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Are we a nation of lawbreakers?, 1925.

"ARE WE A NATION OF LAW BREAKERS?"

RABBI ABBA HILLEL SILVER.

THE TEMPLE, SUNDAY MORNING,

DECEMBER 20, 1925, CLEVELAND.



America is today a Paradise of criminals.

There are more criminals in the United States and there are more crimes committed in the United States than any other country in the world; and America is the safest place for criminals. I need not burden you this morning with statistics, but suffice it to say that last year 10,000 people were murdered in the United States; suffice it to say that last year 300,000 robberies, burglaries and holdups were recorded in the United States. It has been estimated that there are 135,000 murderers at liberty in the United States, and some 350,000 men and women who make a living by crime. That number of 350,000 does not, of course, include the bootleggers and the gamblers and the tax dodgers. These are just the criminals that are not respectable.

The city of Chicago boasts one murder a day. Her record is higher than that of the entire Dominion of Canada--one murder a day! And in Chicago gangsters are buried, as you know, in silver coffins and ten thousand people or more attend their funeral. It is a great civic holiday, as it were. It has been estimated that the American people are annually defrauded of some two billions of dollars--not by acts of violence, remember, but just by acts of fraud, by wild-cat speculation, by fake mining and oil companies and similar enterprises. And crime is on the increase, and appallingly so. A committee appointed by the American Bar Association

reported that crime and lawlessness in the United States have been steadily on the increase and out of proportion to our growth, and there has been a steady and growing disrespect for law.

Now the figures which I have just quoted are in themselves terrifying, but they are even more terrifying when one stops to think of their implications. They speak unmistakably about a break-down in the moral tone and temper of our national life; they bespeak a weakening of moral fiber; they bespeak a spiritual decadence in our land; they tell us that every institution charged with the training of ethical citizens, every institution charged with the protection of life and property, has broken down. These institutions--the home, the church and the school--government itself--stand convicted of dereliction in the performance of their primary duties in the face of this appalling register of crime and lawlessness. For remember that crime in the United States is not limited to acts of violence, nor to any one section of the community. The ugly trail of lawlessness one may trace in every class of society from the highest to the lowest, from the richest to the poorest, from the most educated to the most ignorant. No section has a monopoly on crime.

Two years ago or more we were humiliated, the American people was humiliated at the spectacle of reeking corruption in government which engulfed cabinet ministers, the attorney-general, public officials, prominent citizens,--corruption of the worst kind, corruption which went right to

the heart of our national life; public necessities, public resources, were handed over to marauders and exploiters because of bribe. And yet so cumbersome is our machinery of justice and so indifferent does our people become after the first flurry of excitement that now, more than two years after the commission of these crimes, not one of these guilty culprits is behind bars and not likely to be. Rich people are not to be found in the prisons of the United States. Influential people need never atone for their sins in the penitentiaries of our land. How many war profiteers are today behind bars? None. But we kept conscientious objectors rotting in our jails, and we kept so-called "reds," as we are still keeping them, rotting in our jails. Lawlessness is not to be looked upon as the monopoly of any class or any group of our citizens.

Take the prohibition scandal. Railroads, government agents, public officials, rich men, poor men, ministers, so-called reverends, have all been caught up in this amazing tidal wave of lawlessness which we call bootlegging. The little fellows, mostly foreigners, are caught and sentenced to salve the conscience of the community. The big fellows, with big lawyers and big "pull" are seldom caught, and if apprehended seldom are punished.

Now it is not my intention this morning to discuss the merits or demerits of the prohibition law or the Volstead act. It is not my desire either to approve them or condemn them because that is entirely beside the point. Men may agree that prohibition is the most salutary law which has

been enacted upon our statute books in a generation; others may think that it is a stupendous mistake, that it is a failure, that it is not productive of the good which was bespoken for it, that it is inoperative, that it produces more evil than good. All that is beside the point. The point is that the people of the United States, through legal methods, long established methods, have enacted a law which they put into the fundamental law of the land, exactly in the same way as they put in the amendment abolishing slavery or granting the suffrage to the womanhood of America, and that law is there by the will of the people; it is there and it cannot be violated without cheapening respect for all law and all authority. It can be repealed through regularly preordained methods, but it cannot be violated without cutting to the very heart of law. A citizen cannot be selective as regards the laws he need obey and the laws he need not obey. That leads inevitably to anarchy. And the American people as regards the prohibition law are a people of law-breakers.

