Law, Justice and Education

James Ahern

Follow this and additional works at: https://scholarworks.wmich.edu/perspectives

Part of the Higher Education Commons, and the Liberal Studies Commons

Recommended Citation

This Keynote is brought to you for free and open access by the Western Michigan University at ScholarWorks at WMU. It has been accepted for inclusion in Perspectives (1969-1979) by an authorized editor of ScholarWorks at WMU. For more information, please contact wmu-scholarworks@wmich.edu.
Law, Justice and Education

By James Ahern

Educators and their intellectual community play a vital role in the leadership of our country. They are the spearhead of progressive thought, and provide the ideas that form the foundation of public policies.

A lot has been said recently about our colleges and the people who populate them. The wave of student energy that emerged in the sixties, fresh and constructive, seemed to degenerate into violence and despair, and more recently into dulling apathy and cynicism. Many people say that the so-called student movement is over, that the energy has been dissipated and things are now getting back to normal. I hope they’re wrong. The fresh and innovative interest of our young people in public policy is not just a good thing . . . it is a necessary and integral part of the movement for effective political and social reform in our country. We cannot afford to return to the old complacency. We must rather keep this energy going, and use it to construct new and better public institutions.

The role of our educators in this venture is, as it has always been, one of leadership. It is up to the educators to nurture and channel constructive public interest; both to avoid the violent confrontations of the past, and to build a new cooperation for the future. The weaknesses in our institutions have been graphically portrayed, and now a process of revitalization must begin. From my perspective, the need for reform is nowhere more urgent than in the task of revitalizing our cities.

Few institutions are as debased as municipal government. Much has been made recently of the decline of machine politics, but in city after city, the disappearance of a dominant political figure has not
been followed by a broadening of political participation or any greater responsiveness to the needs of the public. Government policy in most American cities is still largely determined by favoritism and political patronage.

Graft and corruption are a fact of life in most cities today. This in turn sets the stage for the manipulation of city government by organized crime. Gambling, prostitution, and the widespread sale of illicit drugs are just not possible without the tacit cooperation of public officials.

With government thus weakened, it is hardly surprising that municipal agencies cannot adequately carry out their vital functions. Education, transportation, and sanitation are all failing simultaneously to meet even the most basic needs of our cities.

Nowhere is this failure more evident than in the response of public officials to organized dissent. As a former police officer who is still active in law enforcement, I have been witness to many of the bitter events of the past decade. And in too many cases there has been a critical failure of leadership on the part of politicians, university officials, and law enforcement officers. Too often their behavior in time of crisis is characterized by mutual distrust and parochial institutional pride. City governments are secretive towards universities, and the universities in turn stand aloof from their urban surroundings. Police agencies co-exist sullenly with one another and with the institutions they are sworn to protect.

We can no longer rely on inspired improvisation to carry us through times of crisis. The price of failure is likely to be bloodshed in the short run—and in the long run, increasing repression and polarization.

The only effective solution is to change the institutions themselves.

To begin with, we must recognize that we are today facing a national crisis of trust in our criminal justice system.

Our police, in particular, are in trouble. And they’re in trouble largely because of what we ask them to do. We ask them to fight crime in the streets, but at the same time we expect them to issue parking tickets and traffic citations. We expect them to keep the streets free of drunks and keep order under every conceivable circumstance. We expect them to pound a beat checking doorknobs and windows. We even expect them to guard manhole covers and chauffeur public officials. And then we wonder why they seem to be fighting a losing battle against rising crime.

The policeman of the past was in many ways a reflection of the community he served. Today this is not the case. Not only is he typically white while serving a black community, but at a time when half our young people are going to college, he generally holds only a high school diploma.

Frequently, he is handcuffed by the very politicians who cry the
loudest for law and order. Appointments and promotions are typi­
cally based on political considerations, and enforcement policies are
often determined the same way. The policeman learns quickly when
to make an arrest and when to look the other way, whom he must help and whom he can safely ignore.

He is at once the pawn of politicians and the target of a troubled society. Although police are certainly not without their problems and—like other public institutions—have made mistakes. They have also taken a great deal of undeserved blame. Few of us realize that when a police department is called to the scene of disorder, the situation is usually already out of hand. And notwithstanding the crash training programs and other emergency measures taken by police in recent years, their very presence at such times often acts as a catalyst for violence.

It is true that police find it difficult to play an impartial role in such situations, and that too few understand their duty to protect the rights of peaceful assembly and protest. Instead, there is a tendency for police to see themselves as protectors of values and ideals that appear to be threatened, with the result that force may be used where none is necessary.

