

Victimless crimes: should they be legalized?

By Elizabeth Coleman
and Philip S. Cook
Newsweek Feature Service

Eddie is a chronic drunk. In the last 28 of his 50 years, he has been arrested for public drunkenness more than 100 times and he has spent a total of almost eight years in jail. At the end of each sentence, he arrives back on the streets penniless and unemployable. His first priority is to cadge enough money to get drunk again.

The bill for Eddie's binges, which have harmed no one but himself, has mounted to more than \$100,000 in terms of police man-hours, court costs and jail time—and it has been paid by the taxpayers of Chicago where Eddie lives.

CECILLE IS A prostitute. She doesn't remember how many times she has been arrested but she knows she has only been convicted three times, and her jail sentences were merely brief interludes in her workaday routine. Every time she is hauled into court in her hometown of San Francisco, the city taxpayers ante up an estimated \$175 to pay for all the paper work and red tape involved in a prostitution arrest.

Douglas urges rehabilitation for criminals without victims

Lancaster County Attorney Paul Douglas said the problem with "victimless" criminals is "what to do with them."

"The alcoholic who does not want to be helped can't be helped," he said. "I'd like to see a follow-up report to see how many have reformed and not gone back to drinking."

Douglas said he would like to see victimless crimes removed from law enforcement agency responsibility. The problem, he said, is that no social or medical agency is established to handle rehabilitative duties.

In addition, crimes associated with the so-called victimless crimes must come under police jurisdiction.

"The hue and cry is 'if the drunk is walking the street we help him. If he gets behind the wheel we castrate him,'" Douglas said.

The attorney said alcoholics are told "better things are ahead for you" but no motivation is provided.

He said Municipal Court

Ludlow is a gambler, one of 10,000 arrested on a felony charge for gambling in New York City during a recent two-year period. Like 9,998 of his fellows, he escaped a felony conviction and a prison sentence.

But while Ludlow's case was being processed, tying up dozens of hours of police time, the numbers of murders and assaults in New York were soaring.

Eddie, Cecille and Ludlow do not exist as actual characters. But in the context of one of the most serious problems confronting law-enforcement officials today, the unsavory trio is very real, indeed. They are among the countless thousands of individuals arrested each year for committing what are known as victimless crimes.

ACCORDING TO THE National Council on Crime and Delinquency (NCCD), victimless crime is "crime based on moral codes in which there is no victim apart from the person who committed it." In addition to drunkenness, prostitution and gambling, other victimless crimes include vagrancy, liquor-law violations and consensual sexual acts committed between people capable of consenting.

And because of society's

processes an average of about six drunks and 2 drunken drivers per day. On Monday the figure jumps to 20-25 cases.

He also said studies have shown alcohol has been the catalyst for many other crimes. He noted that studies of penitentiary inmates and bogus check writers show that "a large percentage" had consumed or were under the influence of alcohol at the time they committed their crime.

Douglas also contended the term "victimless crimes" is a misnomer.

"The individual is not the only victim," he said. "For example, a gambling husband's wife and kids suffer because of his gambling."

He also said legislation legalizing some crimes, gambling, for instance, has no effect on associated crimes.

"Look at Las Vegas," he said. "They have legalized gambling but they have the highest crime rate in the country."

insistence on prosecuting victimless crimes and jailing the "criminals", the NCCD says victimless crime may account for most of what's wrong with the nation's system of justice. "It misuses our policeman power, congests and makes a travesty of our courts, and jams the jails," the NCCD argues. "It so preoccupies the criminal justice system that it prevents it from dealing effectively with real crime."

Accordingly, prison reformers around the country are asking whether the time has come to stop regulating public morality, to remove victimless crimes from the criminal code and to shift them over to social and medical agencies, thus giving police additional time and energy to combat the crimes that directly threaten public safety.

CLEARLY, THE VERY thought of effectively legalizing public drunkenness—let alone prostitution, gambling and other age-old moral taboos—would ignite a fierce public controversy and it already has upset several community leaders and police chiefs.

