tort by hitting you, and you, not the state, can sue him--in another court, not criminal court, but civil court. The tort is not a crime.

Criminologists delineate three or four different types of crime: offenses against the person, including aggravated assault, rape, and homicide; offenses against property, including larceny, burglary, auto theft, embezzlement, and fraud; a combination of the first two which is robbery; and finally offenses against public safety and morals, including drunkenness, driving under the influence, dope, treason, flag burning, etc.

B. Criminal law is a well defined area, yet it covers a lot of territory, too. Crime is not a narrow range of behavior on the part of a small number of people. It touches every area of life and many people. The President's Commission on Law Enforcement and the Administration of Justice projected that 40 per cent of all male children now living in the United States will be arrested at some time in their lives for a non-traffic offense.⁴

There are approximately 9 million reported crimes in the country each year. This probably represents about one third of the actual crimes, since many criminal activities go unreported. Of those reported, approximately 5 million are serious crimes. Of the serious crimes, 20 per cent result in arrests and about 10 per cent result in convictions. Thus, compared to the number of crimes, and compared to the number of arrests, the number of those who actually end up with sentences is very low, just a few individuals out of a large group, a few failures. This is a statistic we must remember when we begin to talk about prevention. But first, causes.

C. There are at least two major schools of thought among those who study the subject as to the causes of crime. One school, the older, more traditional, says that the cause is found in the personality of the individual who commits crime.⁵ This school says that the criminal is one who is sick. He is a deviant. The researcher of this school would concentrate on personality traits, psychological problems, and immediate peer group relations as keys to the reason why the person, so to speak, "goes astray." It would naturally follow that this school, too, would be most interested in working with the individual in jail or prison toward trying to rehabilitate him. That is one of the greatest contributions of this school, and one of the reasons for its importance. It seeks to understand the individual involved in crime and to help him. One of the problems, of course, is that, as we just saw, so few people actually make it (if that's the phrase) to the place in the criminal justice system where this work might be applied, that the significance pales.

The competing theory says the structure of the society contributes most to the causes of crime. More than the particular personality traits of the individual, it is his environment and the problems and pressures it foists upon him that channel him into a life of crime. It is undeniable that the majority of those arrested for crime, and especially the violent crimes (the "unsafe streets" crime--which is so much feared), are people from the poorer, disadvantaged or otherwise

alienated segments of our society. This is not mere coincidence. There is obviously something there which creates this propensity to crime; or further, there are some factors in the make-up of our society which make poverty a breeding ground for crime. The structural factors are apparent:

(1) Housing. Most of the poor live either in run-down, unsanitary, vermin-infested private housing or in stark, unimaginative, crowded public housing. There is no pride of ownership, no freedom of movement, no security of a respectable place. There is the feeling of being trapped in one place, in one part of town, in one ugly section, while the rest of the world surrounds you with their tri-levels and pleasant green lawns. A woman who lives in a housing project sat in my office last Friday talking about crime in her neighborhood and said, in despair, "You can tell 'em they're goin' to prison for it, but that don't make 'em no never mind, because we've lived in prison all our lives."

(2) Education. The illiteracy and functional illiteracy in prison is higher than anywhere else. An uneducated person in a simpler day could function quite acceptably and proudly, but each day into the cybernetic age makes the lack of sound education a channel to trouble. And for those who "have," it seems that one of the hardest things to share is quality educational facilities. We know what's important.

(3) Unemployment, underemployment, lack of skills: the frustration of being a nobody in a work-oriented society. Our society has not provided enough of the kind of job training which is necessary in a technological age.

These three, then, form the basic structural factors. In addition the President's Commission on Law Enforcement and the Administration of Justice noted several other influences which contribute to the causes of crime: racial discrimination, the gap between the ideals and achievements of our society, the created desires spread abroad by mass advertising, the painful social and economic pressures of a success-oriented culture.⁶ The latter influences are less tangible but none-the-less just as important (1) because they affect more than the poor, and (2) because they are so much a part of the fabric of our life. They color the way we see ourselves in society and the way we see others. We may like to think that each person is his own person and can be who he will, but the societal pressures are great.

Before leaving the list of causes, two more should be noted. You have talked about them both in days previous, so I will not discuss them now except to mention them. One cause is the court system from arrest to conviction, the other is the so-called corrections system. We don't have any figures on how many criminals the court system makes, but the corrections systems have a recidivism rate of 40 to 70 per cent,⁷ which is significant in any league.

II. Community Crime Prevention

The first things most people think about when they think of crime prevention are guns, mace, locks, and getting out of the city. This is what is known as the individual-fortress type of crime prevention. Walled suburban communities complete with moats, armed guards, and validated passes which apparently first sprung up in California have now appeared in other parts of the country.⁸

The sale of guns has skyrocketed. In one of our denominational buildings in downtown Nashville the visitor, during the business day, is confronted at the entrance-way by an armed guard who insists on having identification and a reason for one's presence. I understand that a couple of years ago the denominational leaders in that building gave consideration to installing a system whereby if an intruder got into a section of the building, that section would be evacuated and noxious gases released through the heating ducts to subdue the intruder. Such is our short-sightedness and our over-reliance on technology to solve human problems. Such is our penchant for dealing too late with effects and not at all with causes. It is a precarious safety at best.

The natural extension of these individual efforts at self-defense is the "community fortress" approach. This approach is exemplified by the large grants by the Law Enforcement Assistance Administration (LEAA) to local police forces exclusively for the purchase of expensive equipment. It is an unfortunate continuation of a principle which was true in World War II but is not true in the war against crime: that more guns and hardware can stop anything. Taken alone it is a high-cost low-yield ploy.

The alternative is community crime prevention. This is not to say that safety is not important; that one should not lock his car and take the keys each time he leaves it. This is not to say that police forces should not have all necessary and practical equipment for record keeping, communication, tracing, subduing and enforcing. But it is to say that the only way we can have safety-without-fear is to ameliorate the causes of crime, to begin where crime begins. We must get over the idea that crime is primarily some alien force "out there" to be guarded against. We must learn that crime is an integral part of our society and deal with it as such.

The way we deal, the priority we assign will of course be determined by our view of the causes of crime. If we feel that the primary cause is defect in the individual, then we will attempt to prevent crime by dealing with the individual. There are programs now which attempt to spot what are allegedly "pre-delinquent tendencies" in young school children. The individual children are identified and special work is done in an attempt to divert them from what is seen as their natural course toward crime.