Take the income tax. The House has just repealed the publicity clause in the income tax law. Hereafter the government need not publish the income taxes paid by the citizens of the United States. I wonder why. I wonder what was responsible for that great outcry when these lists were first published. I wonder what is responsible for that tremendous pressure that was brought to bear upon Congress to repeal that law. An honest man is not afraid to have his taxes published; an honest man is not afraid to have his

contribution to a Community Fund announced. It is the man who has not done his duty who does not want his contribution published. I wonder whether it was not a case of an attack of conscience which the whole American people experienced when these lists were published; and I wonder whether it was not a desire not to be so attacked again in the future that the American people, with its customary prudence, determined not to publish these lists in the future. Lawlessness among the respectable elements of America!

What is the cure-all? Clearly there is no one cure for crime and the spread of crime in our land; there is no nostrum; there is no catholicon. Clearly a frenzied crusade will not solve the problems, the kind of crusades in which we indulge from time to time when the situation becomes too serious. This ailment is a constitutional ailment and no drastic cathartic can solve the problem; there must be an overhauling all along the line. You will not decrease crime, for example, merely by making punishment of criminals more severe. If the penalty is excessive you will discover that juries will hesitate to convict. You are not going to decrease crime merely by pampering the criminal by increasing the good efforts, the desirable efforts which have been made in the penitentiaries of America to rehabilitate criminals. Some criminals can be rehabilitated and some cannot. Nor are you going to solve the problem of crime simply by having local house-cleaning and by driving the criminals from this community into the next community. Criminals are migratory and when it

becomes too hot for them in one locality they move into the next. The specific locality may, for a time being, be rid of the problem, but the nation as a whole has not been helped.

The problem of crime, to my mind, to the mind of a layman who has not specialized on the subject, is a national problem and should be approached from a national viewpoint. There ought to be the closest kind of cooperation between states in the matter of registering the records of each criminal and in the matter of following up his trail and his whereabouts; there ought to be the closest cooperation as regards setting standards of crime and punishment, as regards setting standards throughout the land of procedure, as regards facilitating criminal justice.

I quote a great authority when I say that the whole administration of criminal justice in the United States needs revamping. Chief Justice Taft not long ago declared that "the administration of criminal law in the United States is a disgrace to civilization. The trial of a criminal seems like a game of chance with all the chances in favor of the criminal, and if he escapes he seems to have the sympathy of a sporting public."

There are 160 murders committed in the city of New York to ten in the city of London; seven out of ten are hung in London, and only one out of 160 are sent to the chair in the state of New York. And justice in England is swift and sure. It is not so much the severity of the penalty which strikes terror into the heart of the criminal but the swiftness

of it and the sureness of it and the implacability of justice. That, unfortunately, we haven't in the United States. The criminal has a ten to one chance to escape punishment and he is ready to take that chance. He knows that there will be a long period of delay before he is brought to trial; he knows that he will have perhaps a sentimental jury to whom a skillful and apt attorney may make a sentimental and moving appeal; he knows that if he is found guilty he can appeal again and win another delay; he knows even if he is ultimately found guilty and sent to prison that there are approachable boards of pardon and boards of parole, and even an approachable governor, that will get him out of the difficulty. And so he takes the chance.

In a Chicago paper the other day I read this editorial: "The Chicago police get a man who has committed a crime. The prosecutor may beat the defense, which is one of the hardest things to do in this community if the criminal has any money. The convicted man may be sent to the penitentiary. The next thing the police know he is back on the streets with a gun in his pocket, and they are in luck if their knowledge of this does not come when he starts shooting. Executive clemency is supposed to prevent injustice; the parole system supposes that a contrite prisoner will resume a harmless and even useful place in society. Experience with these theories has made them ironic. The case which finally drew the attention of citizens charged with certain responsibilities in the administration of justice was that of Ira D.

