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Crime and Punishment

Capital Punishment

Probably the most important decision the U.S. Supreme Court will hand down during 1976 will be its determination of the constitutionality of capital punishment. The Supreme Court has agreed to hear the appeals of six criminals who have been convicted of first degree murder and sentenced to die.

They involve the criminal laws of five states, but the ruling is expected to determine if any state can validly impose the death penalty. It could have a far-reaching and permanent effect on whether we win or lose the battle to restore law and order to our country.

Four years ago, the U.S. Supreme Court muddled up the capital punishment question with what is widely considered to be the most confusing and ambiguous ruling in history, as well as one of the half dozen decisions most offensive to the majority of Americans. That five-to-four decision spared 630 criminals then under sentence of death. Each of the nine Justices wrote a separate opinion.

Five Justices disapproved capital punishment, but for different reasons. Two of them called the death penalty unconstitutional because it has been arbitrarily and rarely imposed.

In other words, because so few have been executed, they wanted to make it unconstitutional to execute any criminals at all. The four dissenting Justices took the position that the decision to retain or abolish capital punishment should be left to the states.

Chief Justice Burger's opinion attempted to give state legislatures some guidelines for how they could reenact capital punishment laws which the Supreme Court would approve, such as by narrowly defining the crimes for which the death penalty is to be imposed, and providing standards for judges and juries to follow.

Since then 34 states have passed such laws, plus a federal law imposing the death penalty for air piracy. This expression of the will of the people's representatives in a big majority of states shows that the American people do not buy the spurious argument that the death penalty is "cruel and unusual punishment."

When U.S. District Judge Samuel Conti sentenced Sara Jane Moore to life in prison for attempted assassi-

nation of President Ford, the Judge said: "I am certain of one thing. I know you wouldn't be standing here today if we had a capital punishment law. If you thought when you pulled that trigger you would be subject to capital punishment, you wouldn't have pulled it."

Judge Conti pointed out that there was less kidnaping and less violence in the years when capital punishment was used than there is now. Crime statistics corroborate the judge's opinion. Violent crime has risen dramatically since the last execution took place in 1967.

It is to be hoped that, in their new look at the question this year, the Supreme Court Justices will come out of their ivory tower and face the realities of the hundreds of cold-blooded and sadistic murders that have been committed since the Supreme Court suspended capital punishment four years ago.

Cause of Crime

Despite all the efforts of dedicated and conscientious local law enforcement officers, and despite large injections of Federal funds to assist them in crime detection and personnel training, violent crime continues steadily upwards. In most American cities, it is truly "America's most agonizing fact of life."

It ought to be self-evident that most crimes are committed by criminals, and that decent, law-abiding people have been betrayed by legal technicalities which have become loopholes in the law and strangled justice.

The U.S. Supreme Court decisions that have tied the hands of our local police are a major cause of the problem. The "soft on crime" attitude is also manifested in the new coed prisons, the rehabilitation concept that is such a dismal failure, and the parole-probation system that puts criminals back into society without any apparent concern for their past and prospective victims. About 80 percent of all felonies are committed by repeaters and only six percent of offenses result in imprisonment. Consider these three recent cases.

James Franz Arbeiter was twice found guilty by Missouri juries of stabbing Mrs. Nancy Zanzone to death when she surprised him in the burglary of her apartment. He showed no remorse, boasting "I'm only 15 years old. They can't do anything to me." Unfortunately, he was right. After conviction by two juries, the Missouri Supreme Court freed him on legal technicalities. Less than a year later, he pleaded guilty to burglary and weapon charges. After serving less than three years of a six year sentence, he was charged with the fatal shooting of a night club owner and of forcing his female companion to perform an illicit sex act.

Or, take Jesse Sumner who was convicted of two armed robberies and a murder. On a legal technicality the Illinois Supreme Court ordered a new trial. He pleaded guilty to voluntary manslaughter, was sentenced to 10 to 15 years, and was paroled after two years. While posing as a model parolee, within a year and a half, he committed three separate murders of Illinois State University coeds and buried their bodies. He has since been convicted of one of the murders and pleaded guilty to the other two.