There are neighborhood counseling centers and drug centers which attempt to help troubled families and individuals, and these can be seen as, in some cases, preventing crime. The whole area of prisoner rehabilitation grows out of this concern and priority.

All of this work with individuals is necessary and important, and some of the suggestions for church involvement will be in this area, but we should not let this concern overshadow the larger area. Individual attention alone will not stem our massive crime problem. It requires social solutions.⁹ The desire to individualize problems runs deep in our society, and especially among us Southern Baptists with our left-over frontierism. But when we limit ourselves to individual concerns, even with a large number of individuals, we neglect the social factors which continue to influence more people than we can ever help individually.

The community's prevention of crime means law reform and social reconstruction. The President's Commission on Law Enforcement and the Administration of Justice introduced its report by saying,

Every effort to improve life in America's 'inner cities' is an effort against crime. The war against poverty is a war against crime. Every civil rights law is a law against crime. Every monetary grant for schools is money against crime. Every medical and family service is a service against crime.¹⁰

And at the end of its report the Commission concluded,

Controlling [crime] involves changing the way schools are run and classes are taught, the way cities are planned and houses are built, the way businesses are run and workers are hired.¹¹

This is not a new theme. As early as 1913 a noted criminologist had said, "Every measure that helps to make the people physically, mentally, and economically healthier is a weapon in the struggle against the world of crime."¹² That admonition was not taken seriously for half a century, but hopefully the later day reiteration will have more effect.

III. So now we come to the question about the involvement of the Christian, the church, and the churches in community crime prevention. First, the biblical basis for involvement.

Of course there was no LEAA at the time of Old Testament Israel or New Testament occupied Judea, and I know of no specific biblical admonitions about crime prevention. But there are themes throughout the biblical literature which counsel caring for the oppressed, the widows, the parentless, the prisoners, and doing something about their plight. The execution of justice, for which you have seen a great need in previous discussions, is a concern of biblical figures including Solomon, the Psalmist, Isaiah, Amos, and Jesus.

Psalm 146 gives a good argument and outline for our taking part in crime prevention. After an appropriate doxology,

Praise the Lord! Praise the Lord, O my soul! I will praise the Lord as long as I live; I will sing praises to my God while I have being. (1-2 RSV)

the Psalmist begins by saying that we can't leave it all to the Justice Department (and we have seen that clearly in the last ten weeks, haven't we?); rather, the Psalmist counsels, we must see this as the Lord's work. Presidents, district attorneys, social agencies, welfare departments, correctional officials come and go.

Put not your trust in princes, in a son of man, in whom there is no help. When his breath departs he returns to his earth; on that very day his plans perish. (3-4 RSV)

Their enthusiasm and policies wax and wane with each election or political development, but the God of Jacob keeps on being concerned, keeps on pushing us to action, "keeps faith for ever."

Happy is he whose help is the God of Jacob, whose hope is in the Lord his God, who made heaven and earth, the sea, and all that is in them; who keeps faith for ever; (5-6 RSV)

It is the Lord through his people

who executes justice for the oppressed; who gives food to the hungry. The Lord sets the prisoners free; the Lord opens the eyes of the blind. The Lord lifts up those who are bowed down; the Lord loves the righteous. The Lord watches over the sojourners, he upholds the widow and the fatherless; but the way of the wicked he brings to ruin. (7-9 RSV)

The word "justice" in the seventh verse is key. "Justice for the oppressed" means fair housing; it means enforcing the housing codes; it means fair employment opportunities (not just legally but really); it means adequate wages for the person who cleans your house or church; it means spending just as much money to educate Mexican-Americans as you do to educate whites--even though the Supreme Court (the princes of this earth) says you don't have to.

These are staggering demands, the demands of God's justice, and sometimes we feel overwhelmed. We feel overwhelmed when we see the complexity of the problem of crime and we know that do what we might, crime will never go away entirely. But, of course, God will never go away either. According to the Psalmist,

The Lord will reign for ever, thy God, O Zion, to all generations. Praise the Lord. (146:10 RSV)

Now look at Ephesians 4:25-32. This passage follows the familiar one about "one Lord, one faith, one baptism" and about gifts or talents of people in the church (1-16). Also just above it is a discussion of putting on the new nature created after the likeness of God (17-24).

Then this passage deals with some practical matters in the church and particularly what we must do in creating a sense of community or togetherness. Criminologists tell us that high crime areas are areas where there is no sense of community, where persons feel they are just cut loose, out on their own against the world. This aloneness causes them to feel that (1) they can do what they please and (2) even if they get caught it won't make any difference because nobody really cares anyway. They thus are more prone to do things which may harm themselves or others. The church, Paul is saying, is a community-creating entity. It follows that the sense of community the church might create within itself could provide alternatives to criminal behavior. And equally important, the sense of community a church might foster in the area where it is may be a major contribution to community crime prevention.

Here is the passage (Ephesians 4:25-32 RSV):

Therefore, putting away falsehood, let every one speak the truth with his neighbor, for we are members one of another. Be angry but do not sin; do not let the sun go down on your anger, and give no opportunity to the devil. Let the thief no longer steal, but rather let him labor, doing honest work with his hands, so that he may be able to give to those in need. Let no evil talk come out of your mouths, but only such as is good for edifying, as fits the occasion, that it may impart grace to those who hear. And do not grieve the Holy Spirit of God, in whom you were sealed for the day of redemption. Let all bitterness and wrath and anger and clamor and slander be put away from you, with all malice, and be kind to one another, tenderhearted, forgiving one another, as God in Christ forgave you.

Now there is much else in there which merits comments, but two things in particular. First, Paul says at what is verse 25, "Let every one speak the truth with his neighbor, for we are members one of the other." At first I thought the word "neighbor" was a loose translation for "each other" meaning those within the church, and indeed the New English Bible has it so, but that is not a correct interpretation. "Neighbor" here is the same word used in the Sermon on the Mount (Matthew 5:43) where Jesus speaks of loving your neighbor; it is the same word Jesus used in reciting the Commandments to the rich young ruler (Matthew 19:19); and, more importantly, it is the same word used (by a lawyer) to ask Jesus "Who is my neighbor?" (The story of the Good Samaritan, Luke 10).

So the neighbor is not limited to those in our group. The neighbor in the New Testament sense is anyone around us. That includes so-called criminals. We have a penchant for compartmentalizing people--old folks, retards, drug addicts, etc. But Paul in his letter is calling us back from this. He is saying that we can no longer see criminals as "them"--objects to be gassed in the back halls of a building, cattle to be herded through the gates of an overcrowded prison, a separate class or element of society. We cannot separate ourselves from them, or them from us, for we are members one of another.

