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NDT

Twentieth
National
Debate Tournament
at West Point

APRIL 20 - 23, 1966

RESOLVED: That Law Enforcement Agencies in the United States Should be Given Greater Freedom in the Investigation and Prosecution of Crime.

UNITED STATES MILITARY ACADEMY
WEST POINT, NEW YORK



SIGURD S. LARMON
Donor of the Larmon Trophy presented each year to the Champions
of the National Debate Tournament

FOREWORD

After qualifying in vigorous competition in eight regional tournaments, thirty-eight of the best debate teams in the country came to the United States Military Academy for the Twentieth National Debate Tournament. They sought to capture the Sigurd S. Larmon Trophy, the symbol of debating excellence and the emblem of the National Collegiate Debating Championship.

This book is published as a record of the Twentieth National Debate Tournament. It contains the names of those who participated directly as debaters and judges and those who gave generously of their time and effort so that the Tournament could be a success. Also included is a verbatim transcript of the Championship Debate.

The United States Military Academy is honored to host the National Debate Tournament. Our thanks go to all who helped in the Tournament and we hope this report will serve as a memento to all of these people and encourage interest and participation in inter-collegiate debate.

YOUR HOST

United States Military Academy

Major General D. V. Bennett
Superintendent

Brigadier General R. P. Scott
Commandant of Cadets

Brigadier General J. R. Jannarone
Dean of the Academic Board

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Vice-Chairman: Peter F. Donnell
Assistant Chairman: James K. Brierly

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Records: John P. Wheeler Messing: Robert J. Cresci
Housing: Wright E. Noble Escorts: William Helkie
Statistics: R. D. Woodward Program: Robert A. Guerriero

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Professor of Social Sciences

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Professor of Social Sciences

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Major Oliver B. Combs, Jr.
Director, National Debate Tournament

Lieutenant Albert E. Fowerbaugh
Deputy Director, National Debate Tournament

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Professor of Social Sciences

Colonel Edwin V. Sutherland
Professor of English

Colonel John D. Billingsley
Professor of Ordnance

Lieutenant Colonel Edward A. Saunders
Professor of Physics and Chemistry

Brigadier General R. P. Scott
Commandant of Cadets

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ACKNOWLEDGEMENTS

Hamilton Watch Company

The National Debate Tournament expresses its appreciation to the Hamilton Watch Company of Lancaster, Pennsylvania, through whose generosity the two highest speakers in the seeding rounds and the four finalist debaters each received a Hamilton Electric Wrist Watch. In recognition of Hamilton's continuing interest in the National Debate Tournament, the finalist watches are designed the Hamilton Award.

Dorothy Gordon Youth Forum

For the eighth successive year, five participants in the National Debate Tournament were hosted by Miss Dorothy Gordon on her program, The Dorothy Gordon Youth Forum, on WNBC-TV, New York on Sunday, 24 April.

PAST CHAMPIONS OF THE NATIONAL DEBATE TOURNAMENT

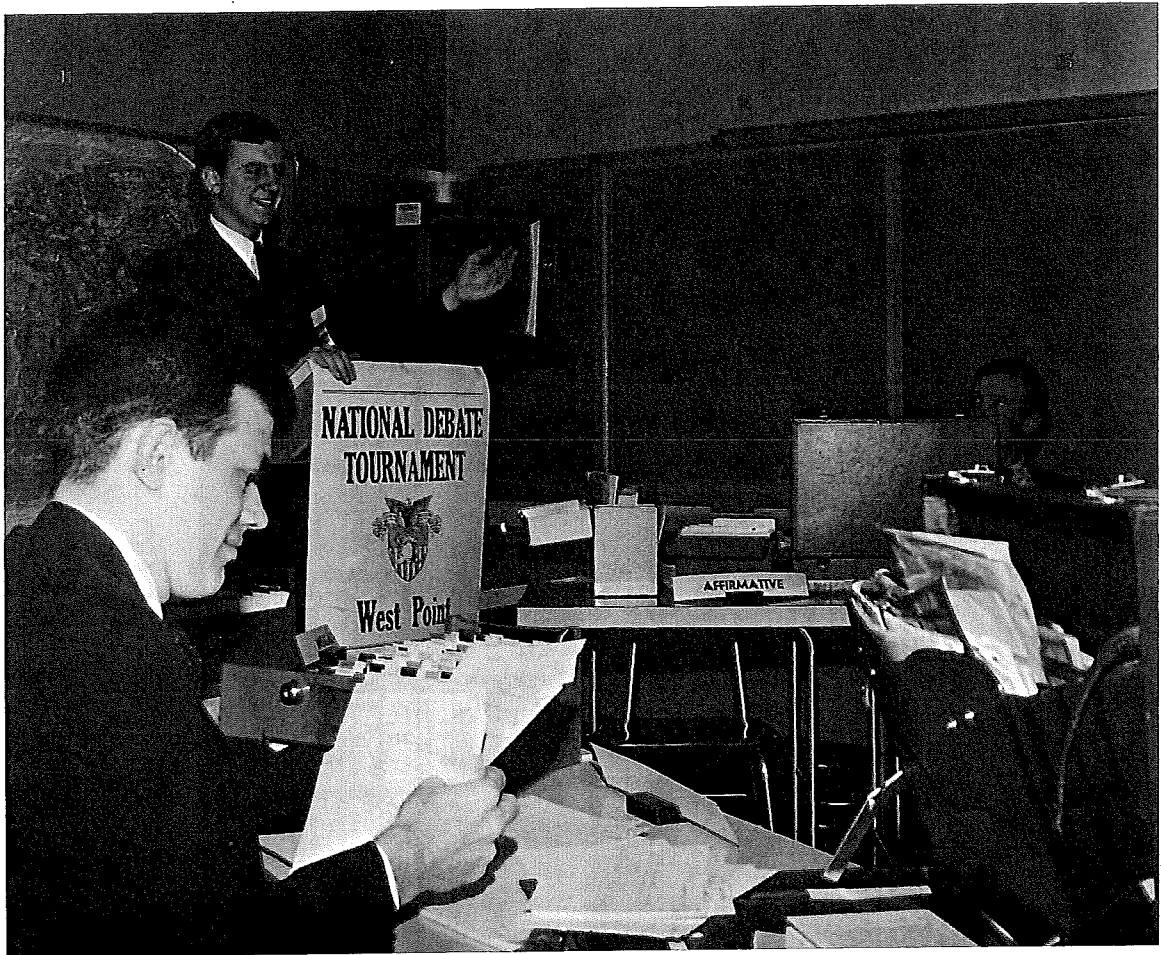
- 1947 - Southeastern State College
W. Scott Nobles and Gerald Sanders
Coach - T. A. Houston
- 1948 - North Texas State College
Bill Wilson and Don Clark
Coach - S. B. McAlister
- 1949 - University of Alabama
Oscar L. Newton and Mitchell C. Latoff
Coach - Annabel D. Hagood
- 1950 - University of Vermont
Richard O'Connell and Thomas Hayes
Coach - Robert B. Huber
- 1951 - University of Redlands
James Wilson and Holt Spicer
Coach - E. R. Nichols
- 1952 - University of Redlands
James Wilson and Holt Spicer
Coach - E. R. Nichols
- 1953 - University of Miami
Gerald Kogan and Lawrence C. Perlmutter
Coach - Donald Sprague
- 1954 - University of Kansas
William Arnold and Hubert Bell
Coach - Kim Griffin
- 1955 - University of Alabama
Dennis Holt and Ellis M. Storey
Coach Annabel D. Hagood
- 1956 - United States Military Academy
George Walker and James Murphy
Coach - Abbott Greenleaf
- 1957 - Augustana College
Norman Lefstein and Phillip Hubbard
Coach - Martin Holcomb
- 1958 - Northwestern University
William Welsh and Richard Kirshberg
Coach - Russell R. Windes, Jr.
- 1959 - Northwestern University
William Welsh and Richard Kirshberg
Coach - Russell R. Windes, Jr.

- 1960 - Dartmouth College
Anthony Roisman and Saul Baernstein
Coach - Herbert L. James
- 1961 - - Harvard University
Laurence Tribe and Gene Clements
Coach - James Kincaid
- 1962 - Ohio State University
Dale Williams and Sarah Benson
Coach - Richard Rieke
- 1963 - Dartmouth College
Frank Wohl and Stephen Kessler
Coach - Herbert L. James
- 1964 - University of the Pacific
Raoul Kennedy and Douglas Pipes
Coach - Paul Winters
- 1965 - Carson-Newman College
John Wittig and Barnett Pearce
Coach - Forrest Conklin

PAST RUNNERS-UP OF THE NATIONAL DEBATE TOURNAMENT

- | | |
|---|---|
| 1947 - University of Southern California | 1956 - St. Joseph's College |
| 1948 - University of Florida | 1957 - U.S. Military Academy |
| 1949 - Baylor University | 1958 - Harvard University |
| 1950 - Augustana College | 1959 - Wisconsin State Coll., Eau Clair |
| 1951 - Kansas State Teachers Coll., Emporia | 1960 - San Diego State College |
| 1952 - Baylor University | 1961 - King's College |
| 1953 - College of the Holy Cross | 1962 - Baylor University |
| 1954 - University of Florida | 1963 - University of Minnesota |
| 1955 - Wilkes College | 1964 - Boston College |
| | 1965 - Northeastern State College |

TWENTIETH NATIONAL DEBATE TOURNAMENT



SUMMARY OF RESULTS

Thirty-eight teams from all areas of the United States representing the eight national districts debates for the Sigurd S. Larmon Trophy, the emblem of championship in the National Debate Tournament. All teams participated in eight seeding rounds on a power matched basis. The matchings were established and judges were assigned by the U. S. M. A. Computer Center.

Based on their records in the seeding rounds, sixteen teams became eligible to compete in the four elimination rounds on the final day of the tournament.

The Northwestern University team debating the affirmative side defeated the Wayne State University team in the Championship Round by a 6-1 vote. The proposition was the national intercollegiate debate question, RESOLVED: That Law Enforcement Agencies in the United States Should be Given Greater Freedom in the Investigation and Prosecution of Crime.

The Northwestern team captured the Larmon Trophy and the Lt. George W. P. Walker Memorial Award went to Wayne State. In addition, each member of the finalist teams received a Hamilton electric wrist watch. They were Michael Denger and William Snyder of Northwestern and Kathleen McDonald and Doug Frost of Wayne State.

At the Tournament Banquet, Major General D. V. Bennett, Superintendent of the United States Military Academy, presented Hamilton electric wrist watches to the two speakers who had received the highest number of speakers' points in the eight seeding rounds: William Snyder of Northwestern University, first place, and John Holcomb of Augustana College, second place. These watches were made available through the generosity of the Hamilton Watch Company of Lancaster, Pennsylvania.

* * *

Tape recordings of the Championship Round are available without charge. Please send a blank 1800 foot reel of recording tape to: Signal Officer, United States Military Academy, West Point, New York 10996, ATTN: Recording Studio. The debate will be transcribed on the blank reel and returned to the sender.

SEEDING ROUND RECORDS

<u>Rank</u>	<u>Team</u>	<u>Wins</u>	<u>Judges' Votes</u>	<u>Team Points</u>
1	Dartmouth	7	18	998
2	U. S. C.	7	18	992
3	Alabama	7	18	982
4	Texas Christian	7	17	977
5	Wayne State	6	16	857
6	Kansas State	6	15	942
7	George Washington	6	13	913
8	Northwestern	5	15	1045
9	Harvard	5	15	972
10	Maryland	5	15	905
11	Miami	5	13	1017
12	Western Reserve	5	13	983
13	Emory	5	13	937
14	Michigan State	4	15	962
15	Augustana	4	14	963
16	Vermont	4	13	980
17	Northeastern	4	13	974
18	Georgetown	4	12	1014
19	M. I. T.	4	12	929
20	Lewis and Clark	4	11	922
21	Brigham Young	4	11	914
22	California State	4	11	904
23	Southern Mississippi	4	11	894
24	Minnesota	4	9	908
25	Kansas	3	11	890
26	North Texas State	3	10	890
27	U. S. M. A.	3	10	829
28	Oregon	3	9	877
29	Fordham	3	8	860
30	U. C. L. A.	2	11	928
31	Pittsburgh	2	11	904
32	South Carolina	2	10	929
33	Nebraska State	2	10	840
34	Pennsylvania	2	9	874
35	Missouri	2	9	799
36	Carson-Newman	2	7	820
37	Washburn	2	5	807
38	Washington State	1	5	817

Seeding Rounds

	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	<u>V</u>	<u>VI</u>	<u>VII</u>	<u>VIII</u>	<u>Totals</u>
Affirmative Wins	5	13	16	7	10	10	13	12	86
Negative Wins	14	6	3	12	9	9	6	7	66
Split Decisions	11	16	10	10	13	10	13	12	95

Percent of total debates won by the affirmative side: 56.6
 Percent of total debates won by the negative side: 43.4

ints

SEEDING ROUNDS
TOP SPEAKERS

<u>Rank</u>		<u>Name</u>	<u>School</u>	<u>Points</u>
1		William Snyder	Northwestern	1045
2		John Holcomb	Augustana	1023
3	Tie	(John Koeltl (David Kenner	Georgetown U. S. C.	1021 1021
5		Ron Sabo	Miami	1008
6	Tie	(Mike Hadley (Norman Snow	Texas Christian Vermont	1006 1006
8		Phil Gerson	Miami	992
9		Fourier Gale	Alabama	991
		(Charles Willard	Kansas State	990
10	Tie	(Neil Danberg (Tom Brewer	Dartmouth Dartmouth	990 990
		(Michael Naylor	Georgetown	990
14	Tie	(Jed Robinson (Kenneth Seminatore	Northeastern Western Reserve	986 986
16		Jim Turner	Harvard	980
17		Mike Denger	Northwestern	976
18		James Hudek	Michigan State	973
19		Bob Skorkowsky	Northeastern	972
20	Tie	(Jerry Corsi (Doug Frost	Western Reserve Wayne State	969 969
22		Richard Brautigam	Michigan State	966
23		John Shue	California State	962
24		David Webster	Vermont	959
25		Dick Goldie	South Carolina	958
26		Larry Woods	Emory	956
27	Tie	(Russell Drake (Tom Fritzsche	Alabama Harvard	954 954
29		Kathleen McDonald	Wayne State	952
30		Jean Svirbly	Maryland	950
31		Paul Madden	Texas Christian	949
32		Robert King	Brigham Young	946
33		Robert Long	U. C. L. A.	941
34		Barry Mount	Lewis and Clark	934
35		Ric Flam	U. S. C.	931
36		Eric Johnson	M. I. T.	925
37	Tie	(David Neubauer (James Foster	Augustana M. I. T.	919 919



