



7-1-1965

Preservation of Law and Order: A Fundamental Function of Government

Arnold Sagalyn

Follow this and additional works at: <http://scholarship.law.nd.edu/ndlr>



Part of the [Law Commons](#)

Recommended Citation

Arnold Sagalyn, *Preservation of Law and Order: A Fundamental Function of Government*, 40 Notre Dame L. Rev. 549 (1965).

Available at: <http://scholarship.law.nd.edu/ndlr/vol40/iss5/7>

This Article is brought to you for free and open access by NDLScholarship. It has been accepted for inclusion in Notre Dame Law Review by an authorized administrator of NDLScholarship. For more information, please contact lawdr@nd.edu.

THE PRESERVATION OF LAW AND ORDER: A FUNDAMENTAL FUNCTION OF GOVERNMENT

*Arnold Sagalyn**

The causes of violence in the streets may be found, of course, in a combination of complex factors. Our sociologists would probably include among these the social and economic strains resulting from the rapid pace of urbanization; the difficulty of so many of our youth to adapt themselves to a revolutionary and nuclear age and their restless search for identity and purpose; and the feeling of hopelessness and dissatisfaction on the part of many Americans arising from their lack of education, slum living conditions, discrimination and lack of employment opportunities. These causal factors are undoubtedly reflected in our rising crime rate, in the outbreaks of lawlessness and violence experienced in so many of our metropolitan areas during the past year, as well as in the student riots on university campuses and in resort towns in Oregon, New Hampshire and Florida.

Violence per se, however, is not necessarily equivalent to lawlessness or crime. Rather it is the aggressive, destructive violence which presents a danger to our society with which we are really concerned here. We are told that human beings have a propensity to hurt one another. Dr. Karl Menninger has said that we enjoy violence in various forms in our daily lives, and he points to our love for combative sports, such as prize fights and wrestling. We also, he says, insist on violence as a form of entertainment, as shown by our taste in films, TV shows and literature.

We are told that it is a sign of civilization to be able to control aggressiveness so that it does not harm others. The frustrations found in our daily lives, in our inability to solve social problems, are cited as causes for various forms of destructive violence.

We might look upon the role of the police as helping to structure society so that people cannot act out violence in a way that will endanger society. People who tend towards irrational violence which threatens others usually send out some sort of signal in advance. The police, working with other responsible officials and utilizing all of the resources of the community, need to improve their abilities to hear and respond to such danger signals.

President Johnson has said that no right is more elemental in our society than the right to personal security, that the preservation of law and order is a fundamental function of government. President Johnson's recent special message on crime recognized the national concern with lawlessness and crimes of violence in the United States. The President called for intensified federal efforts against organized crime and racketeering — the source of much of our most serious lawlessness and related violence.

The Administration has proposed new legislation designed to curb the ir-

* Director, Office of Law Enforcement Coordination, Treasury Department; United States Representative, Interpol; B.A., Oberlin College; graduate, Institute of International Studies, Geneva, Switzerland; former Assistant to the Director of Public Safety, Cleveland, Ohio.

responsible use of dangerous firearms, which will enable the states and local communities to establish meaningful controls to meet local needs and problems. For the first time responsible federal regulation would be provided against the importation and sale of foreign surplus military firearms and destructive weapons — such as hand grenades, bazookas, antitank rifles and similar weapons which are clearly inconsistent with legitimate civilian purposes. This legislation will recognize the legitimate place for sporting type guns. It will, however, give our law enforcement officials a much needed control over weapons likely to be used unlawfully and in connection with crimes of violence.

The President has also proposed a Federal Assistance Program to help local and state police forces strengthen their capabilities for suppressing crime and lawlessness. In doing so the federal government clearly recognizes and respects the primary responsibility of our state and local governments to maintain the peace and to preserve law and order. Just as we now provide grants to help our states and local communities in the fields of health, welfare and other community services, so federal government believes it is proper to provide assistance and grants for training law enforcement personnel and other projects which will serve to improve the ability, techniques and practices of the state and local agencies responsible for combatting crime and violence.

In the final analysis, however, our law enforcement agencies cannot hope to fulfill, or be expected to fulfill, their proper role in meeting the needs of our society today until conditions are created which will result in greater cooperation, understanding and mutual respect between the police and community leaders and citizens.

To accomplish this, better communications are essential between police, related public officials and various minority groups. A hopeful step in this direction has been taken by some police leaders who have established community relations bureaus. These provide a valuable means for establishing channels of communication between the police and various community organizations, so that grievances can be aired and corrective measures taken before they develop into serious proportions or explode into rioting.

Responsible law enforcement officials have also recognized the urgent need for more and better training in police-community relations. The International Association of Chiefs of Police, working with various police departments, has taken the leadership in initiating a program to provide for a comprehensive approach to this problem. Through community relations training our police will be able to obtain a better understanding of the socioeconomic-political forces involved in current lawless demonstrations and the various manifestations of violence. Such training programs will enable our police forces to strengthen their law enforcement capabilities through knowledge and improved techniques essential for dealing with such human behavior problems intelligently and responsibly.

Community leaders in turn — indeed, all citizens — need to have a better understanding of the problems confronting the police and their own responsibility for working with them to assure law and order and the safety of the community. Institutions and organizations which have some relation to law enforcement,

such as law schools and those in the fields of social welfare, sociology and the like, should consider seriously their own responsibilities in this area and what they may do to provide for greater information and awareness of the law enforcement problems and needs in their courses of instruction.

The problems and deficiencies of our law enforcement agencies reflect equally the failure of local citizens and community leaders to recognize their own responsibilities in the preservation of law and order and the equal protection of the rights and security of all individuals.

We cannot meet the needs of our society within our time unless we mobilize and utilize all of the resources of our communities. We need to relate our police problems to those of our schools, welfare, health and other community services.

Law enforcement should be everyone's concern. Our police deserve the support and understanding which they have too often lacked in trying to carry out their responsibilities. Our police officials, in turn, must recognize that the community has a legitimate interest in law enforcement policies and performance.

With new understanding and joint dedication to achieve our common goal, we can meet the challenge of lawlessness and violence in accord with our American democratic concepts of individual rights, constitutional law and order, and equal justice.