Perry, a son of a man reputed to be wealthy. He pleaded guilty to murder; the police also have fastened a long record of holdups on him. It was discovered last week that the governor had changed the sentence from one of murder to one for manslaughter, and that the life convict was out on parole after serving three years. The pardon and parole board seems to have held another trial with only the defense heard, and to have decided that the prisoner was not guilty of the crime for which he was indicted, to which he pleaded guilty, and for which he was sentenced. The penitentiary seems to have no locks, and soon the doors will be lifted off their hinges."

Is it any wonder, then, that in this specific city six policemen are killed to every murderer that is hung? Now who is at fault? Why, everybody--lawyers, judges, prosecutors, jurors, public officials, the public itself. You know that we are prone to indulge in the denunciation of the criminal lawyers who help these criminals; we are tempted to pin all the blame on them, and yet they are not to be blamed entirely, if at all. These attorneys for the defense are there to defend the criminal and not to defend society or the social standards of justice; they are there to help the criminal, and it is expecting the impossible of them that they will think first of society and only secondarily of their client,--unless our schools for the training of lawyers can turn out the 100% record of morally perfect specimens, which is a thing quite impossible.

But it is those agencies which the public can control, from the prosecution, or rather from the police department clear up to the governor of the state; those agencies which are within its control, it is there that the public can function, if it wishes to function, if it wishes to decrease crime; through an agency such as we have in Cleveland,--the Cleveland Association for Criminal Justice, an alert and inquisitive body which is constantly surveying the crime situation and constantly studying each and every specific case through a focalized attention. Such an agency of this kind is in position to prod up sluggish prosecutors; it is in position to control politically-minded judiciary; it is in position to terrify, if need be, governors who are carried away by sympathy or who can be manipulated to release criminals, and, above all, through a constantly alert agency such as we have here--which is only in its infancy, whose real effectiveness will be shown in the years to come, I hope,--the public can educate itself out of that slobbering sentimentalism which prompts it to think more of the criminal than of the victim of that criminal, which makes a hero of the criminal.

I suppose when all is said and done our nation needs a moral bracing-up. These facts indicate a moral rottenness at the core of things. We have grown in the last generation or so altogether too rich and too easy-going and morally too indifferent. We are beginning to lose our moral sensitiveness and our passion for justice and for right which

was the proud boast of our people. We love luxuries too much, and self-indulgence. We don't think of moral standards which we are charged to safeguard and protect until we are terrifically shocked by some extraordinarily sensational crime, and then we fuss about for a day or a week or a month, and then we sink back in our indifference, in our indolence.

There are groups in our land today, especially among the elite, the cultivated,--there are groups among whom virtue has come to be looked upon as old-fashioned and rather a bore, and vice has come to be regarded as extremely fashionable. There is throughout our land a chasing after pleasure, among men as well as among women. Fathers are eating sour grapes and the teeth of the children are set on edge. Late hours, loose talk, wild parties, indecencies, vulgar plays, vulgar books,--these are the daily curriculum of many of our older sex and of many of our younger sex. People don't speak today any more about duty and obedience and purity and self-restraint. These are antiquated notions; they belong to the limbo of the past. In this free age one does not speak of these things. And so merrily we sow the wind and terribly we shall reap the whirlwind.

The American home is already beginning to disintegrate and to break up. Look at the fearful records of divorce, the most astounding record in the civilized world; and the breaking of homes is the breaking up of society; it means decadence; it means demoralization; it means that crime and sin will soon come to stick like a plague in our midst, destroying

us. You cannot play fast and loose with these basic moral principles that are as ancient, as immovable as the rock of Gibraltar. They are not to be tampered with and you cannot deal lightly with them and speak of them jestingly; they are avenging angels, they destroy him who approaches them in levity, the sandals of whose feet are not removed when he approaches the sacred ground.