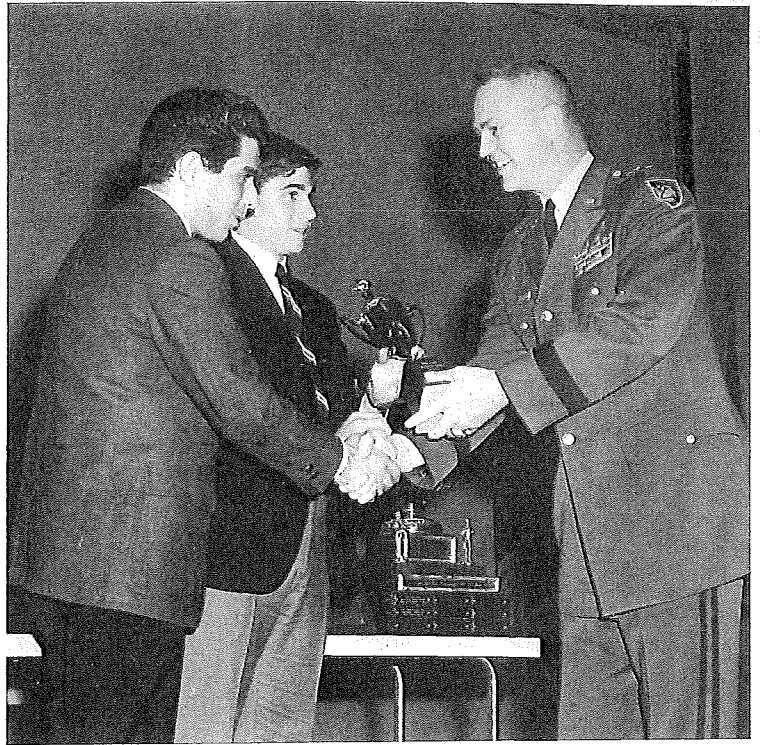
FIRST PLACE
William Snyder and Michael
Denger of Northwestern
University Receive the Larmon
Trophy from General Bennett



SECOND PLACE
Wayne State's Kathleen McDonald
and Doug Frost Accept the Perma-
nent Second Place Trophy from
General Bennett

on
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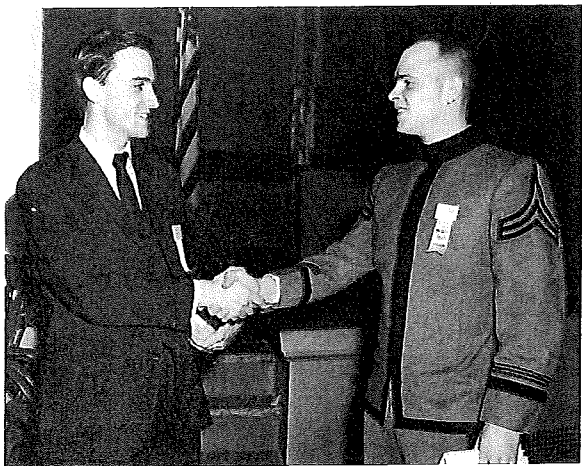
THIRD PLACE
General Bennett Presents the
Permanent Third Place Trophy
to David Kenner and Ric Flam
of U. S. C.



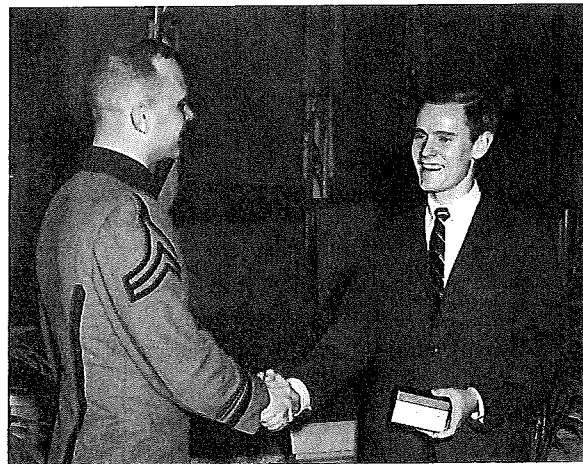
FOURTH PLACE
Fournier Gale and Russell Drake
of the University of Alabama
Receive the Permanent Fourth
Place Trophy from General Bennett



PROFESSOR MARTIN J. HOLCOMB
Director of Forensics, Augustana College
delivering the Banquet Address



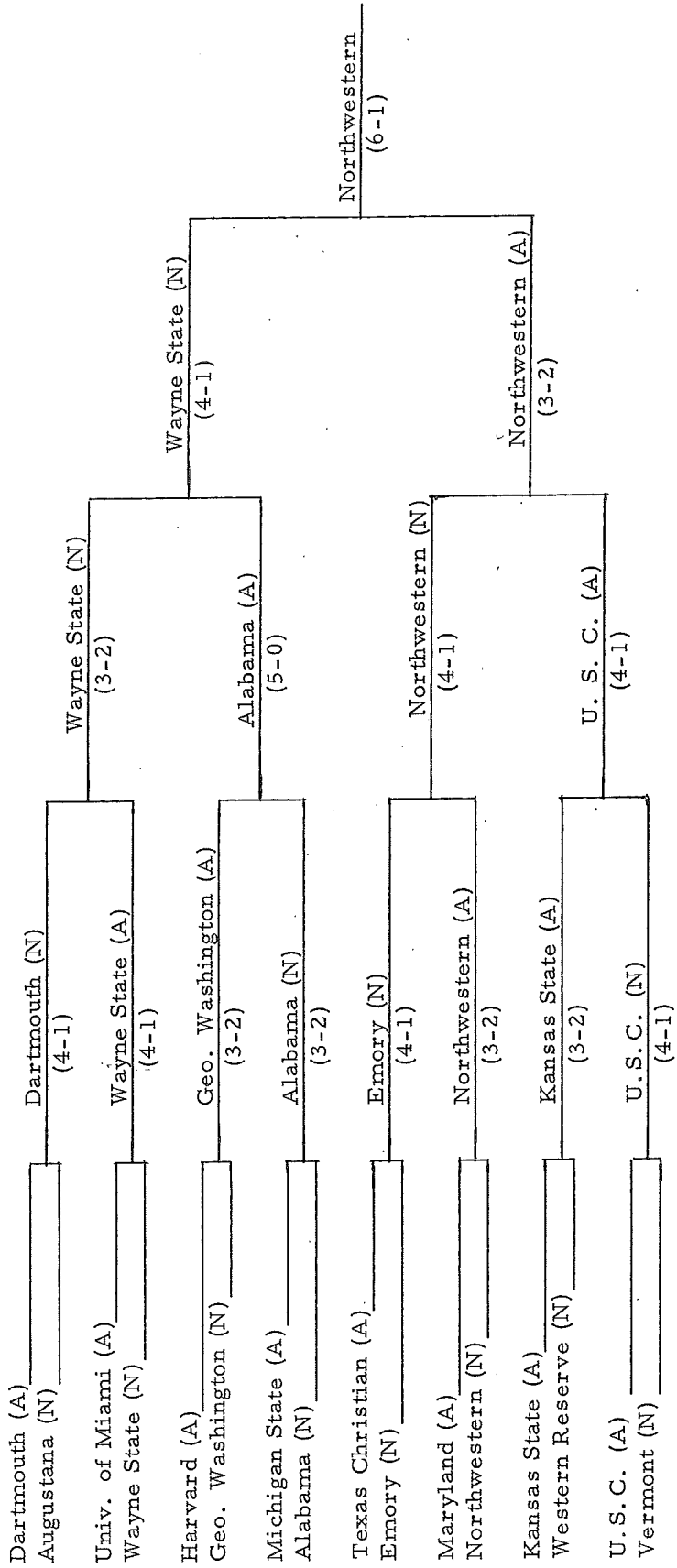
FIRST PLACE SPEAKER
William Snyder, of Northwestern University, winner of a Hamilton wrist watch is congratulated by Cadet Chairman Patrick Keating.



SECOND PLACE SPEAKER
John Holcomb, of Augustana College winner of a Hamilton wrist watch is congratulated by Cadet Chairman Patrick Keating

1966

ELIMINATION ROUNDS



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AND CHAIRMEN FOR 1966

District I

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John C. DeBross, University of Southern California
Louis Cockerham, University of Redlands
Jack Howe, University of Arizona
Ken Mosier, Stanford University

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Wayne Calloway, University of Wyoming
David Strother, University of Washington
Les Lawrence, Montana State University
A. C. Hingston, Pacific University

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William DeMougeot, North Texas State University
William English, Houston University
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Roy Murphy, University of Southwestern Louisiana

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Robert Carr, University of Vermont
James Hall, St. Johns University
Herbert James, Dartmouth College
Jack Lynch, St. Anselm's College
Larry Tribe, Harvard College
Carson Veach, Colgate University

GUEST JUDGES

A special debt of thanks is owed the following individuals who gave of their time, energy, and resources to assist in judging at the Twentieth National Debate Tournament. Gratitude is also due their schools for releasing them from their duties to attend the Tournament and, in many cases, for financing their journeys to West Point.

Frank T. Alusow
MacMurray College

Ruth Anne Clark
Cornell University

Robert L. Anderson
Augustana College

Professor Louis W. Cockerham
University of Redlands

Ronald Aungst
Manchester College

Dr. Frank Colbourm
Pace College

Lynn Baier
University of Vermont

R. F. Conklin
Ohio University

Otto F. Bauer
Bowling Green State University

Robert E. Connelly
King's College

John P. Belniak
State Univ. of New York at Binghamton

John F. Cragan
University of Missouri at Kansas City

Glen E. Books
Plymouth, Indiana

Dr. Nicholas M. Cripe
Butler University

P. D. Brandes
Ohio University

Michael W. Cronin
Barre, Vermont

Dr. Harold A. Brack
Drew University

Gary Cross
Marietta College

Edward M. Brown
Abilene Christian

Fergus G. Currie
New York, New York

Ralph Brown
University of Southern California

David W. Curtis
Burlington, Vermont

John A. Burgess
Montpeloer, Vermont

J. T. Daniel
California State College at Los Angeles

Wayne Callaway
University of Wyoming

Professor Russell N. DeVinney
Pennsylvania State University

James R. Cameron
Eastern Nazarene College

Paul Dovre
Concordia College

Charles E. Campbell
Arlington, Virginia

Barbara Feuerman
New York, New York

Judith Carr
University of Vermont

Austin J. Freeley
John Carroll University

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Gus W. Friedrich
University of Kansas

William M. Fulkerson, Jr.
Michigan State University

Mrs. Lois Ann Fussell
University of Maryland

John B. Greg
Wayne State University

Frank G. Harrison
Wilkes Barre, Pennsylvania

H. Wayne Hayden
Suffern, New York

John Hempelmann
Georgetown University

Michael Henke
Baylor University

Walter W. Herkness, Jr.
Rutgers University

Robert Hillman
M. I. T.

Melville Hopkins
Bloomsburg State College

David Horlacher
Bucknell University

Joan Horrigan
State College at Framingham

Robert B. Huber
University of Vermont

Lee W. Huebner
Harvard University

Roger Hufford
Clarion State

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Randolph, Massachusetts

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Houston, Texas

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University of Pittsburgh

Eugene Keilin
Harvard Law School

Martha Kessler
Wagner College

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University of Chicago

Harold Lawson
Ohio State

William Levy
Shippensburg State College

Deborah Lewis
Washington, D. C.

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St. Anselm's College

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Norwich, Vermont

Mrs. Mary Matheny
Texas Christian University

Dan Pyle Millar
Michigan State University

John Wm. Morris
M. I. T.

R. H. Myers
University of Wisconsin

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Milton Academy

A. A. Norton
U. S. Merchant Marine Academy

C. L. Nystrom
Wheaton College

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University of Vermont

Donald K. Orban
Iowa State University

Lee R. Polk
University of Rhode Island

Jed Richardson
Brigham Young University

Stan Rives
Illinois State University

Captain Charles W. Roades
U.S. Air Force Academy

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George Washington University

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Trenton State College

Elizabeth W. Rowe
Shrewsbury High

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Robert M. Shrum
Brandeis University

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Madis Sulg
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E. R. Tame
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State Univ. of New York at New Paltz

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Harvard University

James J. Unger
Boston College

Carson Veach
Colgate University

George J. Wade, Jr.
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K. Wayne Wall
Norwich University

