

Court Must Equate Right Of Individuals, Society

By ALPHONZO BELL, Congressman, 28th District

Certain restraints should properly be placed on the police if individuals are to have security. But recent evidence suggests that perhaps there may have been excessive preoccupation with individual rights and not enough thought about order, and the rights of society in general.

FBI statistics show that 1964 witnessed more than 2,600,000 serious crimes in the United States constituting a 13 per cent increase over 1963. This, and increased court dismissals for serious crime, have been attributed in part to court restrictions on currently allowable crime prevention and law enforcement practices. Police, and many eminent lawyers and

judges, have protested that decisions to protect individual rights can jeopardize society's right to safety.

Inadvertent police failure to notify a suspect of his right to counsel and to remain silent before he admits complicity can render a voluntary confession inadmissible as evidence. Brutal "third degree" methods are rightfully ruled out. Confessions, however, are likely to be volunteered immediately after an arrest and long before an officer thinks of his testimony in the courtroom.

The U.S. Supreme Court stand on confessions was demonstrated recently by its refusal to review the Dorado case, on appeal from the California Supreme Court

ruling that a confession was invalid because it was taken before the suspect was informed of his rights. Some officials anticipate much future difficulty for police and many appeals by convicts as a result of the Dorado decision.

Police power to detain suspects has also been seriously curtailed. What an eminent jurist has termed the "finely developed radar" of a policeman is active only if the policeman has authority to function. How is an officer to react who has not heard of a robbery but who sees, in the early morning hours, a shabbily dressed man carrying large sacks out of a wealthy residential community? How would the residents of that community want him to

react? Would they not want such a suspect questioned? Yet officials claim many courts would rule stolen merchandise inadmissible as evidence if obtained as a result of such questioning. The charge would be made that an officer did not have "probable cause" for detention. But even in the force of recent decisions an impressive group of lawyers and criminologists suggest it is better for police to stop a man whom they have good reason to believe is about to commit a felony, than to arrest him later.

THIS IS NOT an extremist position. Attorney General Katzenbach emphasized the necessary role of police in

"social control" when he stated, "There might well be areas of law that cannot be formalized without excess rigidity. . . . There are some aspects of justice that may have to be left to intuition, imagination and a complex interplay of personality."

Recent discussions at the meeting of the American Bar Association emphasized the right of citizens to be free from criminal attack as paramount. Those who hold rigid conceptions of individual rights are mistaken in assuming generalized protection of society could lead to regression to a police state in our nation.

There is a ground which neither grants law enforcement officers excessive li-

cense nor ignores special circumstances in providing public safety. Those concerned with judicial trends do not advocate denial of individual rights. They also do not endorse insensitivity to the collective rights and need for protection of the greater number of human beings in a social environment.

Aquarium Club Slates Meeting

The August meeting of the Harbor Aquarium Society will be held tomorrow at 8 p.m. in the Recreation Hall at McMasters Park, Artesia and Yukon avenues.

Guest speaker will be Trenton Fewkes, of the Los Angeles Aquarium Society. He will relate his experiences as a fish hobbyist through slides and commentary.

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