In New York, Charles Yukl served six and a half years in prison for the strangling of a young model. The prosecution accepted his plea of guilty to manslaughter (instead of first-degree murder) because of technicalities imposed by the U.S. Supreme Court in the Miranda case. He was a model inmate whom prison authorities believed had been thoroughly rehabilitated. Fourteen months after being freed, Yukl ran an advertisement seeking actresses to appear in a movie. He was then arrested and accused of the murder of a girl who was beaten and strangled in the same way as Yukl's victim eight years earlier.

Public School Crime

More shocking even than the repeat crimes in the cities is the violent crime in the public schools. The National Education Association reported recently that 100 murders were committed last year by students on school grounds. Students also committed 9,000 rapes, 12,000 armed robberies, 204,000 aggravated assaults against teachers and each other, 270,000 school burglaries, and vandalized more than \$600 million worth of school property.

Teachers have been hurled over desks, their clothes ripped off, bodies tortured and stabbed, and heads cracked. In New York a Congressional committee found some high schools laden with teenage racket bosses selling everything from guns and girls to dope. No racket is too small or too big. Little children in some schools must pay 25 to 50 cents for daily protection.

Public schools are installing expensive safety systems. New York City spends \$10 million annually on guards. But security protection doesn't do the job -- primarily because students haven't been taught the difference between right and wrong. It is possible to police a one percent criminal element, but it simply is not feasible to police an entire student community that has never been taught fundamental moral laws, and

that *cannot* be taught fundamental moral laws under the Supreme Court's weird interpretation of the First Amendment.

Washington's Metro

The new subway system in Washington, D.C., called Metro, is scheduled to open soon after six years of blasting, digging, and tremendous obstruction of traffic and business. It is a monument to the demands of the Federal bureaucrats that the rest of the country support them in the style to which they would like to become accustomed.

The present price tag on the Washington, D.C. subway is \$5 billion, and the rest of the country is being called upon to pay the bill. This is a whopping cost overrun -- twice the original estimate of \$2.5 billion. Metro officials concede that they will be unable to pay off the original \$1.2 billion in revenue bonds.

Due to the extremely low morals prevailing in our nation's capital, the architects of this subway have had to incorporate a number of expensive safeguards to persuade people even to enter this underground subway system. It has been specially and expensively designed without any columns or other roof supports for fear that criminals will hide behind them before mugging or attacking the passengers. A complex communications system will enable passengers to call for help quickly.

The walls of the 48 miles of subway are recessed and separated from the public by railings in order to prevent the writing of obscenities. Automated fare collection, without human cashiers, eliminates the possibility of robberies. Ticket vendors, motormen, and flagmen have all been replaced by machine marvels of the space age. To help discourage rapists and muggers, all washroom doors will be locked and customers will have to get the keys from station attendants in glass-enclosed kiosks.

As an additional inducement to attract customers, the subway builders have gone to the huge expense of air conditioning. Since underground caves and tunnels remain relatively cool during the summer months, the need for this extravagance is not self-evident. In order to reduce the noise that is common to other subways, Washington's Metro will run on tracks laid on pliable pads under waffled ceilings inset with acoustical panels.

Even with all these expensive protections and comforts, there is considerable doubt that the citizens of Washington will want to take their chances underground among the many criminals and alcoholics who populate our nation's capital. According to the Wine and Spirits Marketing Bulletin, the average eligible drinker in Washington, D.C., consumes 4.35 fifths of liquor per month, more than triple the national average.

Those characters might decide someday to celebrate the Bicentennial with the same reckless disregard of life, limb, and property with which they observed Human Kindness Day on May 10, 1975 when, during ceremonies at the Washington monument, some 500 persons were beaten, robbed, or molested, and 150 had

to receive hospital treatment. One innocent passerby was stabbed in the eye with an ice pick.

If Washingtonians want to have a new subway, that is their privilege. They should not, however, be permitted to charge the cost to the rest of the country.

Terrorism

The principal achievement of the liberal politicians during the last three years is their crippling of our internal security. The result, whether they intended it or not, has been to make our country safe for terrorists and unsafe for law-abiding citizens.

Such an unremitting smear campaign has been waged on the FBI and the memory of J. Edgar Hoover that Director Clarence Kelley has warned that the FBI's effectiveness is threatened. The CIA has been neutralized from protecting American interests abroad, while CIA station chiefs are identified and exposed to danger and death.