Grace Walsh
Wisconsin State University

Robert R. Walton
Trenton Central High School

Robert B. Watson
University of Minnesota

Jim Weaver
Michigan State

J. Rex Wier
University of Texas

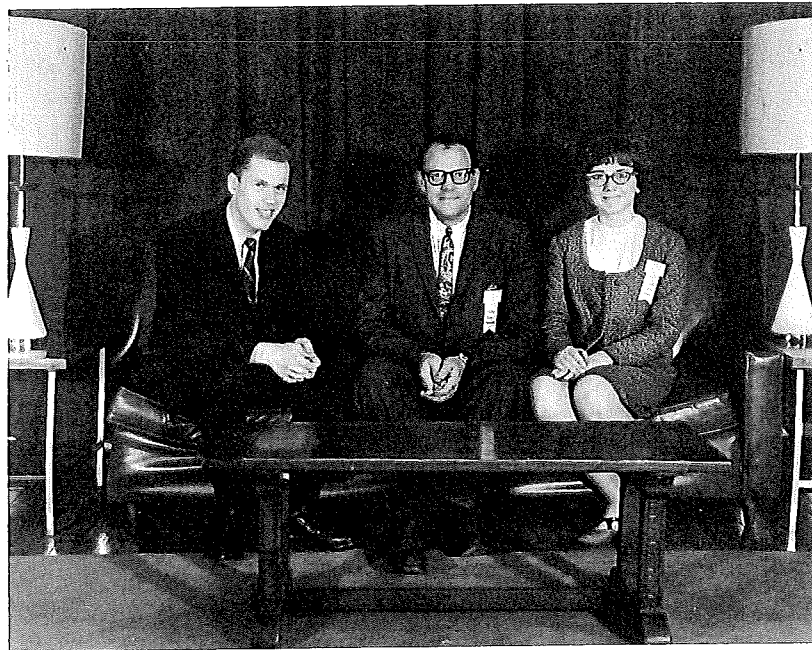
Lawrence C. Wilson
Dartmouth College

James D. Young
Georgia Institute of Technology

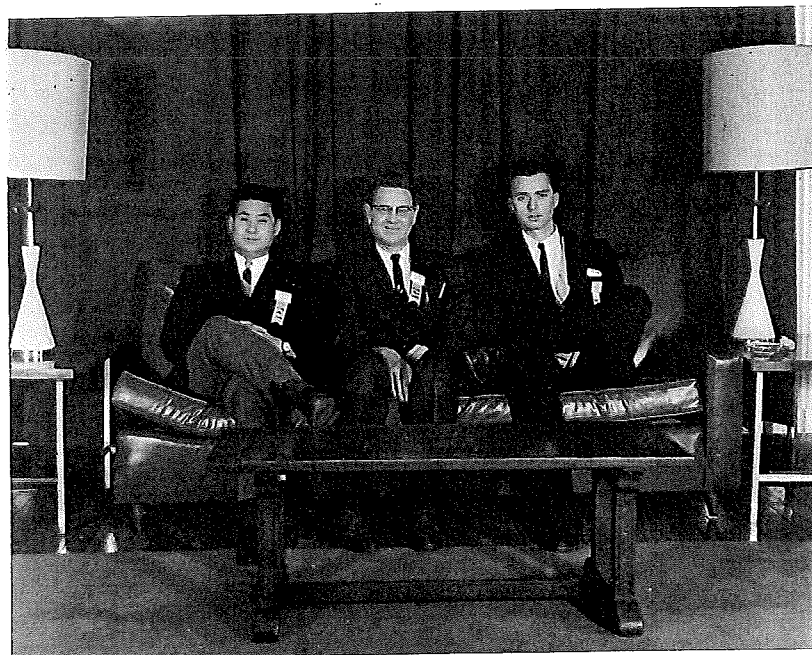
Hoyt Young
Emory University

PARTICIPATING TEAMS

District I

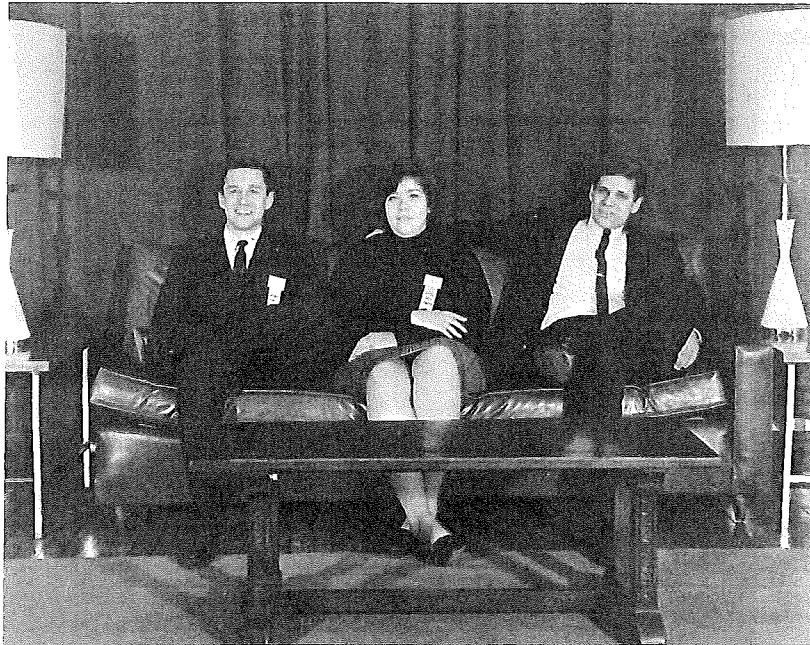


Brigham Young University
Robert King, Robert Boren (Coach)
Judith Wolfe



California State College at Los Angeles
Stanley Lew, Robert D. Kully (Coach)
John Shue

District I

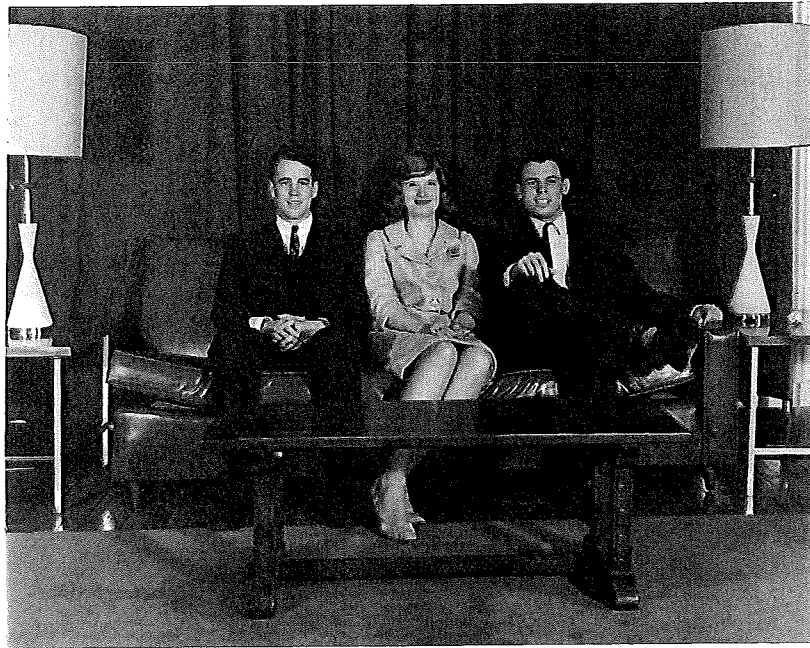


University of California at Los Angeles
Robert Long, Candy Trimble (Coach)
Steven Austin

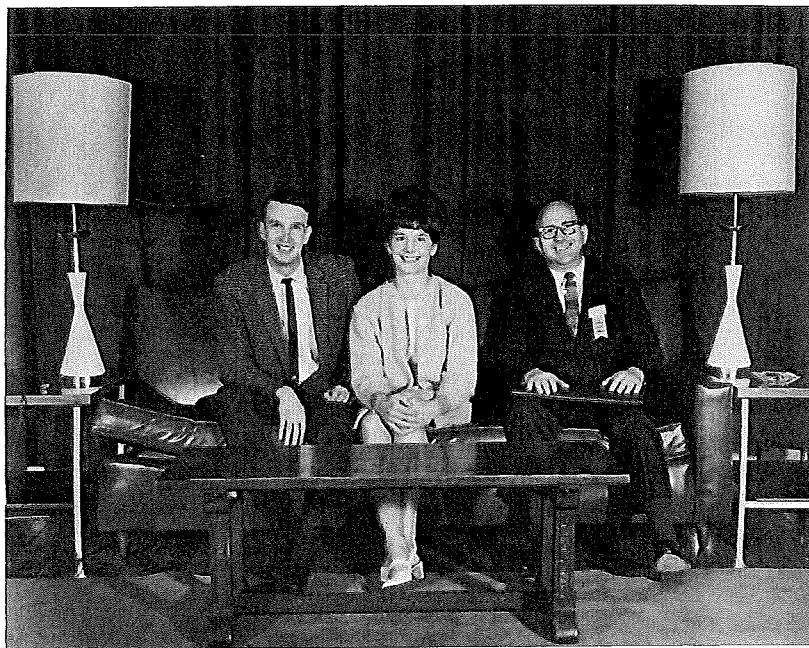


University of Southern California
Standing: John DeBross (Coach), John Swaney (Assistant Coach),
Seated: David Kenner, Ric Flam, Ralph Brown (Judge)

District II

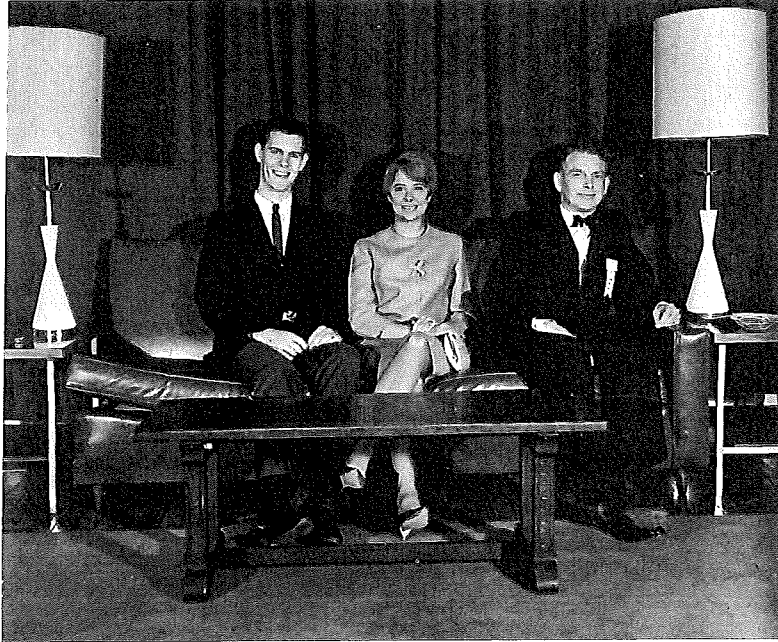


Lewis and Clark College
Barry Mount, Mrs. Jean Ward (Coach)
Roger Ferlund

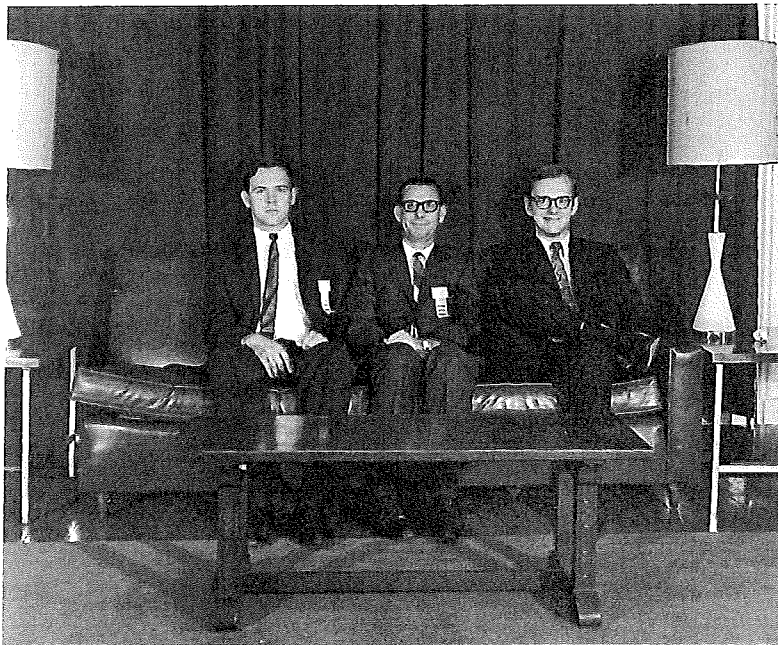


University of Oregon
William Lawrence, JoAnn Johnson
W. Scott Nobles (Coach)
25

District II



Washington State University
Norman Brown, Susan Keikkinen,
Arthur Miller (Coach)



Northeastern State College
Bob Skorkowsky, Valgene Littlefield (Coach)
Jed Robinson

District III



North Texas State University
Cathy Stricklin, William DeMougeot (Coach),
Jebby Prindle



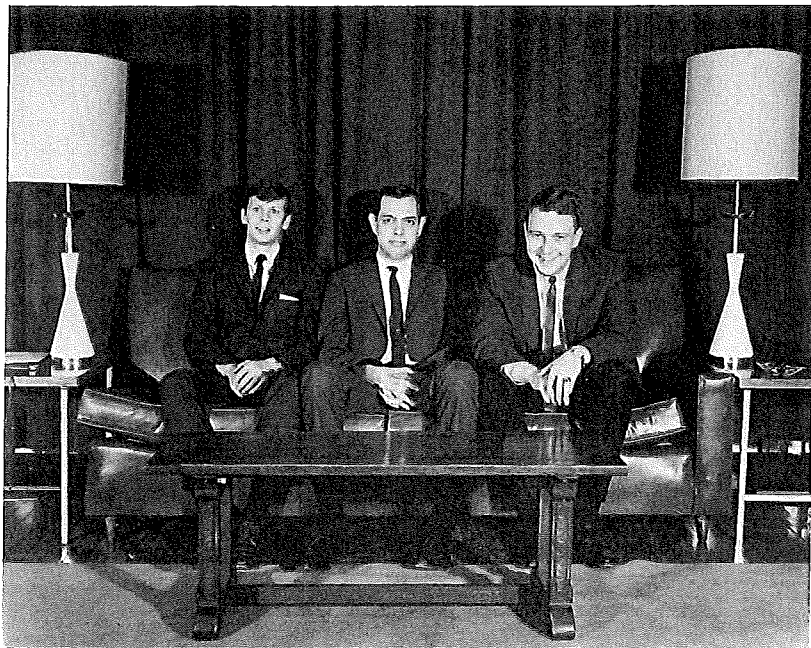
Texas Christian University
Paul Madden, David Matheny (Coach)
Mike Hadley

District III



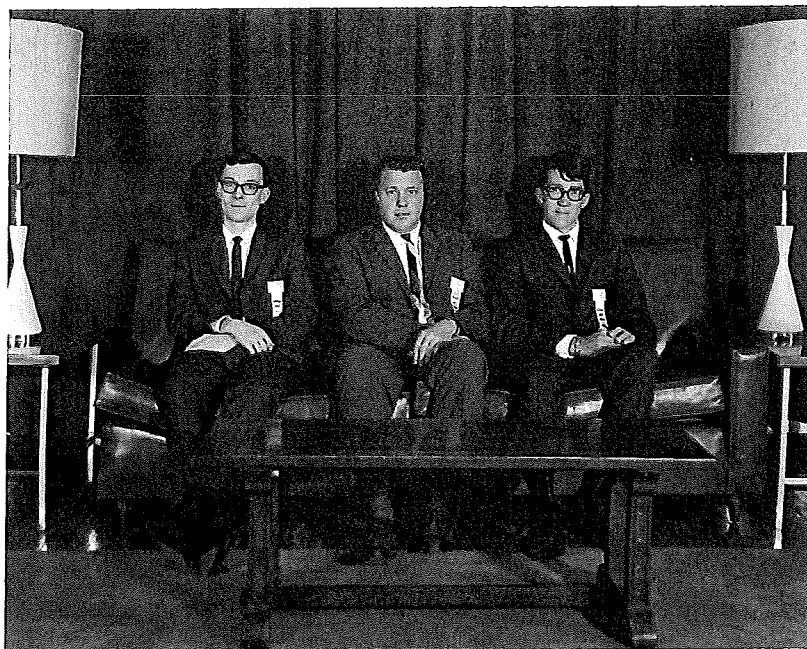
University of Southern Mississippi
David Swanson, Ben Chappell (Coach),
Jesse Delia

District IV

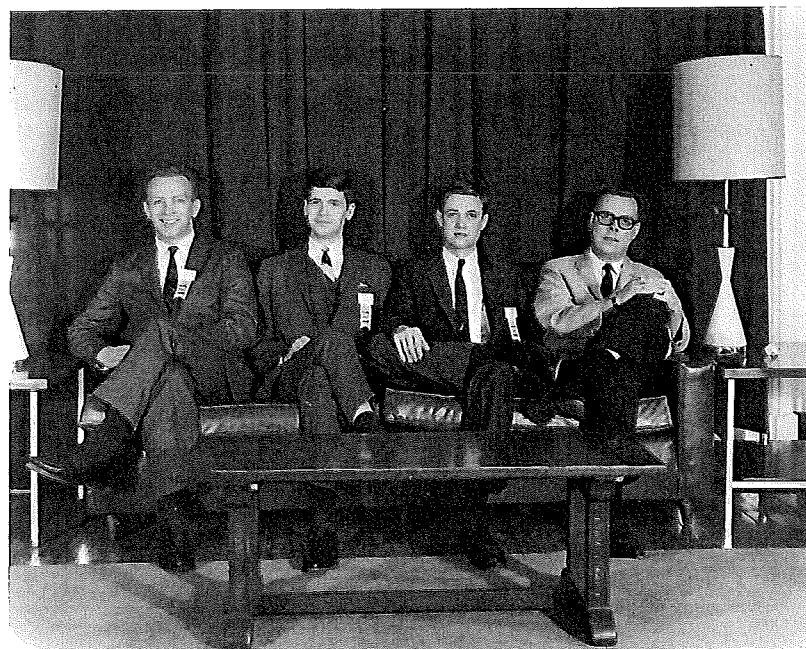


Kansas State Teachers College
Tom Thornburgh, Larry Larmer (Coach)
Charles Willard