However, we proved during the May Day demonstrations in New Haven two years ago that police can play an impartial role which allows them both to protect the right of dissent and at the same time fulfill their obligation to protect their lives and property. We can expect more of our policemen if we support them not with slogans, but with the training they need to perform their increasingly complex and diverse tasks. Most policemen, even high-ranking supervisors, have no real grounding in management techniques. Many police chiefs get no training at all beyond what they received as rookie policemen. In Connecticut, this adds up to only 200 hours of instructions. Compare that with the 1,200 hours required by law for a licensed beautician.

We need more college-trained police officers. By this I do not simply mean technical police training labeled as higher education. Police work can benefit greatly from the liberalizing of thought that results from a good undergraduate education.

Police departments also need highly-trained researchers, planners, trainers, and administrative staff members.

Above all, police need to acquire a sense of professional responsibility. The President’s Commission on Campus Unrest recommended the establishment of a national organization to promote police professionalism and provide support for local departments striving to meet the challenge of radical change. More importantly, the organization would establish national standards for police conduct and ethics similar to those for doctors and lawyers. It might also recommend pro-
cedures for investigating abuses and for disciplining those who violate its standards. And it would serve as a counter-balance to the political influences impeding police professionalism on the local level.

Another key to resolving the crisis in our criminal justice system is the reform of our courts.

At present, we are saddled with a system which doesn’t work for anybody. It doesn’t work for the prosecutor who must let a rapist plead guilty to a lesser charge because of clogged court calendars. It doesn’t work for the defendant who can’t afford bail and often sits in jail for months awaiting trial. And it doesn’t work for the average citizen who is victimized again and again by criminals who are turned loose on the streets. Instead of a fair and speedy trial, we have revolving-door justice which does away with the defendant’s right to a trial and often does away with the public’s right to protection from violence.

This pattern can be changed if we give our courts some help. The Constitution guarantees a speedy trial, and we ought to be able to deliver it within 90 days. To do it, we’ll need more courts and we’ll need better courts. If we’re going to promote policemen on the basis of merit, we should do the same for judges. They should be appointed on the basis of their professional competence and their commitment to equal justice—not on the basis of their loyalty to the party in power.

If a man is found guilty of a crime, it is the responsibility of the criminal justice system to do something about it. In the past, we have built walls around our problems and hoped they would go away. But they haven’t gone away. Eighty per cent of those sentenced to prison come out to commit more serious crimes than the ones they were sentenced for in the first place. Somehow we have devised a monster system which turns first-time offenders into hardened criminals at the taxpayers expense.

Part of the problem is that we haven’t really decided whether we want to punish the criminal for what he’s already done or try to make sure he never does it again. If we’re really concerned about combatting crime, the answer seems clear. Ninety-five per cent of the men in prison will eventually get out, and it is in our own best interest to see that they return as productive members of society. Why spend thousands of dollars to shut a man away in a medieval dungeon when he can be maintained at much less cost in local correctional facilities which allow him to hold down an outside job and establish ties with the community.

These are a few of the steps we can take to alleviate the crisis in our criminal justice system, but they will require a new and altogether different kind of leadership. We can no longer be satisfied with grand gestures and empty rhetoric while crime continues to spiral up-
ward. The fact is that tough talk never stopped a mugger, and no murder was ever solved by juggling crime statistics. People are still afraid to walk the streets—and for good reason.

The power of organized crime is incredible, yet no public leader seems to consider it an issue worthy of national concern. We've seen mayors in two Eastern cities indicted for their actions on behalf of organized crime. We've seen Mafia meat operations drive up the price of beef by 15% in New York City in the face of federal price controls. We've seen a bloodbath in New York resulting in the deaths of innocent bystanders.

Even more ominous is the flow of mob money into the coffers of our political leaders and the resulting manipulation of our police departments.

Organized crime is responsible for virtually all the narcotics traffic in this country. Fully half of all the muggings, the beatings, and the purse snatchings are directly related to the use of drugs. A federally-financed program of national drug rehabilitation would certainly help, but the fact is we already have a well-organized heroin maintenance program run by organized crime. The only difference is that the fixes are delivered on a street corner instead of a hospital, and the addicts wind up in a gutter instead of at a job.

These are some of the most prevalent factors contributing to the problems of crime and violence in our society. What they suggest finally is that piecemeal reaction to symptoms will not be successful. We must also reject the empty political rhetoric and misguided policies of the past, and start making some fundamental structural reforms in our institutions of criminal justice. Blaming crime and violence on permissive judges or on long-haired kids will get us nowhere. Our institutions or criminal justice have to be re-built, and it will take all the youthful energy and interest all of us can muster to do the job. The need is obvious. There is really no choice. Our institutions can be made to work. And, as always, educators can help to lead us along that path.

James Ahern is the former Chief of Police of New Haven, Connecticut, and a member of the President's Commission on Campus Unrest He was a featured speaker at the Annual Meeting of AGLS at Rochester Institute of Technology, October 26-28, 1972.