The point is made even more graphically in the 28th verse. There is a strong admonition: "Let the thief steal no more." It seems that included in the company to whom Paul was writing there were actually those who got their living by stealing. Criminals in the church, and they were told to love one another, be tenderhearted and forgiving. There were all kinds of people in the church. Not nearly so exclusive as most churches tend to be today.

A couple of other New Testament passages bear mentioning. One is Matthew 25. There we learn from Jesus that one way of determining whether a person is among the sheep or the goats is by whether or not he did such things as visit in prisons. Then there was the story of the woman caught in the act of adultery, for whom the criminal penalty was death by stoning. Jesus stopped the execution and saved her from punishment. In light of that you might say Jesus was a weak-kneed fuzzy thinker who was "soft on crime." Or you might just say he was "forgiving." But then again, maybe he was just acting out of self-interest, for you remember some people considered Jesus himself to be a criminal. And in the end he died between two of them, or two of us.

IV. Now, what can a local church do to prevent and alleviate crime?

One, it can take the charge of Paul to the Ephesians and be a caring community. This may mean some restructuring in order to assure that those who are in the church will have a significant relationship. It is pretty difficult when there are a thousand or so people in the church and the only time one is in a group smaller than 40 is between 10:04 and 11:44 on Sunday morning. A caring community is one in which the members know each other's concerns and help each other deal with them.

As a caring community, the church can reach out into its immediate neighborhood and beyond and seek to cultivate a sense of community there. A number of churches are in so-called changing neighborhoods. Some members might be encouraged to survey the neighborhood to find what the significant problems are, with an eye toward forming a community organization. The church could make available meeting rooms, secretarial help, and its ditto machine. Other members from the church might help make necessary contacts in the city government. The organization, with the church's help, might begin to deal effectively with some of the problems, and consequently the community might become not only a safer place but also a more pleasant place to live.

Churches, regardless of the kind of neighborhood, can provide recreational programs, hobby groups, and other activities for teenagers and young adults. The woman who lives in public housing, about whom I spoke earlier, said that one of the problems in her area is that the community centers are only open five nights a week, and then only until a modest hour. When they are not open, the people are on the street; when they're on the street, there's trouble. The problem is obvious, and a church could help solve it.

Many churches now provide day care services for families with young children. In any such program, there should be a significant number of scholarships for families who cannot afford the tuition. One of the most short-sighted things this administration has done has been to eliminate many services previously accorded to the working poor. In order to get free day care now, a family must be on welfare. (By not providing day care, of course, the government may make it impossible for a parent to work and thus force her on welfare.) The church can make up for the lack of insight of the government through providing scholarships.

One of the biggest problems in our society is the lack of well-conceived and well-executed job training. Skilled workmen in the church might organize a small scale vocational school in which each student is given quality training and personal attention. The most difficult part will be after training getting the trainee into a job and settled in it, but one advantage of a small scale organization such as I envision would be that the trainer could personally follow-up and help the trainee with initial employment problems. It's a very old principle, that of personal apprenticeship, and it can be a great advantage to society, the trainee, and the trainer. I am thinking particularly of many skilled workmen I have known in churches who are talented with their hands but because of other limitations, real or imaginary, feel they can't take a "significant" job in the church-like teaching a class. Here is a place where through the auspices of the church they could provide a valuable service.

The next suggestion is one in which I have more than average personal interest. I know of one Presbyterian synod which has hired a lawyer for the specific purpose of being a poor people's advocate. His job is to represent people who have legal problems particularly exacerbated because of their poverty or who have been discriminated against because of their poverty, race, or other limitation. This is one form of legal assistance which a church or churches might make available.

Another form would be routine legal aid. This is now provided in some locations by the federal government or local bar associations, but there are often severe limitations as to the types of cases and the maximum income level of the clients. In addition there is some question about the future of the federal program both in terms of even more stringent limitations and the possibility of its being terminated altogether.

One of the areas in which poor people are most susceptible to frustration is consumer fraud. Being "ripped off" by a used car salesman may be just the last blow which convinces a person to forsake legal means of getting by and turn to criminal methods. On the other hand, having a lawyer available who is willing and able to help for little or no fee may stem the fellow's passion, keep him within the law, and save society the expense of running him through the criminal justice system a couple of times.

Other possibilities for work will become apparent to the church as it pays attention to the particular problems of its community. One church near Atlanta has become aware of the housing problem around them. They have done surveys of the community, met with government officials, negotiated with landlords to correct code violations, and generally attempted to secure better housing for their neighbors. Each church will need to be sensitive to the problems in its community and begin to deal with them.

Another category of possible involvement for a church in community crime prevention is work with prisoners and prisons. This has been a traditional field for churches and Commissioner Luttrell has already discussed with you some of the possibilities. Visiting is important. It is important to the prisoner himself and it is also important to the prisoner vis-a-vis the guards and custodial staff. Here is why: for every man like Commissioner Luttrell, unfortunately, there are many others in corrections who do not have a sense of the inmates as people. Their attitudes toward and treatment of inmates are major causes for the high rate of recidivism. However, if an inmate has a number of visitors, especially significant visitors from outside his family, there is much less of a tendency for the guards to mistreat him. They know that someone other than the powerless inmate might become aware of their actions, and they are more cautious. The inmate benefits, and the system benefits.

But the main thing is that the system needs to be changed. That is the only way the cycle of recidivism will be reduced and the only way the system will be changed is for more people to become aware of what it is and what its problems are. Then the people need to let their elected officials know of their concern. It can be done. But even dedicated people like Commissioner Luttrell cannot do it without public support.

Back to individual efforts, people who should not be forgotten are prison "widows" and "orphans." Our church and another one nearby have recently had occasion to help a family which has come to town to be near the husband-and-father in prison. It is important that the family ties be preserved if at all possible because it makes a lot of difference when a person has someone waiting for him. It makes a difference as to how he acts on the inside, and it makes a difference as to how he acts when he is released from prison.

Of course, just as with the job trainee, our attention to the inmate cannot be dropped when he is released. The life of an ex-con is a hard one at best, and he needs a special kind of help in getting a job and staying on it, securing housing, and establishing worthwhile relationships. Our attitude must not be one of condescension, but one of helping our brother.

The foregoing suggestions for action have been for specific programs; the last two will be more generalized and have to do with principles.