District IV

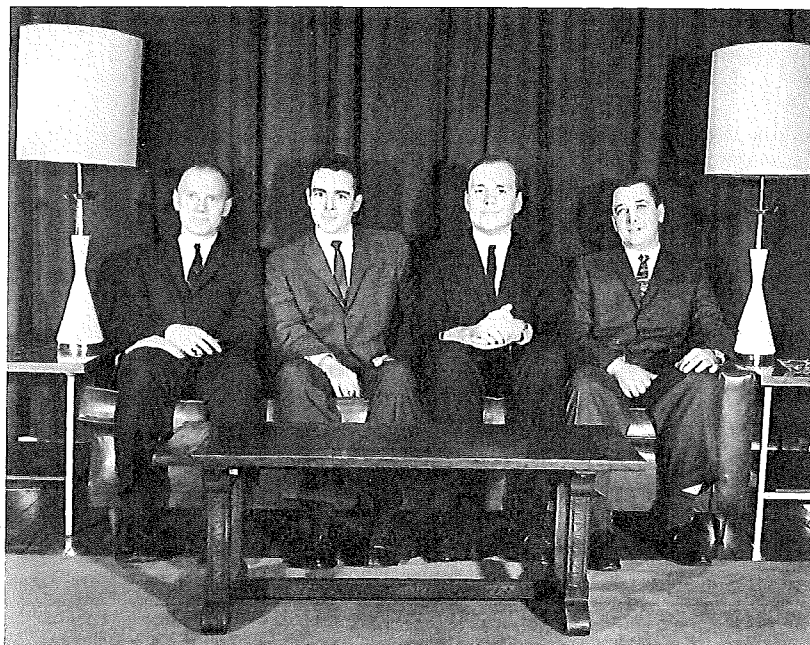


Nebraska State College at Kearney
John Bliese, R. R. Kunkel (Coach)
Bob Lapp

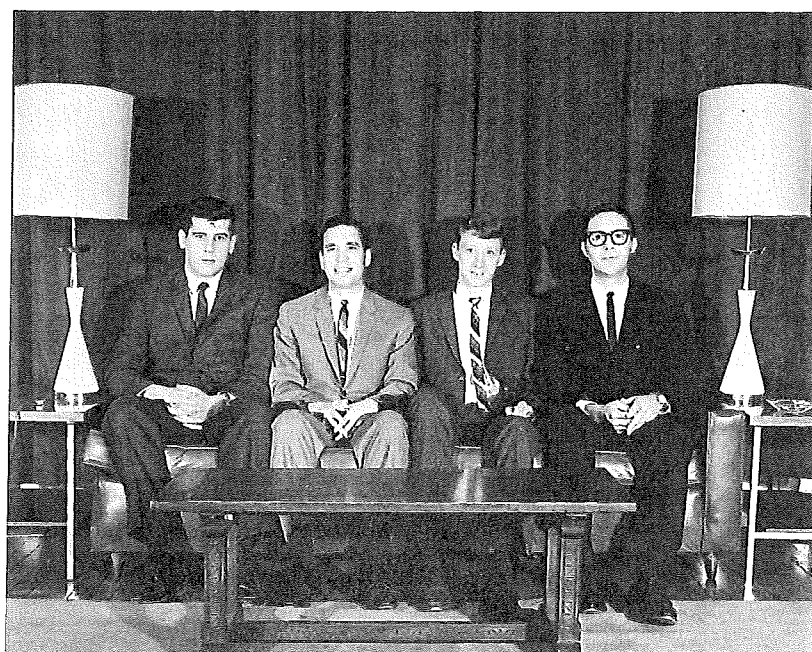


University of Kansas
Gustav E. Friedrich (Assistant Coach), Jerry Hoskins,
Judson Briegel, Donn N. Parson (Coach)

District IV

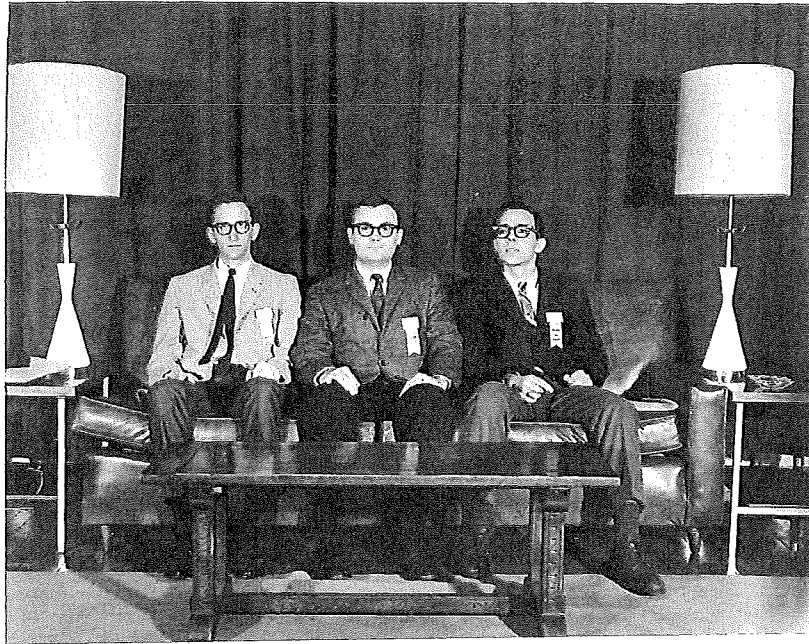


University of Minnesota
Robert Watson (Assistant Coach), Lyndon Griffin,
Bill Overmoe, Bernard Brock (Coach)



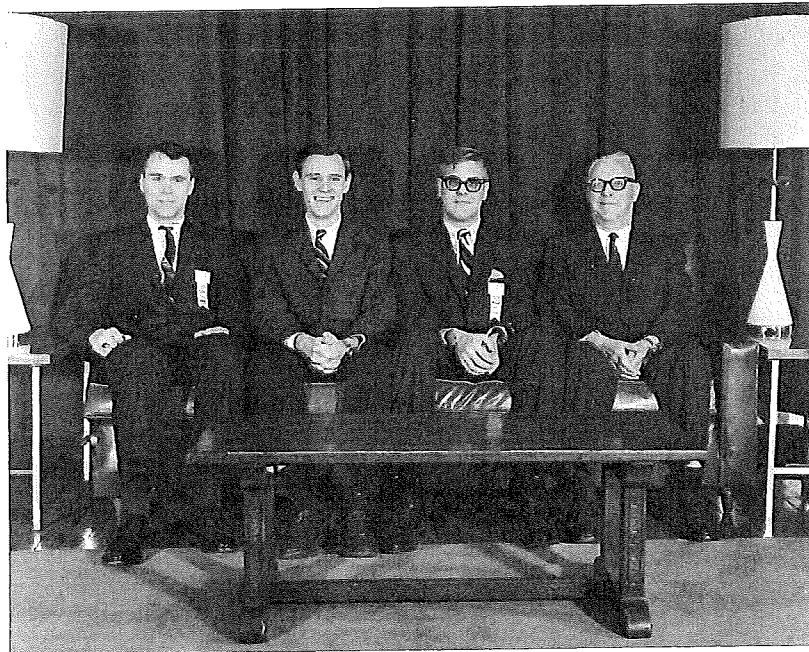
University of Missouri at Kansas City
John F. Cragan (Assistant Coach), Steve Osman,
Russ Usnick, Harold W. Cook (Coach)

District IV



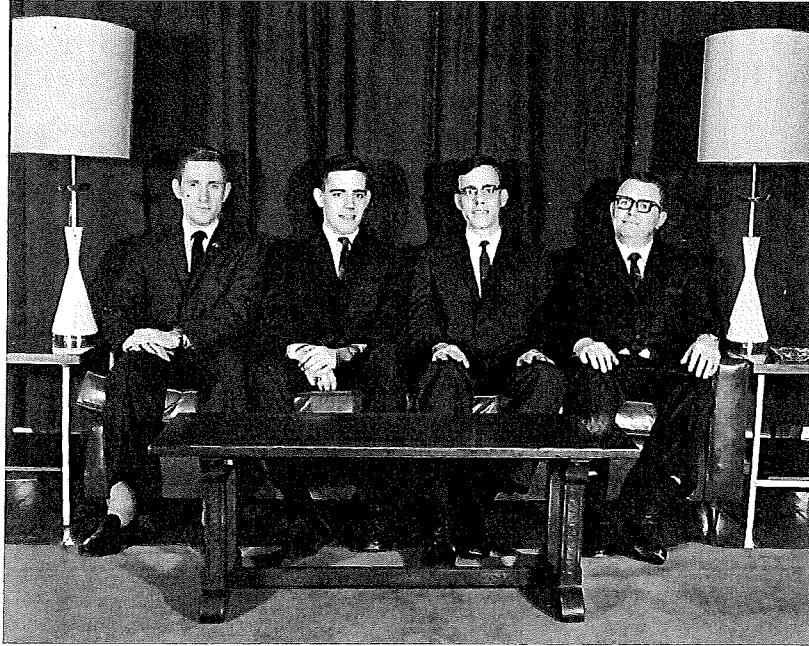
Washburn University
Mike Legg, Don R. Swanson (Coach)
Jan Siroky

District V

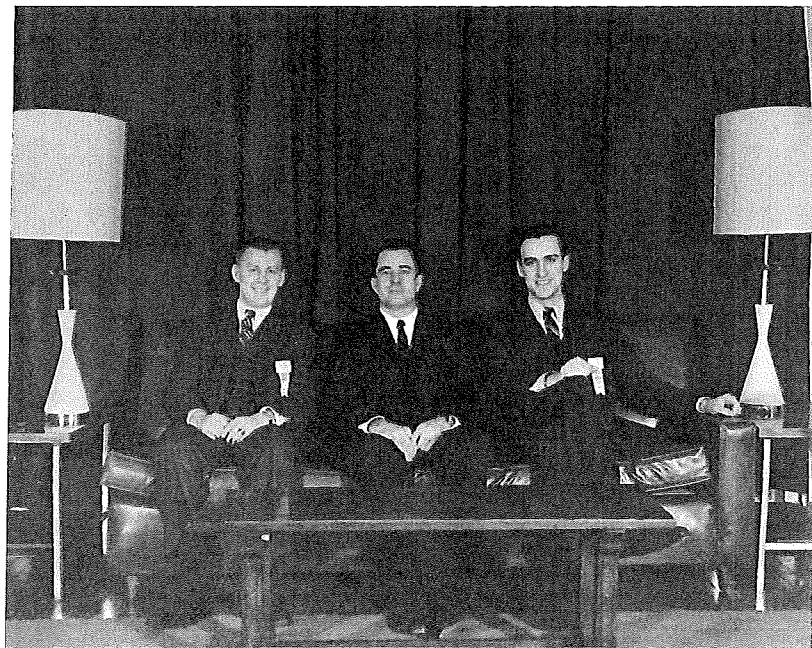


Augustana College
Robert Anderson (Coach), John Holcomb, David Neubauer,
Martin Holcomb (Director of Forensics)

District V

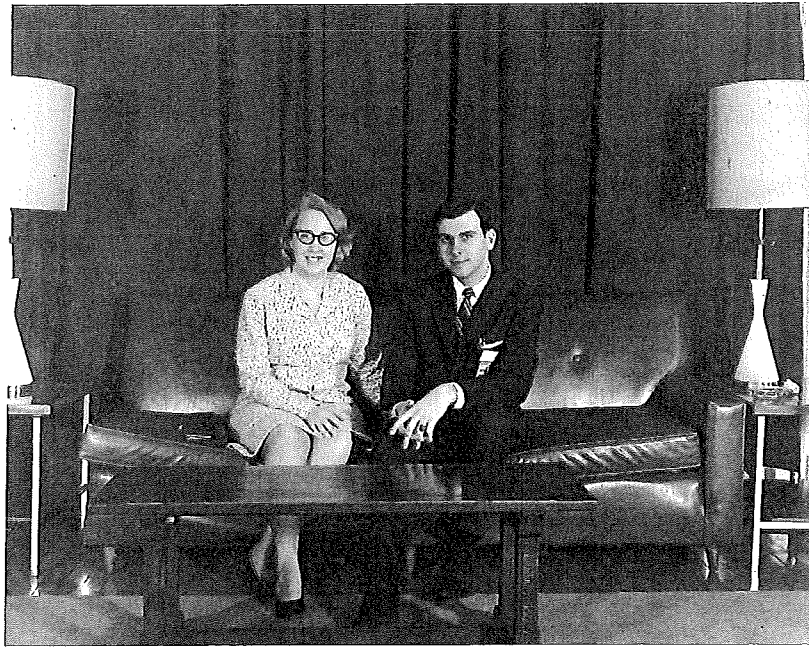


Michigan State University
Thomas Steinfatt (Assistant Coach), Richard Brautigam,
James Hudek, Jerry Anderson (Coach)



Northwestern University
Michael Denger, Thomas McClain (Coach),
William Snyder

District V

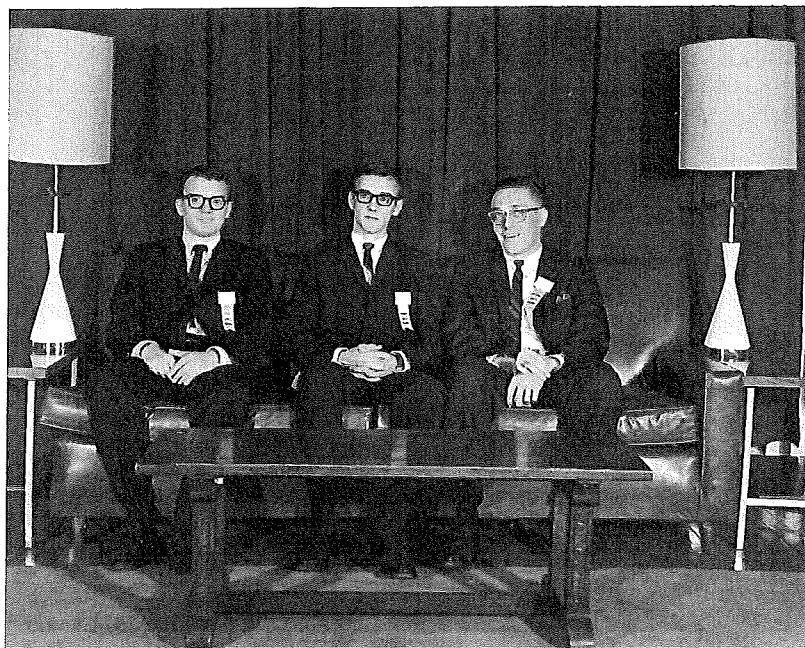


Wayne State University
Kathleen McDonald, Doug Frost
George Ziegemueller (Coach) (Not Pictured)