The safety and the permanence of this nation, of any nation, are deposited in the vigorous morality, in the hardy conscience of its citizenry, and when this moral vigor wanes and in its place comes shabbiness and laxity and vulgarity and cheapness, then you are facing a people that is on the down road to oblivion. That nation is on the way to Babylon.

I sometimes ask myself whether the time is not yet come in the United States for a great reaction; I sometimes ask myself whether the good sense of the American people, which has heretofore looked with indulgence and half amusingly upon this national sowing of wild oats,--whether that good sense, that common sense is not already becoming restive because it is beginning to see the seriousness of that which we looked upon as altogether harmless. I wonder whether the American people before very long will not begin to insist upon a more rigorous code of conduct for all of its citizens, beginning in the home and going right through its business and professional life. I wonder whether American parents before very long will wake up to the realization that moral discipline does not grow out of lassitude and indifference and cynicism and

laissez-nous faire and let well enough alone. I wonder whether American parents before very long will not begin to insist upon some of those principles which their fathers and their fathers before them insisted,--upon these indispensable principles, unavoidable today as yesterday, and ten thousand years from today as yesterday,--these basic, moral principles which are the foundations of the character for every man and for every woman in any age, past, present or future; and I wonder whether a good dose of good, old-fashioned puritanism is not exactly the thing which the American people needs today.

Morality moves as a pendulum moves; it swings from rigidity to laxity, it swings from one extreme to the other. I fear me that the next pendulum will swing to a very great extreme in ethical rigorism in America. But it must come; it must be. This primrose path of luxury and pleasure upon which we have been so joyfully marching is leading us into a cesspool of iniquity and crime, and these are only the first indications of it.

We need, all of us, we Jews as well as others--
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for we have reacted to environment quite readily and almost eagerly, and our homes are beginning to show the influences appallingly,--we need to return to that piety of our forefathers, to that sense of reverence of eternal value, to a sense of duty in life and obedience in life and honor and rectitude. We need a vivid sense of God in our lives, a revival of faith in our homes.

That, to my mind, must be the driving impulse

behind any movement for the rectification of these
tendencies in our lives.

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A NATION OF LAW BREAKERS

America today is the paradise of criminals. There are more criminals in the United States and there are more crimes committed in the United States than in any other country in the world. Last year ten thousand people were murdered in this country and three hundred thousand robberies committed. These figures speak unmistakably of a breakdown in the moral standards of our national life. All of our national institutions, the government, the home, the church and the school stand convicted of dereliction in the performance of their primary duties in the face of this appalling register of crime. The menacing increase in the number of divorces in this land likewise points unmistakably to moral decadence. The tidal wave of lawlessness which the prohibition law has set in motion is yet another indication of our growing disregard of public law.

Many solutions have been offered and many will be offered for this imminent problem. There is no doubt but what the whole administration of criminal justice in the United States needs a complete revamping. But should not the responsibility be put squarely up to the American people themselves? We have grown too rich and too easy going. We are fast losing our moral sensitiveness. We love luxuries too much and self indulgence. There are groups in our land today, especially among the cultivated and elite, among whom virtue has come to be looked upon as rather old fashioned and a bore. Everywhere there is a wild scramble and chasing after pleasure. Fathers are eating sour grapes and the children are set on edge. Late hours, loose talk, wild parties, vulgar plays, vulgar books - this is the daily curriculum of many of our older set and of many of the younger set. People seldom speak these days of duty, obedience, purity and self-restraint. These are antiquated notions. And so merrily we sow the wind and terribly we shall reap the whirlwind.

The safety and permanence of this nation, of any nation reside in the vigorous morality and the hardy conscience of its citizenry and when this moral vigor wanes and in its place comes shabbiness and laxity and vulgarity, that people is on the road to Babylon.

I wonder whether the American people is not now ready for a great moral re-awakening. I wonder whether the good sense of our people which has heretofore looked with indulgence and half-amusedly upon this national sowing of wild oats, is not already becoming restive under the license and abuse. I wonder whether a good dose of old fashioned Puritanism is not exactly the thing which the American people needs today.