First, I believe the churches can do a lot toward preventing crime by getting off the "good buy, bad guy" horse and really recognizing what we've always known: that we are all sinners. There are no figures on how many people have been channeled into a life of crime because a judgmental church or a judgmental Sunday School convinced them at an early age that they were bad, evil, naughty, worse than the other boys and girls. There are no figures, but it has happened. We have categorized children into "good little boys" and "bad little boys," "good little girls" and "bad little girls" and they have believed it. They have believed it and lived it out in hot rods, stick-ups, rip-offs, shoot-ups, and a thousand different ways. They have coasted deeper into crime because they were told in church or by church people that they were bad, that they were different.

Well, we know that they were not different and are not different. A recent independent survey, noted in an introduction to the Crime Commission report, revealed that out of a sample of 1,700 people, 91 per cent indicated that they had committed at least one act or omission at some time in their lives for which they could have been sent to jail or the penitentiary.¹³ I'm in the 91 per cent, at least a couple of times, what about you? Even if you aren't, you're still a sinner. Even if we've never broken a one of man's laws, we're all still sinners and in need of God's forgiveness. Our classification of others as different, then, is without basis, and the sooner we give it up, the more crime we might prevent.

The second suggestion of a principle for church involvement in community crime prevention is another negative one. We should stop initiating, aiding, and abetting overcriminalization. Churches have traditionally been in the forefront of the effort to get everything they don't like declared illegal. From the Church of Rome to First Baptist on the corner, we have all tried at one time or another to get legislatures, courts, police, and jails to adopt and enforce strictures which are religious, personal, or moral. From abortion and blue laws through gambling, pornography, and sex laws, most of these strictures are practically unenforceable, and even when the effort at enforcement is made, it mostly amounts to a diversion of the police from preventing serious crime.

A federal district judge for the Northern District of Ohio has written:

The public must decide whether it wants the criminal justice system to make people safe or to make them healthy and good. So long as we insist on the system doing both, it will continue to do neither.¹⁴

A U.S. circuit judge from Oregon strikes the same theme.

Our legislators generally do not have the guts to do it, but if they want to make the police forces count, they should decriminalize a lot of trivial sins such as card playing and marijuana smoking. The police should stop worrying about topless dancers and offensive literary efforts and concentrate on robbery, assault, burglary, and larceny. If the police could let the sanitation department hassle the drunks and let the health department hassle the whores, police officers could spend their time more usefully patrolling the neighborhoods where violent crime is bred.¹⁵

When the police in Nashville recently went on a tear in response to public pressure and started arresting store clerks for violating the blue laws, the city judge threw all the cases out and threatened to put the preachers and police in jail for working on Sunday if all the foolishness didn't stop.

The point is one of the first ones we made. Criminal law is not to be confused with folkways, mores, or customs, not even good folkways, mores, or customs. Personal morals should be taught, inculcated, and encouraged by the church, but personal morals cannot successfully be legislated. That does not prevent crime.

In conclusion, there is a place, an important place, for the church in community crime prevention. It is to do the hard tasks of affirming individuals and restructuring society so that people no longer so naturally get channeled into a life of crime. It is to remind us that we are all one. It is to trust the Lord who keeps faith forever.

NOTES

¹E. V. Hill, pastor of Mt. Zion Church, Los Angeles preached on "Home-run Religion." First base is reconciliation to Jesus Christ. Second base is reconciliation to fellow man. Third base is community development. Hill urged that preaching "touch all the bases." Religious Herald, June 21, 1973, p. 10.

²Edwin M. Schur, Our Criminal Society (Prentice-Hall, 1969), p. 10.

³Gresham M. Sykes, Crime and Society (Random House, 1956) (There is a second edition, 1967).

⁴President's Commission on Law Enforcement and the Administration of Justice, The Challenge of Crime in a Free Society (Bantam edition, 1967). Introduction by Isadore Silver, p. 37.

⁵See e.g. Sheldon and Eleanor Glueck, Preventing Crime (New York, 1936); Lois L. Higgins and Edward Fitzpatrick, Criminology and Crime Prevention (Milwaukee, 1958); Committee on Political and Economic Concerns, Crime and Society (London, 1923); Schur, op cit., p. 8.

⁶President's Commission, op. cit., p. 68.

⁷Daniel L. Skoler, "There's More to Crime Control than the Get Tough Approach," Annals of the American Academy, Vol. 397, Sept. 1971, pp. 28-39 quoting the President's Commission on Law Enforcement and the Administration of Justice.

⁸Time, May 1, 1972, p. 84.

⁹Schur, op. cit., p. 15.

¹⁰President's Commission, op. cit., p. 69.

¹¹Ibid., p. 642.

¹²G. Aschaffenburg, "Crime and Its Repression," Modern Criminal Science Series, No. 6 (Boston, 1913), p. 228 quoted in Gleuck, op. cit., p. 5.

¹³Silver, op. cit., p. 38.

¹⁴Life Magazine, June 30, 1972, p. 53.

¹⁵Ibid.

MOBILIZING THE TOTAL RESOURCES OF THE COMMUNITY IN
CRIME PREVENTION

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I hope that this evening's session will be a time when we can share what is going on in different communities, and what we should be looking for where we are.

We already made a case this morning for citizen involvement and dealing with the larger societal issues as well as the individual problems associated with the causes of crime. At least you know my general basis for analysis and action, whether you agree with it or not. This evening I will begin by telling you about some of the groups I am working with or have worked with and which directly or indirectly are resources of the community in crime prevention.

Legal Services of Nashville is one of 500 legal services offices around the country. It was established by the Equal Opportunities Act of 1964 to provide free legal services to indigents in civil matters. We have, as I indicated this morning, a strict income guideline. We are restricted to civil matters. The Public Defender, who is elected and funded locally, handles criminal cases. We take domestic relations cases, consumer, housing, landlord-tenant problems, and any other matters in the general civil area.

I believe that Legal Services is an important element in preventing crime and violence in this country. The National Commission on Causes and Prevention of Violence and most sociologists agree with that statement, but unfortunately the current administration in Washington disagrees. The Vice-President has blasted the program on several occasions; the President has sent his underlings into the Office of Economic Opportunity to dismantle it and discard the program. When a bill was introduced in Congress to establish Legal Services as a separate and independent corporation with some integrity, the President's minions attempted and so far have succeeded in sabotaging it. Its future is now in doubt.