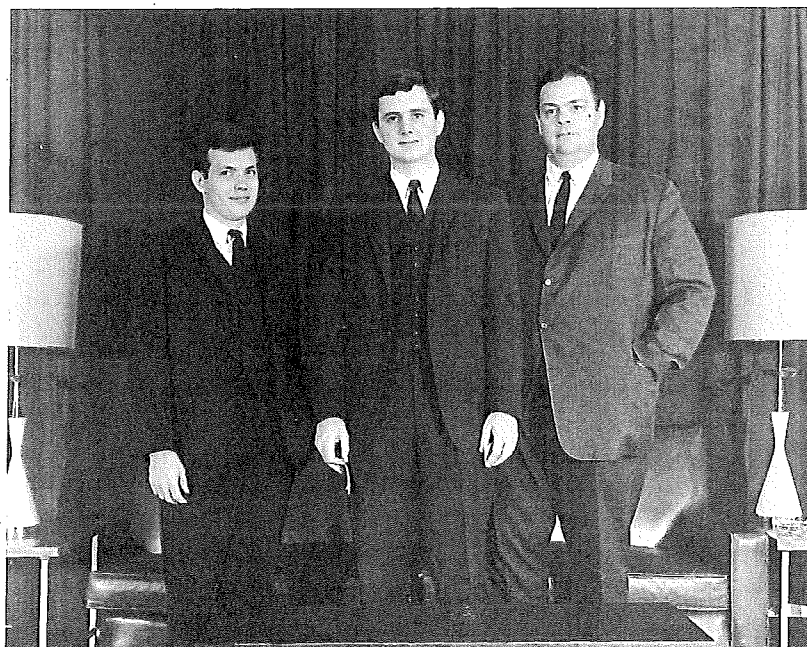


Western Reserve University
Jerry Corsi, Clair Henderlider (Coach)
Kenneth Seminatore

District VI



Carson-Newman College
Hugh Meyers, Jr., Brian Conner,
Larry Watson (Coach)

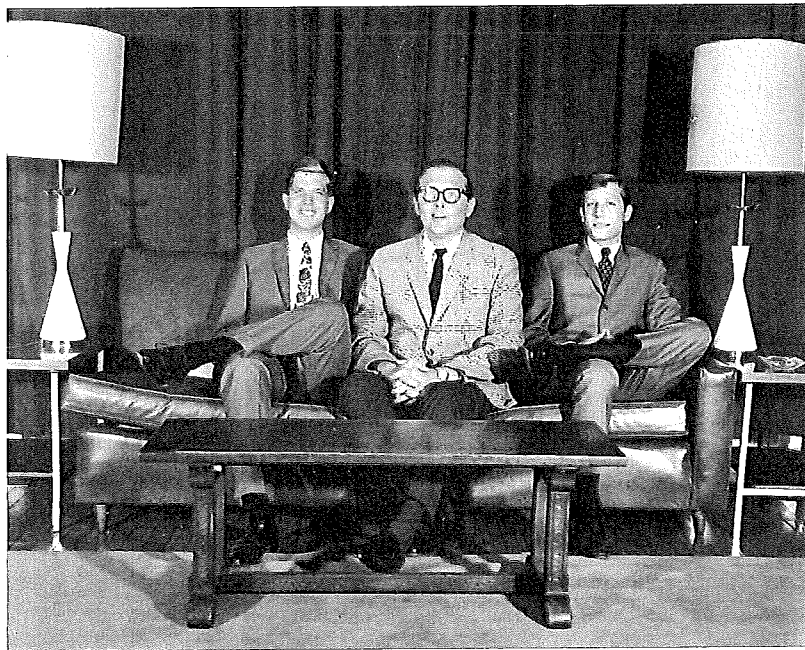


Emory University
Larry Woods, Bill Boice,
Glenn Pelham (Coach)

District VI



University of Alabama
Fourier Gale, Mary John Smith (Assistant Coach),
Annabel D. Hagood (Coach), Russell Drake



University of Miami
Ron Sabo, Frank Nelson (Coach)
Phil Gerson

District VII

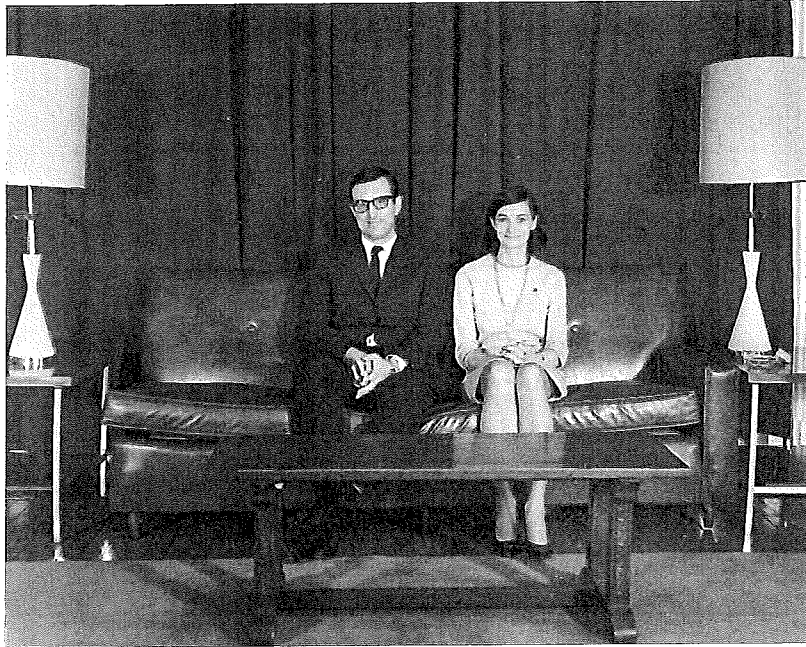


George Washington University
Robert E. Roberts (Coach), Richard Marlin,
Thomas Harris, Keith R. Sanders (Coach)



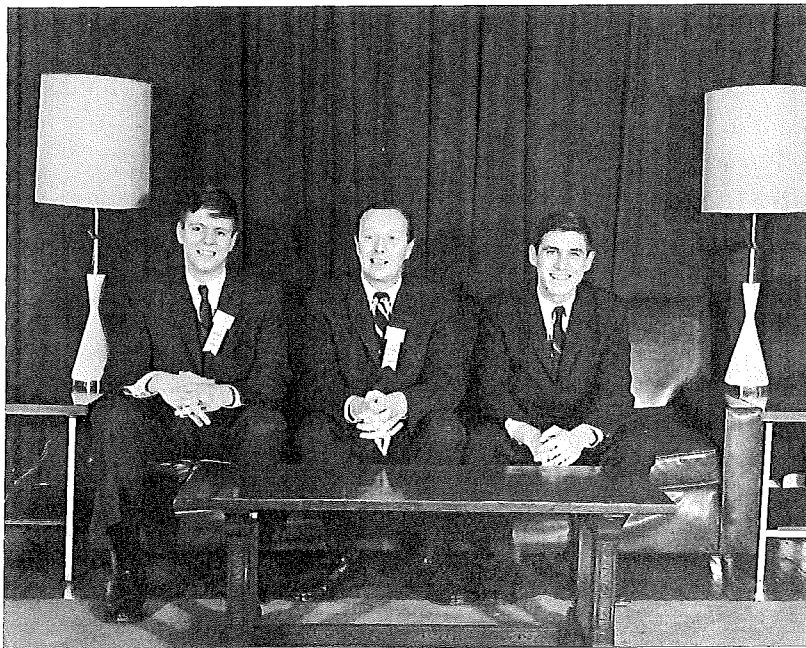
University of Maryland
Jean Svirbly, Jon Fitzgerald (Coach)
Bernadette Connelly, Mrs. Lois A. Fussell (Assistant Coach)

District VI



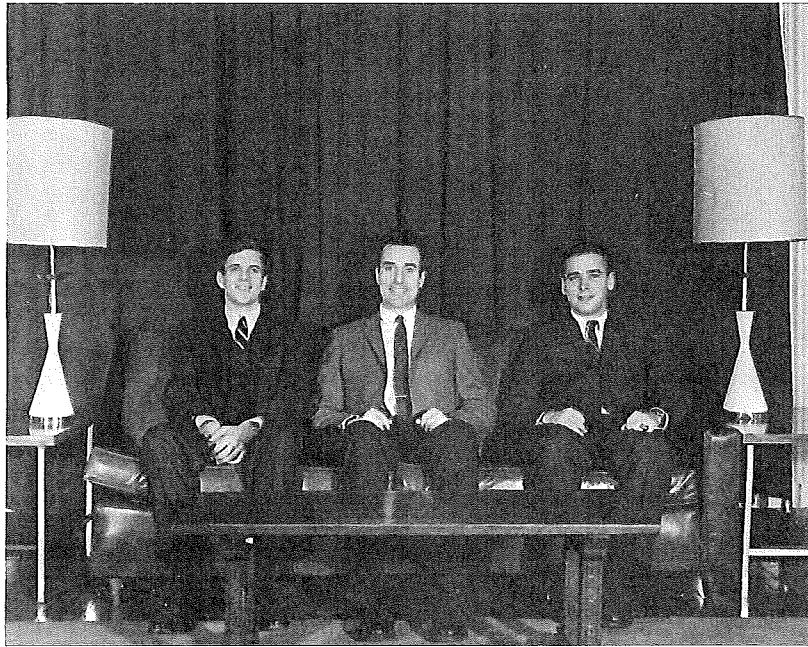
University of South Carolina
Dick Goldie, Gloria Smith,
Merrill Christopherson (Coach) (Not Pictured)

District VII

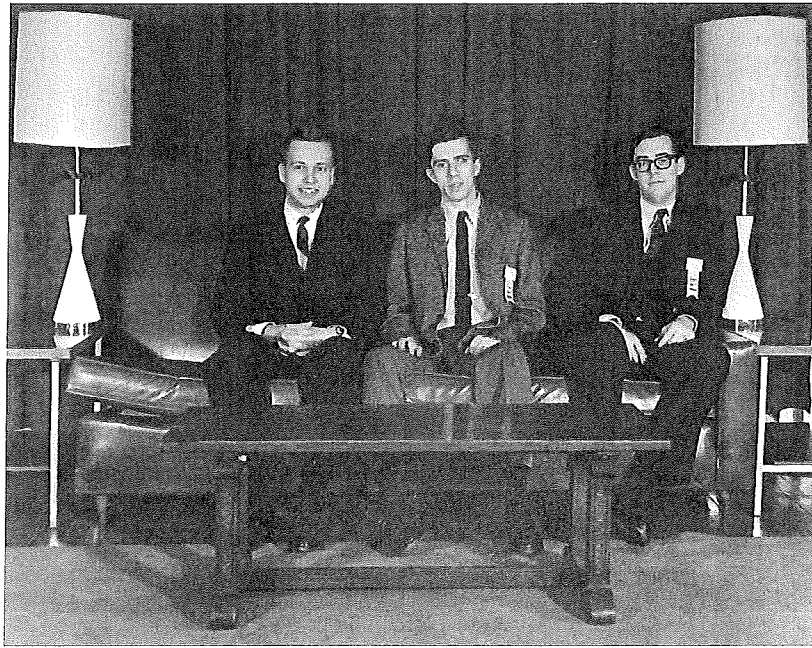


Georgetown University
John Koeltl, William Reynolds (Coach),
Michael Naylor

District VII

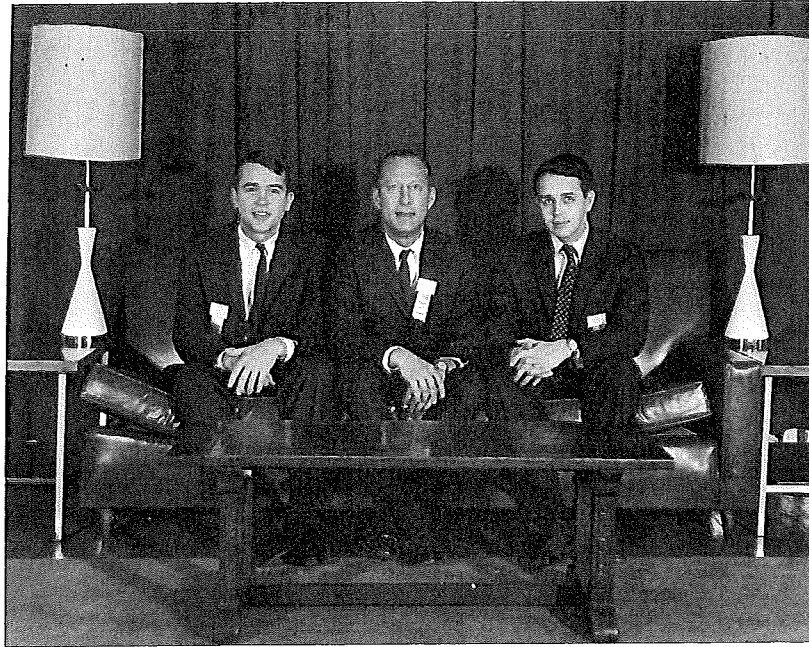


University of Pennsylvania
Jeffery Hayes, Micael Carr (Coach)
Lawrence Harerty



University of Pittsburg
Thomas Zaucha, Michael Smith,
Thomas Kane (Coach)