The Subversive Activities Control Board, the House Committee on Internal Security, and the internal security division of the Justice Department have all been eliminated. Congressional liberals are now closing in on the Senate Internal Security Subcommittee, and have reduced its budget by \$100,000.

The assault on our intelligence - gathering and security agencies is based on the twin fallacies that surveillance and snooping have been too energetic in the past, and that there isn't any danger from subversives to justify such invasions of our privacy. Both propositions are false.

The two assassination attempts on President Ford and the recent bombing of LaGuardia airport are only the most dramatic examples of the hundreds of terrorist episodes that have taken place in the last couple of years. In 1974 there were 2,041 bombing incidents in the United States, many of them linked to terrorists. The FBI estimates that there are about 15,000 terrorists in the United States, organized into 21 different groups such as the Symbionese Liberation Army, the Weather Underground, and the Charles Manson group.

It will not help the eleven people killed at LaGuardia to know that the criminals are eventually arrested. We need internal security agencies to discover terrorists before they plant their bombs, not afterwards. This can be done by the infiltration of subversive groups, wiretapping, stop-and-frisk laws, and surveillance of suspicious conspiracies.

I am much more concerned about my right to stay alive while traveling through airports than I am about law enforcement agencies eavesdropping on my telephone conversations. I don't mind in the least having my purse and baggage searched and X-rayed. I don't even mind a body search before boarding -- if that is the price to pay for freedom from hijackers. I prefer my disasters in the movies, not in real life.

Supreme Court decisions have already relieved terrorists from worry about capital punishment. Now the liberal politicians have freed them from detection by our security agencies.

The plain fact is that there are terrorists, nuts, criminals, and subversives walking around loose with sticks

of dynamite and other weapons, and we need internal security agencies to discover them before they start the explosion timer.

Karen Ann Quinlen

The widespread publicity given in 1974 to the mastectomies performed on the wives of the President and Vice President was probably responsible for saving thousands of lives. The human interest aroused in their personal drama did more to persuade women to have timely breast examinations than doctors' warnings and statistics about cancer could ever do.

In 1975 there was much publicity about the tragic case of Karen Ann Quinlen, the New Jersey girl who has been in a coma for many months, clinging to life only because miracle machines maintain her bodily functions. Quite apart from the much-debated issue of whether she has the right to live or the right to die, there is another important issue. We are missing a valuable opportunity to allow her to render a national public service and save thousands of lives.

The second question in the Karen Ann Quinlen case is how she got in her present predicament. Her associates believe that her living death is the result of taking a combination of alcohol and barbiturates.

The increasing number of teenagers who are experimenting with a combination of alcohol and depressant drugs is one of the most alarming problems in the country today. A recent survey of persons seeking treatment at the drug referral service in one large city showed that 42 percent admitted mixing alcohol with other drugs.

Alcohol and Drugs

Drug prevention officials say that, when alcohol and depressant drugs called downers are taken together, this creates an explosive "high" that may be five times as great as from one of the drugs alone. The feeling is extreme numbness, often accompanied by hallucinations. The result may be respiratory and heart failure, deep coma, or death.

The problem is partially caused by the rising cost of the traditional illicit drugs, the easy availability of alcohol, and the lowering of the legal drinking age to 18. The National Institute of Alcohol Abuse reported last month that 28 percent of the nation's teenagers are problem drinkers. According to drug prevention officials, a typical scenario is that a teenager might be at a party sipping wine or beer, or smoking a joint, and along comes someone with a bowl of pills. Then, anything can happen.

Recent statistics also show that the alcohol-drug combination is becoming prevalent even among 13- and 14-year-olds. But it is not confined to the young. Businessmen and housewives often take a tranquilizer to get them through an agonizing day and then, without thinking, have a martini or two before dinner. The result can be devastating.

Teenagers probably won't be stopped by warnings from parents, teachers, doctors, or drug officials. But they might be deterred from danger by the dramatic lesson of what happened to Karen Ann Quinlen.

Backstoppers

A policeman is slain by an armed robber in a holdup attempt. A fireman is buried by flaming rubble when a

building collapses. Unfortunately, these all-too-frequent occurrences in our cities bring an untimely death to a brave man and leave a woman widowed and small children fatherless. After the headlines fade away and the eulogies are spoken, are these grief-stricken families forgotten?