The most important crime prevention factor about Legal Services is that it keeps poor folks working within "the system." The client is encouraged to work out his problems through proper channels. I believe that the system can work, and that poor people can have "Equal Justice under the Law," but they can only have equal justice if they have the help of an attorney. Without Legal Services most would have none. It is a matter of economics.

The advice a poor person might be able to get at Legal Services may save him and his family a great deal of difficulty later. This enables them to function better in society and to be more productive. This in turn may prevent them from falling into a pattern of crime.

You should find out, if you don't already know, whether or not there is a Legal Services project in your area. If there is, there may be some way you,

your church, or your organization may aid the project in affording legal counsel to the poor in the area. You will also want to know the people there so that you can make personal referrals. If there is no Legal Services, you should ask someone in the bar association why there is not. Hopefully you could encourage the bar association to seek federal funding (this is almost impossible at this time) or establish a legal aid office out of its own funds.

The next organization is a neighborhood group. It was formed three years ago, about a year after we moved in. The neighborhood is an older neighborhood which apparently used to be quite nice. Now, however, it is bounded on one end by an urban renewal project and on the other end by a projected interstate highway. About five years ago blacks began to move in, and many of the older residents began to flee. Many of the large old houses were divided into apartments, some into rooming houses, and transients moved in. The area was destined to, as they say, "go down."

The neighborhood, however, had one advantage. It was also only a few blocks from a university center. At the same time that transients and blacks were moving in, there also moved in some university people who (1) liked living close to town, (2) disliked driving to work, and (3) liked living in a heterogeneous neighborhood. Some of these people had bought houses and were not merely idealists; they had a vested financial interest in the neighborhood.

As we organized Belmont-Hillsboro Neighbors, we needed to determine what our purposes and goals would be. We determined first that we would try to build a sense of community. The place had become fragmented and there was no feeling of togetherness. (A sense of community, you will remember from this morning, is a key factor in the prevention of crime.) We stated that one would seek to unite all the people within our geographic boundaries into "one interracial, multi-class organization, bring them into closer and more frequent contact with each other, and encourage them to plan and work together."

Secondly, we realized that we would have to enter into the fray of local government and protect our neighborhood by staying on top of zoning regulations and codes enforcement. This set a pattern of petitioning and cajoling agencies of government in many areas--schools, public transportation, water and sewer services--all of which are concerns if a neighborhood is to continue to be useful and not become a breeding place for crime.

We stated our intent in one more area. We pledged "to work as a group and in cooperation with the Fair Housing Foundation, legal aid organizations, and the U.S. Department of Justice to keep housing opportunities open to all and to preserve the heterogeneity of the neighborhood. Discrimination in housing was one practice we specifically wanted to prevent.

One important thing about a group such as this is that it gives concerned citizens a base from which to operate. The organization is not a total success. We have about 200 members out of a possible 1,000 or so, but those who are members do care about the neighborhood and form a noticeable, if not overwhelming, power block. In addition, the few super-zealots in the organization can spend their energy productively and not merely as voices crying in the wilderness. They do have a base, and the base, however small, is important.

The neighborhood organization draws a great deal of benefit from the fact that it is a member of a nationwide coalition of interracial neighborhoods. The coalition, National Neighbors, Inc., is headquartered in Philadelphia and consists of more than fifty organized neighborhood groups around the country. Through the newsletter, conventions, and visits from staff people, the local organizations and its members are encouraged to pursue the goal of quality integrated housing and strong interracial neighborhoods.

The third organization is a smaller group. Affirmation House is, I hope, a resource for crime prevention. It is an organization formed out of our church to "provide comfort and care to alienated and distressed young people." Through the auspices of the organization two successive families have opened their homes to a limited number of young people who needed help. Bedrooms were given up and the attic was made into a dormitory. The resident family was on duty twenty-four hours a day for counseling, feeding, transporting, nursing, arranging for drug treatment, and bailing out of jail. Others helped spasmodically. This is an example of working with individuals instead of trying to change the system. And in these cases, you can only hope that the love and care "takes" and has a salutary effect.

Finally, there is the Citizens Committee on Police Community Relations. This group was formed in Nashville in February of this year in response to some strong feelings in the city following the police under questionable circumstances shooting and wounding two young black men, one fatally. The group was formed as a coalition of a number of predominantly white organizations. It was formed at a time when tensions in the community were rather high and it sought to voice a concern of the member groups it represented. Its purposes are:

- To promote understanding and cooperation between members of the police department and the public,
- To sponsor study groups and task forces to discuss community issues and problems, police force operation, and mutual concerns,
- To sponsor public meetings on community responsibility and participation in law enforcement,
- To prevent tensions arising between the force and the public,
- To educate the public as to the problems of the force, and
- To express community sentiment for elimination of prejudice and discrimination in law enforcement, more discrete use of force by the police department, and increased sophistication in human relations on the part of the department.

So far, the cooperation with the police has been good. Those of us who are involved mainly hope the organization can be instrumental in preventing a lot of grief in our community. We hope some of the practices of the department will be changed, and that such changes might result in less crime--on the part of the police and the public as well--and more respect for law and order. What are you doing where you are?

SOUTHERN BAPTISTS WORKING FOR CRIMINAL JUSTICE

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The summum bonum of Christian Ethics in the Old Testament is found in Micah 6:8. "He has shewed thee, O man what is good, and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God." As Southern Baptists work for criminal justice, I want in our minds and hearts this mountain-peak of God's concern for the individual as a moral and ethical standard. Also I want us to recall the whole spirit of Christ, - love, compassion, mercy, forgiveness, retraining mankind, remaking mankind, saving mankind. If we are going to follow in his train and in his concept of concern for individuals, Southern Baptists are going to have to work for criminal justice.

Then I think that when we consider one of the basic principles of the American way of life, that concept which says that there shall be liberty and justice for all - for every individual - for every man - for every person, then Southern Baptists would want to be involved in working for criminal justice.

God is concerned about every person - the lost, the poor, the wicked, and much of the work of God in the Bible is pointed towards God's people - helping these kinds of people. Therefore Southern Baptists must work for criminal justice.

If Southern Baptists work for criminal justice for all, we must realize that solutions do not lie in simplistic answers. We must reject all answers which are contrary to the spirit and mind of Christ. We must reject methods or answers which are wrong, even though they may seek the right results. The end result which may be desirable never justifies wrong methods of achieving that result. The end never justifies the means. I have been shocked this week as I have heard many unchristian methods and means advocated because they would supposedly produce the right result. As we seek justice for all; as we attempt to examine methods for reform of the criminal justice system, we must have the heart and mind of Christ foremost before us. We can never expect his blessings on wrong methods, regardless of how good we hope our end result might be. I am convinced we can have justice for all, and that we can have reform of the penal justice system - but we must do it in the right way and for the right reason.