District VIII

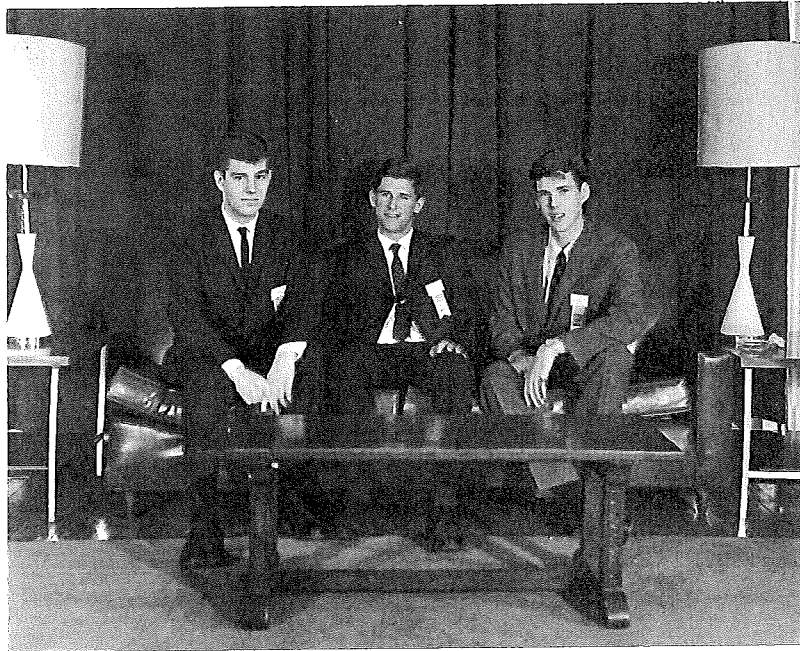


Dartmouth College
Tom Brewer, Herbert L. James (Coach)
Neil Danberg

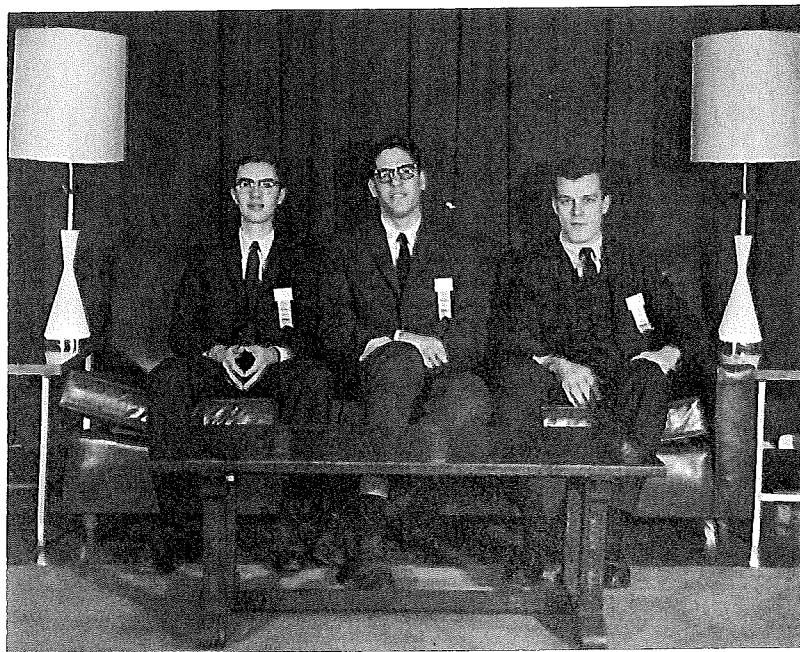


Fordham University
Rita O'Connor, Steve Kessler (Coach)
Mary Liz Knauer

District VIII

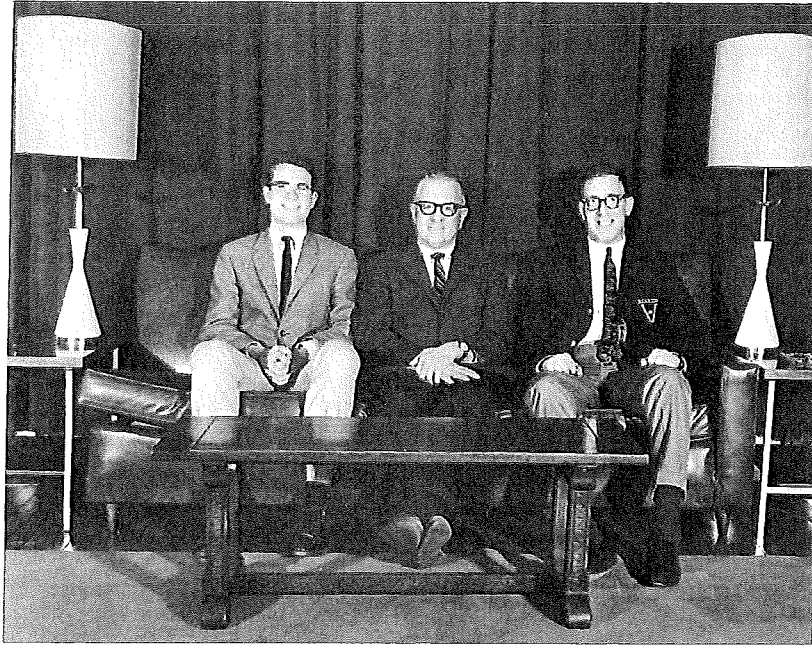


Harvard University
Tom Fritzsche, Douglas Pipes (Coach)
Jim Turner

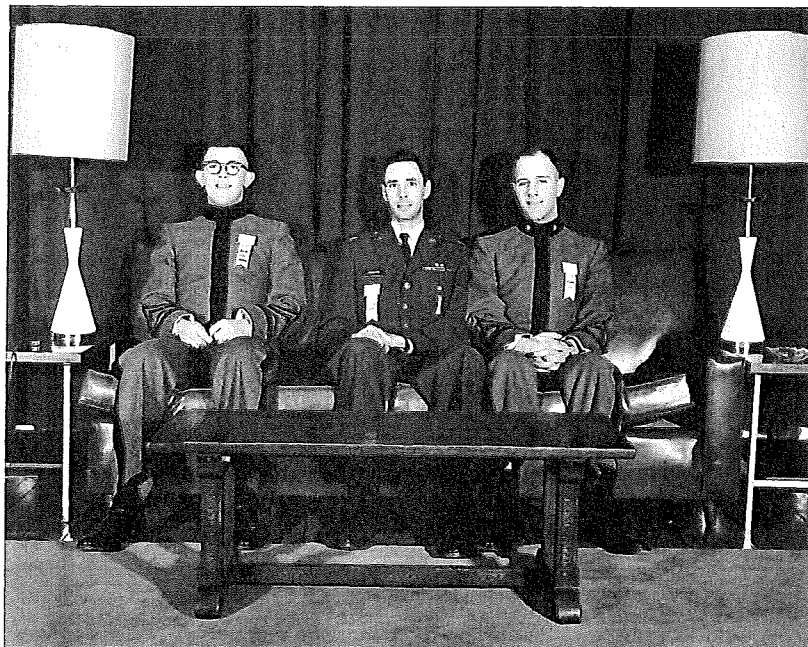


Massachusetts Institute of Technology
Eric Johnson, Robert Hillman (Coach),
James Foster

District VIII



University of Vermont
David Webster, Robert B. Huber (Coach)
Norman Snow



United States Military Academy
Joseph Root, Captain James R. Murphy (Coach),
Hobart Pillsbury

THE
CHAMPIONSHIP
DEBATE

CHAMPIONSHIP DEBATE *
TWENTIETH NATIONAL DEBATE TOURNAMENT
23 April 1966

RESOLVED: That Law Enforcement Agencies in the United States
Should be Given Greater Freedom In the Investigation
and Prosecution of Crime.

* * *

First Affirmative Constructive Speech
Mr. Michael Denger
Northwestern University

In their statement before the House Appropriations Committee on March 1, 1965, officials in the Justice Department acknowledged that, despite the gains made since 1961, organized criminal activity continues to be a major social, political, and economic problem. To better combat syndicated crime, Bill and I are resolved that law enforcement agencies in the United States should have greater freedom in the investigation and prosecution of crime. Specifically, we are concerned with organized crime as defined by the President's message on crime of March 8, 1965. Organized criminal activities embrace gambling, narcotics and prostitution, usurious loans, racketeering, stock and bankruptcy fraud, and the infiltration of labor unions and legitimate businesses. Further by way of definition, I'd like to outline the proposal Bill and I would advance to better attack organized crime. It has two parts: first, all forms of organized crime would be made felonies under both state and federal law, with penalties up to twenty years in prison; all forms of organized crime would be made felonies under both state and federal law, with penalties up to twenty years in prison. Secondly, special agencies under each State Attorney General and in the United States Department of Justice will be given the authority and the responsibility of investigating and prosecuting local violations committed by organized crime when local agencies are either unable or unwilling to do so; special agencies under each State Attorney General and in the United States Department of Justice will be given the authority and the responsibility of investigating and prosecuting local violations committed by organized crime when local agencies are either unable or unwilling to do so.

Now, Bill and I do not claim that this proposal will eliminate the entire problem of organized crime, but we do feel, however, that by eliminating three substantial barriers to effective law enforcement, our proposal will have three distinct advantages.

First, it will remove jurisdictional barriers to effective law enforcement. As Earl Johnson, Special Attorney for the Department of Justice, wrote in the Journal of Criminal Law, December 1962, "Most of the activities of organized crime are not now illegal under federal law. Thus, jurisdiction over most of the crime committed by the criminal organization is entrusted to a patchwork of local and state law enforcement agencies each segment of which is hemmed in by limited powers, artificial boundaries, and restricted responsibilities. Thus, primary responsibility to attack organized crime is given to local officials and the result is twofold. First, organized criminals can locate in jurisdictions with weak units of law enforcement." As Special Attorney Johnson wrote further on in that article, "By concentrating its illegal enterprises in those self-

*This transcript was compiled from the tape recording of the Championship Round. Punctuation was inserted where it was thought the speakers intended it to be placed. Except for the correction of obviously unintended errors, this is as close to a verbatim transcript as was possible to obtain from the tape recording.

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governing hamlets within a metropolitan area which have small, largely untrained police forces and no investigators, a criminal organization is often able to protect its operations from effective prosecution. For example, Detroit Police Commissioner Edwards reported in his 1963 testimony before the Senate Committee on Government Operations that, "Organized criminal operations have left Detroit proper and have sought easier soil to till in suburban areas with weak units of law enforcement."

Now, the second problem created by giving primary responsibility to attack organized crime to local officials is that the syndicate leaders can escape prosecution by living outside the jurisdictions where their illegal operations exist. William G. Hundley, Chief of the Justice Department Organized Crime and Racketeering Section, wrote in the 1963 Notre Dame Lawyer, that, "Artificial jurisdictional boundaries that divide state from state, county from county, and city from city, prevent local law enforcement officials from pursuing a criminal whose operations are conducted within his jurisdiction, but who remains outside of it." Thus Milton Russell, the Assistant Attorney General wrote in 1961, "By committing crimes within only local jurisdiction, prosecution can be splintered into a large number of local districts, and the syndicate leaders thereby effectively insulate themselves from vigorous law enforcement." Tampa Police Chief Neil Brown indicated this problem of splintered jurisdiction in his 1963 testimony before the Senate Committee on Government Operations. He reported that, "The Tampa Police Department has been unable to do anything about the activities of Santo Troficanti, a major Florida racketeer, because it has no jurisdiction over his affairs elsewhere in central Florida." Now, clearly, by making all organized criminal offenses violations of state and federal law as well as local law, our proposal will remove these jurisdictional barrier to effective law enforcement. Now, since the syndicate must face nationwide jurisdiction and uniform law enforcement, it no longer will be able to capitalize on jurisdictions with weak units of law enforcement, nor will it be able to operate in one area and reside safely in another. As Professor B. Swartz of the Pennsylvania Law School stated, "You can count on more effective law enforcement through federal agencies than through local agencies which may be immobilized by jurisdictional restraints."

The first advantage of our proposal then; it will remove jurisdictional barriers to effective law enforcement.

Our second advantage is that it will remove political barriers to effective law enforcement. As the American Bar Association concluded, "The largest single factor in the breakdown in law enforcement agencies in dealing with organized crime is the corruption and connivance of many public officials which exists in most American cities." This collusion is so widespread that Virgil Peterson, Director of the Chicago Crime Commission, estimated in 1963 that fully half of the syndicate's nine billion dollar income from gambling is earmarked for protection money paid to policy and politicians. Now, the result is simply that local police, prosecutors, and judges will not vigorously investigate and prosecute organized crime. Special Justice Department attorney Johnson wrote in the December, 1962 Journal of Criminal Law, "Through corruption, the criminal organization has been able to purchase virtual immunity, not only for its management level members, but also for its lower echelon members and its vulnerable enterprises." For example, Charles Adrian, Professor of Political Science at Michigan State University, wrote in his 1961 book, Governing Urban America, that "The city council of Camden, New Jersey, stripped the mayor of control over the Police Department after he tried to eradicate organized gambling in the city."

Corruption, then, we might say, is a normal condition of American local government. Our proposal will better attack corruption in two ways. First, if the local law

enforcement is corrupt, the state, and if need be the federal government, can quickly move in and eliminate the organized criminal operations themselves without having to wait months or years to eliminate the corruption.

Secondly, our proposal will make it more difficult for the syndicate to corrupt law enforcement since the organized criminal now will not only have to buy off local officials, but state and federal authorities as well, if it's to make its local operations safe from prosecutions. Both Mr. Hundley and Mr. Johnson of the Department of Justice say that cost to organized crime in having to corrupt all three levels of law enforcement would be much more difficult than it is under the present system when only one authority of law enforcement has responsibility. Our proposal, then, will remove political barriers to effective law enforcement.

Third and finally, it will remove penal barriers to effective law enforcement. As Morris Ploscowe, Professor of Law at New York University notes, "Every prosecutor must be selective in choosing the cases in which he will set the machinery of the Criminal Law in motion. He does not have the time and the resources to punish all law violations. Thus, if the expense to the government in carrying out a prosecution far outweighs the advantages to be gained by obtaining a conviction, it is the prosecutor's statutory duty to exercise his discretion not to prosecute." Now, since most organized criminal offenses on the local level are only misdemeanors carrying the penalty of a small fine or a short prison sentence, the prosecutor often legitimately exercises the statutory discretion not to prosecute. Chicago's own Superintendent of Police, Orlando W. Wilson, testified before the Senate Committee on Government Operations in 1963 that, "A long drawn-out investigation to implicate the higher-ups in a large-scale gambling enterprise would simply not be worth the time and effort, as they would only be convicted of a misdemeanor." Nor, our proposal will remove these penal barriers by making all organized criminal offenses felonies, carrying penalties up to 20 years in prison. These penalties will, number one, make it worth the time and the effort the prosecutor has to spend to gain a conviction; and, number two, will at the same time provide a more meaningful deterrent to the criminal activity itself. The third advantage of our proposal - it will remove penal barriers to effective law enforcement.

Finally, I'd like to cite a precedent for the affirmative proposal. The Federal Bureau of Narcotics has authority similar to the provisions of the affirmative plan. Both statewide and federal law enforcement agencies are available with complete jurisdiction in this area, and the penalties are severe, ranging up to twenty years in prison. As the only type of organized crime which has these unique provisions, narcotics has been particularly susceptible to the attack by the Bureau of Narcotics and the state law enforcement agencies. We would simply remind you that in 1951 the American Bar Association's report on organized crime and law enforcement and the Kefauver Committee both concluded that narcotics was the most serious problem of organized crime. Today the Bureau of Narcotics can report, however, that since 1956 we've had 206 important gangsters who have been convicted of narcotic law violations, eliminating 19% of the Genovese, 40% of the Luchese and 20% of the Gamino criminal organizations.

Secondly, this pressure of law enforcement was so intense, that high-ranking Mafia leaders prohibited their members from dealing in the narcotics trade. Third, those few members who defied the Mafia's prohibition, have been arrested, indicted, and convicted in such impressively large numbers that Professors Bloch and Geis of Brooklyn College can conclude in their 1962 book, Man, Crime and Society, that narcotics no longer represents a serious law enforcement problem.

Bill and I would like to see the day when we could say that about all forms of organized crime, and we suggest the best way to achieve that goal is to tailor our efforts

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after those used by the Bureau of Narcotics in approaching the narcotics problem. We propose to do so by giving complete federal and state jurisdiction and by making organized criminal offenses felonies, carrying up to twenty years in prison. While not claiming to eliminate the entire problem, we feel such a proposal can be of comparative advantage in combating the syndicate.