Not in St. Louis, where they can depend on the help of the Backstoppers, a group of public-spirited leaders in business, labor and the professions organized solely to benefit widows and children of policemen and firefighters killed in the line of duty.

Within 24 hours of the death-in-the-line-of-duty of a policeman, fireman or state trooper, a Backstopper calls on the widow and gives her a check for \$2,000 with no strings attached. Subsequent aid varies according to the specific needs of the family.

The widow is invited to submit all outstanding bills, including mortgages, car payments, and doctor bills. The Backstoppers are usually able to pay all the bills and take over the mortgage payments on an annual basis until completely paid.

In the 15-year history of the St. Louis Backstoppers, the Club has assumed the existing debts of 23 police officers and 17 firefighters killed in the line of duty. The funds distributed come almost exclusively from the annual dues of the civic-minded members who believe in its work. The Club has no office, no paid employees, and all its administrative costs are donated.

The Backstoppers of St. Louis don't take the credit for originating the idea. They are quick to say that they copied the idea of their club from a similar organization in Detroit, called the Hundred Club.

The Backstoppers and the Hundred Club are good models for any community large enough to have policemen or firefighters killed in the line of duty, and would be happy to send information to any city wanting to start a similar club. They are not, however, looking for a national organization. It just isn't that kind of a club.

Quite apart from the good work the Backstoppers do, it is refreshing to know that, in this modern and mechanized age, there is an organization of individuals who practice genuine personal charity without an office, a salaried staff, fundraising appeals, mail-order campaigns, national conventions, newsletters, computerized pledge cards, or press releases, and with 100 percent of the donations going straight to the beneficiaries without any of the red tape and red ink that are suffocating most governmental and some private charitable organizations.

Bicentennial Outlook

As we survey our country's Bicentennial year, it would be easy to agree with the historians who foresee America becoming another of the many civilizations which perished after discarding the moral standards which bound their people together.

Crime continues to increase dramatically, especially violent crime, teenage crime, crime within the public schools, and even female crime. White collar crime and political corruption are at an alltime high, involving Congressmen, Senators, Governors, and even Presi-

dents and Vice Presidents. Alcohol and drug addiction keep spiraling upwards.

One out of every two marriages now ends in divorce. Venereal disease has risen to epidemic levels and is one of the most common illnesses in the nation. Abortion, the killing of unborn babies, is our third most popular operation, ranking right behind tonsilectomies and appendectomies. Militant homosexuals and lesbians are popular lecturers on college campuses and guests on television and radio programs.

Anyone who considers movies and books the mirror of a society's morals could easily become depressed. It is as though fast-buck promoters are determined to prove the validity of Alexander Pope's famous couplets:

"Vice is a monster of so frightful mien,
As to be hated needs but to be seen;
Yet seen too oft, familiar with her face,
We first endure, then pity, then embrace."

Our leading newspapers compete vigorously with each other in large daily advertisements for poronographic X-rated movies and stage shows. Talented and beautiful actresses play the roles of prostitutes. Crime and vice are depicted as more rewarding than virtue and family life.

Newsstands outdo each other in stacking their shelves with pocket books and magazines featuring hard-core violence and perversion. *The Happy Hooker* and its imitators sell millions of copies, describing the alleged rewards of a career of vice. Among the highly-advertised new books of the season is an autobiography of the Gabor family describing the material rewards of the mother's six abortions and how she got twenty husbands for herself and her three daughters.

R-rated movies which glamorize prostitution, such as *The Owl and the Pussycat* and *Irma La Douce*, are dirtying our home television screens. X-rated movies are now available on hotel and motel room TV sets. Television violence continues to increase, despite ample evidence of its corrupting effect on our youth.

As we take our Bicentennial moral inventory, we should heed the advice of the great French commentator Alexis de Tocqueville, who wrote in the last century: "America is great because America is good. And if America ever ceases to be good, America will cease to be great."

Phyllis Schlafly is the co-author of four books on nuclear strategy: *The Gravediggers* (1964), *Strike From Space* (1965), *The Betrayers* (1968), and *Kissinger on the Couch* (1975). She has testified on national security before the Senate Foreign Relations and Armed Services Committees. Her 1972 series of interviews with military and nuclear experts was aired on 70 television and 50 radio stations. An honors graduate of Washington University and member of Phi Beta Kappa, she has a Master's Degree from Harvard University.

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