Now let us look at some areas of concern and possible reform of the criminal justice system: Police - I grew up with the philosophy that the policeman was always right, that he was my friend, and that I could always count on his being fair, honest, and impartial in dispensing judgment. In a little town in Central Missouri where I spent my childhood, the two policemen in our town

were the most respected citizens of our community. I distinctly remember the first time I heard the words "police brutality". My whole soul cringed.

My two sons are growing up with a different philosophy than I grew up with. My wife and I have tried to teach them a proper philosophy concerning policemen. But from their friends, their culture, and from watching television, they have a different philosophy about policemen than I had. I was so happy that I could introduce my boys to Chief Paul Townsend of the Dallas Police Department this week, for I felt that he had a tremendous spirit of concern for the rights of individuals. I wanted my boys to have a personal contact with that kind of policeman. For you see, I believe that having the right philosophy concerning policemen is basic to children, and that if they have this right philosophy, it is one of the basic deterrents against crime. I think we must have it. I want all policemen to be worthy of friendship and respect from my boys, and from all youths everywhere.

I want the very best police force that we can have in every community in America. Chief Townsend reminded us that we could have the kind of police force in our community that we really wanted. As citizens, let us work to develop a concerned community that desires the very best police force possible. As churches, let us bring to bear all pressures for the right kind of police forces in our community. Let us support proper recruitment of the very best of our youth in police work. Let us support the very best in training including training in human relations. Let us support proper budgets in our city councils so that the police may have the very best in equipment, supplies, and buildings in which to work. Let us support the re-training of policemen on a regular basis. Let us all as Christian citizens support our police. The police need the support of concerned Christian citizens.

In this conference and in our communities, let us also go on record as being opposed totally to any and all types of police brutality. There can never be any justification for those who are to uphold the law to be guilty of violating the law. Whether we want to admit it or not, there have been too many cases of police brutality committed in our land. I say to you, one case, one example of police brutality any place in America is one case too many. We as Christians, as Southern Baptists, must make known to every policeman, to every sheriff, to every state patrolman, and to every individual in law enforcement everywhere, that we will not tolerate police brutality under any circumstances whatsoever.

Let us also go on record as to our uneasy conscience concerning the fact that many policemen are too quick to use a gun. I was shocked recently when examining a police budget that the largest single increase requested was for firearms and for bullets. Policemen must always use their guns as a last resort, and even then not for killing. Policemen must not be judge and jury. This often happens when they are too quick with the use of a gun. We must support our police, but we must not condone or support wrong action on their part. Rather as Southern Baptists, we will raise our voices in protest whenever the police do wrong.

We need to redefine the work of the police, I believe in at least two areas. Almost every police force spends at least 60 per cent of its case-load time dealing with common drunkenness. Some reports say that this goes as high as 75 per cent. Add to this domestic problems, such as home fights, domestic quarrels, and the figure jumps from 75-90 per cent of the total case load. I suggest that we turn all cases of common drunkenness over to some department, such as the Health Department. I suggest that instead of placing these individuals in jail, that we place them in a detoxification center. We could achieve some rehabilitation in this matter. This would not only be a more positive way of dealing with the problem, but it is a more humane way.

I also suggest that we establish a separate department in our city government to deal with all domestic problems. This could be in the nature of a domestic or family court. A good part of the heavy court load could be removed if these areas of public drunkenness and family problems could be dealt with in a different way than is presently handled in our criminal justice system. Policemen would be released to work in areas of crime, and courts could more adequately deal with their case loads. The jails could more adequately house the proper inmates.

Now I am not suggesting that the drunk driver be removed from the police jurisdiction. We need to face this problem realistically. If in every case of DWI (driving while intoxicated), the penalty was the loss of a driver's license for six months or a year, and the spending of a month in a detoxification center, I believe we would be well on our way to solving this problem, and I know that our highways would be a great deal safer.

The Courts - our judicial system is built on the delicate balancing scales of liberty and justice for all. One need not study the system too long before it becomes quite obvious that there is a different type of justice for the affluent white than there is for the "minority person". The good American promise - liberty and justice for all - in reality, has become the great American lie, in that the poor, the black, and the chicano often do not receive equal justice and often have their liberties violated in our present criminal justice system.

Southern Baptists must work for reform in our court system. We must support the lawyers and the members of the legislature who are working for court reform. Case backlogs and court caseloads must be reduced, and modern business techniques must be brought into the court system to help in this matter. If those of the legal profession, the lawyers and the judges, will not reform the legal system themselves, then the church must demand and work for court reform. Our courts must more readily approach the ideal of liberty and justice for all than they are now doing.

Correctional Institutions - I am glad that we now call our jails and prisons correctional institutions. I shall become much happier when they in fact do become correctional institutions. I rejoice when I find a man like Mark Luttrell in the system who practices Christian love and compassion. As Southern Baptists, we must practice Christian love and compassion towards those in our institutions. Jesus himself talked about helping those in prison. Yet

Mr. Luttrell said to me privately that he finds a large percentage of Southern Baptists opposed to any type of reform in the correctional institutions - that Baptists as a whole want vengeance and want the criminal kept in prison.

Can we say that our prisons and jails are adequate facilities? Most of them are overcrowded and are quite old. Many facilities were built 40 or 50 years ago or even longer, and they are woefully inadequate today. Southern Baptists must support adequate facilities in our jails and in our prisons. We must support programs of rehabilitation. Our correctional institutions must really delve into corrections, and we must have rehabilitation of the criminal in this system. America can no longer afford a system which simply locks people away from society. The spirit of Christ demands that Southern Baptists be involved in reclaiming and in rehabilitating those involved in crime. Jesus did not give up on people and we must not give up on them either.

Another area in which Southern Baptists must help is the current bail reform program that is becoming a reality in some of our areas. I am convinced that we must support programs - pre-trial release on a very low bail or on one's own recognizance. The present exorbitant bail system is grossly unfair.

During this week, we have discussed the increase of crime in America. We have become the most criminal nation in all of the world. It is a terrible sickness in the life of America. We haven't even mentioned this week the horrible reality of white-collar crime. It is ever rising. It runs into millions of dollars every year. This white-collar crime may in reality destroy the moral fiber of America more quickly than the other type of crime that we have been discussing this week. The moral sickness of crime and disobedience to law permeates all America.