* * *

First Negative Constructive Speech
Miss Kathleen McDonald
Wayne State University

As many of you probably know, the case that Northwestern has is very similar to the case that Doug and I have been using all year. And now that the debate season is just about over, let me tell you what's wrong with that affirmative case. Doug and I are going to be contending in today's debate that number one, the police have all the weapons necessary in order to effectively combat organized crime. And number two, that if we gave the police greater freedom in the areas the gentlemen suggest, it would not only be seriously disadvantageous, but it wouldn't be of any greater help to the police in combating organized crime.

Now, before I go to that first contention, I'd like to take note of the fact that the gentlemen have presented us with a comparative advantage case, and we'd like to be very clear as to what the goal of this affirmative team is - because we don't want a double standard to develop. In other words, we don't want the gentlemen to tell us that on the one hand the present system hasn't eliminated organized crime, but on the other hand they just want to do a little bit better than the present system. We want some reasons why the present system can't do a little bit better. I don't think we've been given those reasons.

Let's turn to that affirmative case. They said, first of all, that they would remove the jurisdictional barriers that cause law enforcement to be ineffective. And they began by telling us that the activities of organized crime don't violate any federal laws. Well, the piece of evidence that Doug just handed me is crucial here, because we're going to contend that the activities of organized crime do violate federal laws. We're going to turn to an article by Mr. Earl Johnson who's Special Attorney for the Organized Crime Section of the Department of Justice. He says, "Various phases of organized crime's enterprises have been made federal crimes through legislation based upon one or sometimes more of these constitutional provisions. Of the six chief sources of organization profits, four are susceptible to federal jurisdiction, at least in some circumstances, whenever they violate a federal law." I don't think the gentlemen ever indicated that these activities don't violate these specific federal laws. The federal government can move in. Has the federal government been doing a very effective job? That's our second position. The federal government has been doing an effective job against the activities of organized crime.

Ever since those anti-racketeering laws were passed in 1961, the federal government has been very effective in the area of gambling. Robert Kennedy, the former Attorney General, tells us, "Because of these new laws, the hoodlums who control gambling have curtailed or shut down their activities. Some are even making plans to dispose of their homes and move to other countries." In 1963, the Attorney General's Report, "Internal Revenue Service figures further indicate the decline in illegal gambling." Gamblers across the country report accepting bets of 53 million dollars, and this represented a 20% drop from fiscal year 1962. We're going to suggest that if the federal

government can get a 20% drop in gambling activities in only one year, they've got jurisdiction, and they're doing a pretty effective job with that jurisdiction.

Well, that's gambling. What about the second major area of the activities of organized crime - Narcotics? Again we're going to turn to the Attorney General's Report for 1963. They tell us, "Although it may be expected that some racketeers will continue to engage in illicit narcotics trafficking, informants have reported that many racketeers will not now handle illicit drugs as a result of effective enforcement of these laws." We're going to suggest the federal government has jurisdiction, and has been very effective. So even if we accepted everything the gentlemen had to say about corruption on the state level, about the jurisdictional problems on the state level, we're going to suggest we can solve the problem.

And secondly, they told us that organized crime can avoid prosecution merely by concentrating in those areas in the state where they don't have very effective law enforcement. Now, the position that Doug and I are going to take here is, that the localities can cooperate with the state government, and the localities can cooperate with the federal government, and they can get at these organized criminal activities. Because you know, it really doesn't make very much difference whether the locality has a very effective law enforcement agency, because if the federal government will come in and use all of its weapons and then turn the information over to the locality, then any locality in the country can do a pretty effective job against organized crime. And that's exactly what's happening. J. Edgar Hoover in U.S. News and World Report, April 18, 1966, reported, "The FBI daily develops from its sources within the underworld, and from its investigations, considerable information which does not relate to violations within its own jurisdiction. This is promptly passed on to the proper law enforcement agency either federal, state or local." We're going to suggest, then, that the federal government can use the weapons in any of these localities where their law enforcement is weak. If the federal government doesn't want to do it, the state governments can do it. You know, the gentlemen told us that there are no laws that allow the state to go in, but the gentlemen never told us the state couldn't go in if they were asked to come in. The gentlemen never said you couldn't have cooperation between the states and localities, and I don't think there could be any reason why there wouldn't be any cooperation -- unless, of course, there was corruption -- and I'm going to deal with that when I get down to the second point. So we'd like to know why with cooperation all these localities cannot fight any organized criminal activity.

Well then, the gentlemen suggested to us that the leaders escape prosecution, either by living in another state in which the crime was being committed or by living in another locality within the state. We're going to suggest jurisdictional barriers are not a problem in getting at the leaders of organized crime either, and for exactly the same two reasons. Number one, if the leader lives in a different state than the organized criminal activities engaged in, you can have cooperation between those states as a result of the extradition law of 1955. William G. Hundley, the Chief of the Organized Crime Section of the Department of Justice points out, "This provision of the Uniform Extradition Act illustrates that states can work together in coping with the interstate aspect of organized crime insofar as no person will be able to secure immunity from prosecution solely because he never enters the state where his illegal activities are being carried on." Then through this extradition law we can eliminate the problem if it's between the states.

Again, if it's between localities I think I've already indicated there are no inherent barriers to the localities cooperating with each other, so there is no reason why any leader needs to escape prosecution merely because of jurisdictional barriers. What have

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we seen on this first contention then? We've seen, number one, that the activities do violate federal laws. As a result of this, the federal government has been very effective against organized crime. We've seen, number two, that jurisdictional barriers are not a problem in getting at the activities of organized crime. We've seen, number three, jurisdictional barriers are not a problem in getting at the leaders of organized crime. I think we're going to have to reject that first contention.

Let's turn to that second contention, where the gentlemen told us that they're going to remove the political barriers to effective law enforcement. Let me preface my arguments on this point by saying even if we accepted this entire contention, we could still conclude that the present system can be effective against organized criminal activities, because all the gentlemen have told us is that we have corruption on the state and on the local level. And if that's true, then the federal government, through its jurisdiction, can clean up the activities of organized crime, and it really doesn't make much difference whether or not this corruption exists. That's my first position.

My second position is that this corruption, while it may be widespread, is not protecting the activities of organized crime. And the reason it isn't protecting the activities is because apparently there are enough honest officers left so that they're doing a pretty effective job against organized crime. I'm going to turn to signed evidence in order to indicate this. The Detroit News of January 13, 1966, pointed out that it was because of the cooperation we've been receiving from the courts and prosecutors, both at the state and the federal level, that traffic in narcotics is no longer the lucrative business it used to be. They had to get cooperation on the state level - apparently that corruption isn't so widespread - they were able to get that cooperation. And we're going to content if corruption is a serious problem it can be eliminated under the present system. The gentlemen never really talked about the possibilities of eliminating corruption. I'd like to suggest to you five mechanisms that can be used in order to eliminate the problem of corruption, so that we don't have to turn to this affirmative plan. Number one, we have special prosecutors. Earl Johnson pointed out that as a technique for circumventing a corrupt local prosecutor, substitution of a Special Prosecutor has much to recommend for it. In other words, if a locality has a corrupt prosecutor, then the state Attorney General merely appoints another prosecutor, who isn't corrupt, as substitution for the local prosecutor.

Secondly, we have the Grand Jury, which is particularly effective against organized crime, because you know the purpose of all of our County Grand Juries is in order to seek out that corruption on the local level. Robert G. Scigliano tells us, "The special inquisitorial powers are vested in the Grand Jury. It may subpoena witnesses and compel testimony. It may grant immunity in exchange for possible incriminating testimony." We're going to suggest that's a second mechanism.

A third mechanism is our self-check units. Local police have units within themselves to see that there is no corruption in that particular unit. The Saturday Evening Post of July 31, 1965, reports, "It's the job of the Bureau of Internal Affairs to make sure that we have no corrupt police. And they do their job very well in Los Angeles." There's no reason why it can't work in other areas.

Finally, we have Crime Commissions. Newsweek reports that in Massachusetts the Crime Commission has been very successful as of October 19, 1964.

And finally, the federal government has jurisdiction over corruption. Because the reason the federal government has jurisdiction over corruption is that the individual getting a bribe obviously cannot report it on his income tax as illegal funds. Therefore

they have to violate federal laws, and therefore the federal government has jurisdiction over all of this corruption.

So I think we've indicated that we can eliminate the problem of corruption.

Finally, as far as those advantages were concerned, the gentlemen said it would be faster. I think we've indicated the present system is pretty fast. The gentlemen indicated it would be harder to pay off four levels. I think Doug's going to be able to indicate to you, if it means they won't be corrupted, they're going to pay off all four levels. And what about those penalties? The gentlemen said they weren't stiff enough. You know, that's not unique to the affirmative plan. If we want stiffer penalties, then we can legislate stiffer penalties. But that's not any greater freedom. We're going to suggest that we reject this affirmative case.

* * *

Second Affirmative Constructive Speech
Mr. William Snyder
Northwestern University

I'd like to discuss my three advantages that we believe greater freedom for law enforcement agencies can provide in the attack against organized crime. I don't believe the young lady's analysis really denied that the plan would be advantageous in three respects.

Before doing that let me respond to the introductory comment. She wanted to know what is the goal of the affirmative proposal. We certainly mustn't impose a double standard upon the negative team or the present system. We don't intend to impose a double standard. Our goal is to substantially reduce the organized criminal activities. We don't intend that we're going to entirely eliminate them. We don't expect the present system to do that either. But we think there's a great deal of room for improvement, and we think our proposals can substantially fill the void. President Johnson, in his message to Congress on March, 1966, said that "Despite the fact that we've reached record levels of indictments, these programs are only initial steps on a long road. And the plainest fact we can see is that piecemeal improvements will not be enough." Now when the President of the United States calls the present system piecemeal improvements, Mike and I think that there's pretty good grounds for believing that the present system leaves a great deal to be desired. We think our proposal can substantially fill the void in three ways.

Now let me take these out of order. I'd like to begin with our third advantage because I don't believe the lady of the affirmative team said very much about it. I believe that that advantage stands at the present time. What did we argue? We argued, number three, penal barriers can be removed by the affirmative proposal. We pointed out, first of all, the penalties employed in most forms of organized crime are extremely weak, usually small fines. The lady doesn't deny that. We pointed out, number two, that the result of this is that if we had vigorous law enforcement, it wouldn't produce any really valuable result to society - they'd only escape with a fine, and go right back to their activities. Well, what was her argument? She said after all, we could legislate these penalties and that does not constitute greater freedom for law enforcement agencies. Now if the negative team disagrees that it constitutes greater freedom, we hope they'll respond to the reasoning of the affirmative team for believing that it does. Our reasoning goes as follows.

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The legal duty of the law enforcement agencies requires them to invest society's resources only when they know that it will produce some tangible result to society. If they know that the penalties are so weak that a vigorous law enforcement campaign would not produce a valuable result to society, they don't have the freedom to invest their resources as is necessary. All right - first of all, let's get to the legal duty. Newman F. Baker, Professor of Law at Northwestern, writes in The Journal of Criminal Law, "To decide whether or not to prosecute, district attorneys' legal duty requires them to determine if it will serve any good purpose to society or if it will be an expensive or a waste of time." The Michigan State Supreme Court in Goen vs Smith held that the Police Commissioner is bound to use his discretion with which he is clothed. He must use sound discretion as to how the resources of the community will be applied for the good of the community. Now, are penalties so weak as to render this freedom absent to commit themselves to a strong law enforcement campaign? Yes indeed the penalties are too weak. Orlando Wilson, Police Chief in Chicago, "A long investigation to implicate the higher-ups would simply not be worth the cost and effort. They would only be convicted of a misdemeanor." The result is cited by Morris Ploscowe, Professor of Law at New York University, "One of the most common reasons for failure to prosecute is that the expense may far outweigh the advantages of obtaining a conviction." We'd like to give law enforcement agencies the freedom to invest society's resources in a vigorous attack against organized crime, and the only way we can do that is to make meaningful penalties. We believe we can claim a third advantage. I don't believe the lady of the negative refuted it.

Now, let's go back to the top of the case. We said, first of all, we can remove jurisdictional barriers to effective law enforcement. My colleague pointed out that at the present time while most forms of organized crimes violate only local law, it results in concentration of organized criminal operations in units with weak law enforcement and splintering the operations across jurisdictional boundaries. The negative speaker didn't deny that these things take place, nor did she deny the conclusion of Mr. Brown in Tampa, Florida, Mr. Edwards in Detroit, and Mr. Schwartz, speaking in general terms - that these boundaries in fact impair the attack on organized crime.

All right, what did she say? She said first of all we have many federal laws which can be used against organized crime, according to Earl Johnson of the Department of Justice. Now, Mr. Johnson said four out of the six major forms of crime, in some circumstances, violate federal law. But his quotation in the first constructive speech said that by and large, the organized criminal operations violate only the local law. The lady recommended, for example, that we turn to the area of interstate gambling. And indeed, in 1961, we passed some laws to regulate interstate gambling. But the problem with those was cited by J. Edgar Hoover in the DePauw Law Review, Spring 1964. He says, "The first arrests made by the FBI for violation of the new 1961 laws had the profound effect of causing the underworld to tailor their operations so that they exist on the intra rather than the inter-state level, therefore avoiding violations of federal laws." Mr. Nicholas Alga formerly of the FBI wrote in the Nation, December 20, 1965, that "The primary problem with the federal government in enforcing the laws against organized crime is establishing a violation of the federal criminal law." All right, then, what were the two examples? She said first of all that we'd been very effective in gambling - that's right. What did we do? We caused them to go to the intra-state level, and Mr. John Scarney, Consultant to the Department of Justice on Organized Crime, stated in the Wall Street Journal of January 29, 1964, that this has not produced any decrease in the total revenue of organized gambling.

Well then, the second example was in the area of narcotics. We're glad she read that example. That was our precedent for the affirmative proposal. The Bureau of

Narcotics is the only law enforcement agency that really has nationwide jurisdiction to enforce its laws. We think that kind of freedom should be given to all law enforcement agencies. Well, then the lady suggested that at the state and local level we can have cooperation. She said after all, the federal government can come in and cooperate and solve this particular problem. Now we're not denying that the federal government sometimes can come in and participate in a raid, particularly if they think there is a violation of interstate commerce. That possibility doesn't deny the fact that when you don't have a strong patrolling force in the community, and when the operation is splintered across jurisdictional lines, the result inevitably has been weak law enforcement. We gave you examples in Tampa, Florida, in Detroit, Michigan, and the lady really didn't discuss them. The conclusion, for example of Milton Wessall was that by committing crimes within local jurisdiction, prosecution is splintered and effectively insulated from vigorous law enforcement. Then the negative speaker said, well, the state government can come in if asked. Now, of course the total government won't come in. Which agency did she have in mind? She didn't tell us. Perhaps she was thinking of the State Police, but Frank D. Day, Professor of Police Administration at Michigan State, wrote in the Book of the States, 1965, that State Police exercise statewide jurisdiction, but it is subject to prescribed restrictions like limitations on police in urban and semi-urban areas. We don't think the state has any agency at the present time so designed. Our plan creates that kind of agency. We believe we have a very substantial advantage over the present system.