But equally clearly, as many authorities see it, something must be done. For as things are now, says Justuf Freimund, executive director of the Washington office of the NCCD, "no one benefits, not the individual and not the society." NCCD figures show, for instance, that:

One-half of all those arrested by the nation's police forces are victimless crime offenders, and half of all the people in jail in the U.S. are there for committing one or another victimless crime.

One out of every three arrests in the country is for drunkenness.

OVERALL, victimless crime as now dealt with by society costs the American taxpayer more than \$1 billion every year.

Several years ago, a prison committee in Washington, D.C., singled out six victimless-crime offenders. They were all drunks and together they had been arrested 1,409 times and had served a collective total of 125 years in jail at an estimated \$600,000 to the taxpayers. Not one of them was cured of alcoholism.

And while the Washington police were handling the alcoholic (and the 40,000

other drunks arrested every year in the capital), the general crime rate in the area climbed 240 per cent, with murders up 130 per cent and rapes up 220 per cent.

IN SAN FRANCISCO, the arrest and prosecution of drunks consumes \$3 million a year, or 7 per cent of the police department's entire annual budget. In 1969, San Francisco police made 59,100 arrests, of which 16,500 were for drunkenness and 3,200 for prostitution. The relatively few number of prostitution arrests set the city back almost \$600,000.

That was the same year that the city reported 83,481 killings, rapes, robberies, burglaries, assaults and auto thefts, of which 13 per cent went completely unsolved.

THE MOVEMENT to at least partially decriminalize some victimless crimes has gathered some impressive political support, including that of President Nixon. Several state legislatures are considering bills that would remove some victimless crimes from the books.

And a few weeks ago, Massachusetts Gov. Francis Sargent signed a new law making public drunkenness

officially a medical rather than legal concern.

Other states have tried free detoxification programs for drunks and, while no one makes any claim of great success in rehabilitation, there has been progress in relieving the police of the problem. In New York, for instance, the Vera Institute has been sending drunk-rescue patrols around the Bowery, and arrests for drunkenness in the area have dropped by 97 per cent.

THE ARGUMENTS against decriminalizing victimless crimes are varied. Former San Francisco police chief Alfred Nelder has said he is "flabbergasted by these proposals," contending that to loosen legal control of prostitution and gambling would lead to an increase in serious crime.

California State Sen. Donald Grunsky argues that laws against victimless crime are humane.

"It's the same thing as why we should have laws against suicide to try to prevent suicide," he says. "I think we should try to prevent people from destroying themselves with drugs, or killing themselves with automobiles or anything else."

Budget Committee trims NU budget

The final figures weren't in yet, but it appeared Monday afternoon that the University's budget request would be trimmed by the Legislature's Appropriations Committee to the tune of up to \$5 million.

The apparent budget cuts were revealed at the end of a day which also saw the committee change its salary policy from an average of \$300 per state employe to a minimum of \$300 and a maximum of \$600.

The budget cuts would be in the University's \$50 million general fund request. The committee's recommendations appeared to be in the \$45-\$50 million bracket.

The committee's all-funds recommendations may be around \$84 million, compared with NU's present \$78 million budget.

Exon recommended a general fund appropriation of \$47.1 million and an all-funds total of \$84.7 million.

Legislative fiscal staff recommendations were in the range of \$44.6 million on general funds and \$83.6 million in all-funds. These figures, however, were based on the old salary policy.

University faculty members should be the chief benefactors of the committee's new salary policy.

The new policy provides an average wage increase of \$200 plus 21 per cent of the wage earner's present salary. The maximum increase is set at \$300.

The decision allows larger pay hikes for higher salaried state employes than the previous salary policy, which was sharply criticized by University administrators and faculty groups.

The new salary policy also makes void the committee's earlier decision to purchase a \$5,000 life insurance policy for all state employes not currently insured by their state agency employer.



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