Watergate is a classic example of this sickness and this sin. We have seen an administration elected on a law and order platform openly and flagrantly violate the law. We have witnessed the spectre of an Attorney General admitting to illegal acts and to the obstruction of justice during the time he served. We have seen one official after another admit to illegal acts. I have come to the point of believing that no further revelation could shock me. It was total moral sickness in the heart of our government. Yet just this week, we have had admitted by the White House that for at least the last two years, every conversation in the President's office and every telephone call the President has made has been secretly and illegally recorded. Oh my soul, what a loss of freedom! Oh my soul, what is America coming to, when the President and high government officials can and do violate the law of the land. We deplore crime in the alleys and in the streets, but we must also deplore crime in business and in government and crime in the White House.

We cannot afford crime, nor can we afford the loss of freedom and liberty; yet much of this governmental crime also strikes at the loss of freedom and liberty. Some have suggested that our crime problem could be solved:

by giving up liberty and freedom
by becoming a police state
by repealing the Fifth Amendment
by brutalizing the suspected offender
by vigorously punishing those in jails and in prison
by capital punishment.

I speak to you this morning from the depths of my soul. If I know the mind of Christ, Southern Baptists must reject all of these methods of dealing with crime. To have personal security against crime, to have community security against crime, to have national security against world criminals, is a legitimate desire on the part of all America. This desire for national security, or community security, or even personal security must never be achieved at a loss of personal freedom and liberty. It is too great a price to pay.

Southern Baptists must work for criminal justice. Southern Baptists must be in the forefront of reform in the criminal justice system. Southern Baptists must work for the elimination of crime, but we will not sacrifice freedom or personal liberty. We will seek right solutions but we will also follow right methods. Let us be involved. Let the church be involved. Again as we look over this week, speaker after speaker has said that the answers to the crime problem of America is that the church should do a better job. We must find these people before they enter into the criminal system, and put their feet on the right path. Once they have crossed over into the criminal system, then we must find them and in love and with compassion, we must work to rehabilitate them. The church must work to rehabilitate one here and one there and we must keep on working to snatch one here and one there from the road that leads downward so as to point them to the road that leads upward in Jesus Christ.

First, become involved as individuals. Then become involved as churches so that all together, we can creatively attack this problem of crime. It is the work of God; it is the work of Christ in our time. Southern Baptists must work for criminal justice.

NEWS RELEASES CONCERNING CONFERENCE

David Gooch
Christian Life Commission Staff Writer

Agreeing that lawlessness in America is on the rise and that Christians must be involved in the processes of criminal justice, speakers at the Southern Baptist Christian Life Commission conference disagreed on some approaches to law and order.

Capital punishment and the right to remain silent were two areas of divergent opinion at the conference on "Southern Baptists Working for Criminal Justice" at Glorieta Baptist Conference Center here.

Listing vandalism, organized crime, and Watergate--where "political expediency was considered more important than the law of the land"--as symptoms of a "rising tide of lawlessness," Jimmy Allen, pastor of First Baptist Church, San Antonio, Tex., warned against a reaction of panic.

"It could easily create a condition in which hard-won liberties could be lost forever because of a yearning for security at any cost," Allen said.

Citing the willingness of Americans to be lined up and searched at airports throughout the nation, he said, "The totalitarianism of a police state is not just an academic possibility if the tides of lawlessness run high enough. Liberties are often lost because of the license of a few," he said.

Allen presented an overview of Biblical insights related to criminal justice. "God, who created man in His own image and ordered all of creation, is a justice-loving God," he said.

"In the Ten Commandments, as amplified by Jesus in His teachings," God reveals the basic moral principles by which He fashioned His world and the framework for fashioning concepts of justice, Allen said.

This same just God, Allen said, is the champion of "the widow, the fatherless, the stranger in their midst, and the poor."

While our system guarantees the rights of the poor, "A disproportionate number of them end up in jail," Allen said.

"At this point, the church ought to be creatively engaging itself. If there is to be an ombudsman's role in society, it ought to be the church, which doesn't have any marbles in the game. All we want is to help the guy who is getting caught unfairly by the system.

"Churches ought to come to the day when we call out our young people to be lawyers for whom the task of advocating for the weak and the poor becomes a very real calling of God," Allen said.

Allen called for Christian citizens to be involved in the process of lawmaking.

in serving on juries, and in respecting and enforcing the law.

Abner McCall, president of Baylor University, Waco, Tex., said, "I believe we have arrived at the point in our history where the individual has more liberty in the area of criminal justice than the self-discipline, self-restraint, and morality the average American citizen will support."

"Liberty and law and order in a free, democratic society are more matters of individual self government and morality than of criminal procedure," commented McCall, a former FBI special agent and former associate justice of the Texas Supreme Court.

McCall, former dean and professor of law at Baylor Law School, said our government is based on the religious principle that a person is of ultimate value in society. "He has this value because he was created by God in God's image."

"The problems and troubles of our land today, particularly in race relationships, are due largely to this failure to live by our basic American proposition," McCall explained.

He said motivation for compliance with law does not come from fear of punishment but from religion.

"There is no proof that capital punishment deters crime. I'll go further--there's no proof that any punishment deters crime," McCall said.

"I am for capital punishment. I know it stops one person," he declared.

On the other hand, Allen said he opposed capital punishment, except in cases where a prison guard is murdered by an inmate, because "when one pulls the switch to the electric chair, he has ended forever the possibility of redemption of that person."

He cited the story of Jesus's treatment of the woman taken in the act of adultery, a capital offense under Mosaic law, as a model for Christian treatment of capital offenders.

McCall spoke of the need for judicial reform and of the extreme difficulties of effecting needed reforms when the change affects the economic status quo.

An increase of the number of courts, the elimination of necessity of grand jury indictment, the elimination of trial delaying tactics, revision of laws concerning illegally obtained evidence, and reform of the attitude of state appellate and federal courts which reverse convictions on a multitude of technicalities were among the reforms the former judge recommended.

"Some of these reforms may well drastically reduce the privilege against self-incrimination which exist only in the English-speaking world or provide for practical interrogation of suspects by police or less strict requirements for use of confessions," McCall said.

"If we are to maintain law and order, we will have to reduce the degree of

liberty in this area to fit our decreased religion, morality, and self discipline," McCall said.

Some conference participants and other speakers questioned whether these liberties must be sacrificed to achieve reform in the criminal justice system.

"Reform will come primarily because of the demand of citizens," McCall concluded.

Paul Townsend, assistant chief of police in Dallas, Tex., spoke of the need for the church to continue its involvement in the area of criminal justice through the development of the moral code that prevents crime.

He said that the family also must provide the moral guidance of a sound home to equip young people with a proper attitude toward law and society.

Citing social fragmentation and the breakdown of the home as factors contributing to the growing crime problem, Townsend said that communities get the kind of police force they want.

Townsend said that when police became mobilized (using patrol vehicles), a "psychological barrier between patrol officers and people" developed.

The media--especially television and movies--in the past have depicted police "as bumbling, well-meaning incompetents or even worse," he said.

These obstacles also have to be overcome if public opinion of police is to be improved.

He detailed a number of programs used by the Dallas Police Department to improve police-community relations. A police officer education incentive pay program was instituted to improve the training of officers in Dallas, he said. The establishment of police-community service centers, anti-crime committees called "Operation: Get Involved," citizen and clergy "ride-along" programs, police athletic league programs, and a first offender counseling program were all implemented to improve the relations between community and police in Dallas, he said.

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The Tennessee prison commissioner, speaking at a conference here, questioned the commitment of Christians who demonstrate a lack of compassion for the person society labels "criminal."

Mark Luttrell, commissioner, Tennessee Department of Corrections, addressed his remarks to persons attending the Southern Baptist Christian Life Commission's conference on "Southern Baptists Working for Criminal Justice."

"The thing that concerns me," Luttrell said at Glorieta Baptist Conference Center, "is the Christian who takes the attitude: 'He committed a crime. Let him suffer. Forget him.'"

"I don't believe that a Christian can really follow Christ's teachings and advocate a lack of compassion and feeling for his fellow man, regardless of what crime the prisoner has committed. He's a creature of God and God loves him," the Baptist deacon from Nashville emphasized.

Luttrell suggested several ways Southern Baptists could become involved in the correction process.

He said Christians can play a significant role through a counseling and friendship relationship with an inmate or a parolee, by visiting and listening to the prisoner, by relating to the families of prisoners or by offering support to the person on probation.

Luttrell also said programs of personal involvement with youth offenders are other possible ways Christians can change lives.

Earlier in the conference, Jimmy Allen, pastor of First Baptist Church, San Antonio, Tex., had observed in an overview of Biblical insights into the field of criminal justice, "Seeking to redeem the lost calls for rehabilitation to be the major goal of our penal systems. Churches have a particularly strategic role to play in assisting in this rehabilitation program."

Ashley T. Wiltshire, Jr., a Nashville legal aid services attorney, said that Christ's directive to visit those in prison has extremely practical implications.

"If an inmate has a number of visitors, especially significant visitors from outside his family, there's much less of a tendency for the guards to mistreat him. They know that someone other than the powerless inmate might become aware of their actions."

"Like Christ, Paul taught that every person is the Christian's neighbor," Wiltshire said. In Ephesians 4:25-32, "he is saying that we can no longer see criminals as 'them'--objects to be gassed in the back halls of the building, cattle to be herded through the gates of an overcrowded prison, a separate class or element of society. We cannot separate ourselves from them or them from us for we are members one of another," he commented.

Psalm 146 also presents a good argument for participation in crime prevention, Wiltshire said.

Reciting a point that had been stressed earlier by Paul Townsend, assistant chief of Dallas, Tex., police, Wiltshire said that criminologists claim high crime areas are areas where there is no sense of community.

This lack of a sense of community causes persons "to feel that they can do what they please and even if they get caught it won't make any difference because nobody really cares (about them) anyway," Wiltshire explained. He said the church should seek to cultivate that sense of community. Churches in changing neighborhood might help a neighborhood form a community organization, Wiltshire suggested.

Several other ways in which the church could be involved in crime prevention Wiltshire discussed including providing recreational programs, day care services for families with young children, job training using skilled churchmen as teachers, and routine legal aid. At least one group of churches cooperatively has hired a lawyer to serve as a poor people's advocate, Wiltshire said.

Wiltshire, who holds a bachelor of divinity degree besides his law degree, said the church needs to stop calling children. "Good little girls," "bad little girls," "good little boys," and "bad little boys." Many children "have coasted into crime because they were told in church or by church people that they were bad, that they were different."

We need to really recognize "what we've always known--that we are all sinners," Wiltshire said. "Even if we've never broken one of man's laws, we're all still sinners and in need of God's forgiveness."

He also said the church, "should stop initiating, aiding and abetting over criminalization. Churches have traditionally been in the forefront of the effort to get everything they don't like declared illegal," Wiltshire said. "Personal morals should be taught, inculcated and encouraged by the church, but personal morals cannot successfully be legislated," Wiltshire contended.

"There's a place, an important place, for the church in community crime prevention. It is to do the hard tasks of affirming individuals and restructuring society so that people no longer so naturally get channeled into a life of crime," concluded Wiltshire.

Earlier in the conference, Abner McCall, president of Baylor University, Waco, Tex., discussed the need for court reform and the urgency of maintaining law and order. He is a former FBI special agent, law professor and dean and associate justice of the Texas Supreme Court.

Lee Porter of Nashville commented on the whole concept of criminal justice reform and on McCall's implied call for repeal or extensive revision of the Fifth Amendment to the U. S. Constitution to facilitate maintenance of law and order.

"To have personal security, community security or national security is a legitimate desire on the part of all Americans," said Porter, the Christian Life Commission's director of organization.

"But national security, community security or personal security must never be achieved at the loss of personal freedom or liberty," Porter said.

"It's too great a price to pay."

In wrapping up the conference in the final session, Porter said, "The right thing must be done in the right way. The end doesn't justify the means."

Calling communities and churches to become involved with police, he said, "We cannot allow the police in any community to become the judge and the jury."

He encouraged Southern Baptists to oppose all instances of police brutality. "We cannot allow the police to break the law in the act of enforcing the law," he said.

Porter called for reform of the courts and increased protection of poor and minority persons in the system of justice. "Liberty and justice for all must be the basis for court reform. The rights of the poor and the minority group member must be insured," he said.

"The great American Promise--liberty and justice for all--has become the great American lie," Porter said, "in that the poor, the black, the Chicano, do not receive equal justice in our criminal justice system."

Deploring conditions of most prison systems, he called for the church to become involved in improving correctional institutions and in working with those involved in rehabilitation in the prison system.

"Southern Baptists must reject crime wherever it arises--in alleys, streets, in businesses, in government and even in the White House," Porter said.