Well, finally she suggested that we can always cooperate between states by means of extradition. That would be fine, if the jurisdictional problem we were talking about were the state boundaries, but the trouble is they tailor their organization so they don't cross the state lines. They stay within the state, but splinter them over jurisdictional barriers within the state. We suggest then, that extradition isn't going to help the problem. We suggest then that we have jurisdictional barriers, now. We suggest that creating an agency at the federal and at the state level can substantially remove those jurisdictional barriers, we think, substantially enhancing the attack on organized crime. And we believe secondly, that we can remove penal barriers to effective law enforcement. Now we pointed out first of all, that corruption has been the most significant barrier against organized crime, to the tune of 4 1/2 billion dollars per year. The lady didn't really deny that that takes place. What she did say, first of all, is that the federal can come in and clean them up with its own jurisdiction. And her only example was in narcotics. That's right. The Bureau of Narcotics is the one federal agency that has that jurisdiction. The other agencies rely on interstate commerce, which the organization has tried to tailor its operations to avoid.

Well, then, she suggested that corruption in fact does not protect the organized criminal operation. Mike and I find that very difficult to believe on two counts. First of all, the authorities seem to have found that it does. Attorney General Katzenbach in an interview in Look Magazine said that one of the primary reasons why the federal government or all law enforcement is ineffective is because the organization has been able to corrupt many local officials. Well, she went on to point out, after all, we can always have a local policeman within the area to check up on these particular people. She said if it takes place we have five mechanisms which can be effective. She suggested first of all special prosecutors. Now, the article she was quoting by Mr. Johnson said that we have special prosecutors, but, he says, it's in a limited number of states. By and large this is not available. R. S. Babcock, Professor of Political Science at Vermont, says that in almost every state the District Attorney is completely autonomous from any state official, and the Attorney General of the state has no real authority over the District Attorney. Then she suggested we could use Grand Juries. That might be good, except that J. C. Phillips wrote in Municipal Government and Administration, that the Grand

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Jury is usually at the mercy of the local prosecutor. He is the one who must call it into session. If he's been corrupted, obviously the organized criminal operation will remain impregnable. Then the lady suggested we could always have a unit within the police force which is going to solve the problem. Once again we'll admit that this might be a possibility once in a while, but it doesn't deny the fact that we could have greater advantage or the fact that you can corrupt a few policeman and render the effect virtually unimpregnable of the organized criminal. J. C. Phillips, Professor of Political Science, says, "While a few Police Departments are under indirect control or have their own efficiency units, in most cases they have not been able to prevent the corruption of state and local officials. We suggest that we continue to have the problem.

Well finally, she suggested Crime Commissions. We would like to hear some evidence that says not only that they exist, but they have any law enforcement ability whatsoever. I don't believe her evidence said that they could get corruption. Finally, she said that the federal government could establish jurisdiction by means of taxes. But Earl Johnson of the Department of Justice, wrote in the Journal of Criminal Law that, "Most organized criminals and the people they've corrupted are able to conceal their financial interests in such a way that a tax violation is very difficult to establish." We're not denying that once in a while the federal or the state can come in, but by and large we do claim a substantial advantage by creating agencies at the state and federal level, and by giving meaningful penalties. We think we can substantially enhance the attack on organized crime.

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Second Negative Constructive Speech
Mr. Douglas Frost
Wayne State University

Mr. Chairman, ladies and gentlemen, before the debate started I asked Captain Murphy if he had some matches for me. He handed me a book of matches and said, "Wonderful for nervous stomach." They light my cigarettes well, but that's about all they do.

I'm going to be discussing this affirmative case primarily by analyzing the plan that they presented. Before I go and examine that plan, however, I want to go back and make two observations on the need contentions. First of all, Kathy said, "Making the penalties greater is not giving greater freedom." Now Mr. Denger came back with some rather interesting reasoning that said well, the law states that the prosecutors can only prosecute if they're spending their money wisely and if they're going to get convictions. And he said when they spend it in gambling, you see, they're not spending it wisely. Well, you know, the Uniform Crime Report said that we had 1000,000 convictions in gambling last year. I suggest every one of those convictions, then, and investigations were illegal according to the reasoning of that affirmative team. The point I'm making here is that giving greater penalties is not giving greater freedom. We can do that under the present system.

The second comment I'd like to make on this particular affirmative case is where Kathy told you the federal government has jurisdiction. You know they came back and said no, they really don't -- only if they violate federal laws. Yet, Kathy read Mr. Johnson's evidence to you that said the four major sources of funds came under federal jurisdictions. Let me read you the footnote at the bottom of the page. He tells us that, "Organization profits appear to be derived primarily from the following: gambling, shylocking, racketeering, narcotics, and prostitution." He said these all come under

federal jurisdiction if any facility of interstate commerce is used. What I want Mike to do in his rebuttal is tell me that these organized criminals, number one, never use the mail, never use the telephone, and number two, never travel interstate. I think the federal government has clear jurisdiction. The fact that they do is pointed out by the Attorney General Katzenbach in 1965. He said the FBI, for example, has done excellent work. The new racketeering laws gave the FBI clear statutory weapons to deal with organized crime. How effectively the FBI has used those weapons is readily evident in the fact that they have already undertaken 18,355 investigations. Of course Mr. Denger is going to come back and tell us that those were illegal investigations because, you see, they're using the taxpayer's funds unwisely because the penalties are so low.

I'm going to go back now and examine those affirmative plans in two areas. Number one, I want to discuss with you some reasons why there is no assurance of a significant advantage from that affirmative proposal, and secondly, discuss some disadvantages with you.

My first position is going to be that the gentlemen's analogy is inaccurate. You know, they told us that the narcotics prosecution has proved that federal jurisdiction will solve the problem. Well, they got that little gem of an idea from Mr. Johnson's article. I have a photostat of it here. Mr. Johnson goes on to explain that this is not a fair analogy in all areas because, number one, narcotics are a physical commodity. Number two, narcotics must be transported intra-state and into the country. Number three, that the narcotics leave a corpus delicti in the form of an addict. Number four, that the narcotics necessarily have to be sold, and this results in continual contact. He tells us in the footnote at the bottom of the page. He says that, "The narcotics traffic, in turn, however, requires a high degree of cooperation between persons located at different geographical locations in order to accomplish the many steps involved in producing, processing, importing, reprocessing and distributing this particular product." The analogy is very weak. I'm going to have more to say about it when I get back to those disadvantages. I don't think they can talk about the narcotics law and say that this is going to solve all areas of organized crime by extending federal jurisdiction.

Secondly, I'm going to suggest to you that they cannot prove corruption any more effectively than can the present system. Robert F. Kennedy, in the hearings before the Senate Judiciary Committee said, "We have information now where major political leaders and figures in those communities are being corrupted and are on the payroll of some of our big time gangsters and racketeers." The first point, of course, is that that means the federal government has the jurisdiction to investigate that corruption. He goes on to say, however, now that, "We cannot move in on these areas. Now, if legislation such as this proposed wiretapping legislation is passed, we could then prosecute." I suggest the problem of course is the federal government may well be able to investigate, but they can't prove that corruption Mr. Kennedy said they needed wiretapping.

The third objection I'm going to raise to this plan is the fact that corruption and the protection of illegal activities depends on not merely a political bribe, but many other factors that the gentlemen cannot solve. Number one, political influence. Morris Ploscowe, formerly director of the ABA's Commission on Organized Crime, in 1963 said, "Mob money is used not only for direct payments to police and law enforcement officials who will be sympathetic to its aims." I suggest then that this political influence is not going to be able to be prosecuted by that affirmative team. Secondly, I'm going to suggest that organized crime is protected if they have incapable prosecutors. Earle Johnson in that same article tells us, "Consequently, if they can be blessed with a less than capable chief prosecutor, the members of the criminal organization are usually satisfied." I want the gentlemen to tell us how they're going to assure that all prosecutors are going to be capable.

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Moving on, I'm going to suggest that another reason that organized crime exists is not because of corruption, but because of lack of funds. Gambling and organized crime, the Report of the Senate Committee on Government Operations, in 1963, said, "It must be conceded that for various reasons, mostly justifiable and understandable, local law enforcement agencies cannot adequately cope with the grave national threat posed by organized crime. Lack of sufficient funds to provide adequate manpower or modern equipment are among the most frequently cited obstacles to the attainment of these objectives." Another factor then that the affirmative team is doing nothing about - inadequate funds.

Another problem is lenient judges. This was pointed out to us by the New York Times when they said, "A Senate Committee was told today that gambling was flourishing as a multimillion dollar industry, partly because of the leniency among judges, sheriffs, and policemen." Not necessarily that they were corrupt, but that they were just lenient. I want the gentlemen to explain to me how they're going to do away with lenient judges.

Finally, organized crime protects itself not by bribery but by blackmail. William G. Hundley, in The Notre Dame Lawyer - he's the Chief of the Organized Crime Section of the Department of Justice, said, "Organized criminal does not hesitate to use blackmail if he cannot buy off an official." I suggest, then, that what I am telling you here are a number of reasons why that affirmative team can't guarantee to you and I that they're going to be a great deal more effective than the present system is. Problems such as blackmail, lenient judges, lack of adequate funds, incapable prosecutors, political influence, all reduce the assurance of a significant advantage. The fact that Mr. Kennedy said the federal government had jurisdiction but couldn't prove the corruption, because they didn't have wiretapping, casts further doubt upon the efficacy of this plan, and their analogy by their own source, Mr. Johnson, is unfair and inaccurate, and I ask you to reject it.

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Now I'm going to discuss with you some disadvantages. Number one, it really was interesting to hear that the significant advantage of this proposal is that now the organized criminals are going to have to corrupt all levels of the government. My first disadvantage is going to be that they will corrupt all levels of government. What about their wonderful analogy, narcotics? Time, Inc. in their book, "The Drug Takers," tells us last April, Miami federal Narcotics Bureau Chief, Eugene Marshall, shocked his colleagues when he was arrested for accepting a bribe from a narcotics peddler. That's my first disadvantage. If the gentlemen think it's only applying to the Narcotics Bureau, I'm going to turn to the Committee Report on Investigate Organized Crime in Interstate Commerce, when they said the committee found evidence of corruption and connivance at all levels of government - federal, state, and local. My first disadvantage is the federal government will be corrupt.

My second disadvantage is going to be that it reduces the financial support of our local law enforcement, because they're telling us that we're going to set up all these agencies in every state and let them handle the problem. You know what Elliot H. Lumbard tells us in the American Academies. He says that, "A properly compensated, trained, equipped, and supervised police force with community stature and support, is not likely to be receptive to improper measures or corrupting influences." I think it would be better then to give them the money that they need - not rely on the federal government to come in to every state and observe these individuals, to try to prove that they're corrupt, and take the responsibilities for enforcing the laws away from them.

My third disadvantage to this affirmative proposal is what the gentlemen are really telling us is let's admit defeat to the corruption on the local level. Now they're telling us that the local levels can't be expected to clean up their own corruption. I

think Kathy cast significant doubt upon that - that the local levels can and are cleaning up their corruption. Yet Northwestern would say, "No, let's give up and call in the federal government." Kathy and I just don't think that's desirable. We suggest that's a rather serious disadvantage.

My fourth disadvantage to this affirmative proposal was voiced by Mr. J. Edgar Hoover. He told us that such a proposal as a national police force was undesirable. And I ask you if you now have the federal government in every state, enforcing all of these laws, trying to prove corruption - it's paramount to a national police force. Mr. Hoover said, "I vigorously oppose such a system in the United States, including any Clearing House established by the federal government." That's my fifth disadvantage.

Finally, I'm going to suggest that such an invention on the part of the federal government will sap the morale of our local police force. Newsweek - last week of this month - Last week? - I hope it's this month - said that police officials counter that any outside watchdog unit saps police morale and panders to trouble-makers who are trying to undermine respect for authority. I suggest then, it saps the morale of our local police.

And finally, I'm going to suggest that it's been indicated that the local police forces are the most effective in dealing with this problem of organized crime because they're more familiar with the activities at the local level, they can more adequately cope with it, it would be better to let the local police handle it. Better to let the local police handle it. A federal watchdog unit saps morale. A national police force is undesirable. It admits defeat to corruption on the local level and calls in the federal government immediately. It reduces the financial support of our law enforcement agencies. I suggest greater financial support would be more effective, and it will force the corruption of not only the narcotics bureau now, but all the federal agencies. Moreover, I told you a number of reasons why they cannot assure significant advantages accruing from that program. I turn to Mr. Johnson who said the analogy is really unfair, and we've still got that curious reasoning that says every time you prosecute a gambling law now it's really a violation of law because it's misuse of our finances. I don't think that's greater freedom. If all we need are greater penalties, let's repair the present system and have greater penalties. Kathy and I reject this analysis.

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First Negative Rebuttal Speech
Miss Kathleen McDonald
Wayne State University

I'd like to go back and re-examine those areas of advantages and suggest to you why the present system can obtain all of those advantages without the affirmative plan. Number one, you remember, I began by asking the gentlemen what their goal was. They told us their goal was a more effective prosecution of organized criminal activities, and they said our present laws had just been a beginning. Well, of course, the laws that we have at the present time haven't totally eliminated the problem. Of course, they're only initial steps to eliminating the problem. They were only passed in 1961. I don't think that denies the fact that where they've been used, they've been very effective. If we continue to use them, they can continue to be very effective. What's the prospect for their success within the future? George Edwards, who is former Police Commissioner of Detroit, told us in May of 1965, "I think that a ten year period could beat the Maffia. I don't mean that we could put them all in jail, necessarily, but we could drive them out of the rackets." I'm going to suggest present laws can be pretty effective against

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organized criminal activities. Let's see why.

Number one, they said that they were going to remove the jurisdictional barriers. They said that most of the activities of organized crime didn't violate any federal laws. I suggested to you that all of them violate federal laws whenever they cross any state lines, and the gentlemen came back and said they're attempting to conduct their activities on a totally local basis. Well, perhaps they're attempting to operate their activities on a totally local basis, but it is impossible; because, you know, the gentlemen are talking about organized crime. Organized crime is a national crime syndicate, run by a national hierarchy, as any of you know who have heard our affirmative case. The report of the Committee on Government Operations tells us the Attorney General testified that federal investigative agencies are now certain, because of intelligence gathered from Joseph Vallachi and other informants, that the national crime syndicate is operated by commission of top-ranking criminals. It's a national syndicate. Whenever they come into contact with those national leaders, whenever money crosses state lines, whenever there's any runners between the activities and the leaders of organized crime, then they violate that travel law that says you can't use any facilities or cross any state lines in furtherance of organized criminal activities. We think the federal government can be effective. When the gentlemen tell us that according to Mr. Scarney the federal government hasn't been very effective, I don't think that's very impressive evidence compared with the three Attorney General's reports, 1962, 1963, and 1964 that tell us that organized crime in the area of gambling has been declining. I think the federal government's been very effective.

All right - secondly, the gentlemen told us that organized crime avoids locating in those jurisdictions in which they don't have very strong law enforcement. And I suggested that wasn't a very serious problem because if they locate in these areas, then that weak jurisdiction merely needs to cooperate with either the state government or with the federal government. The federal government uses its law enforcement agencies and then gives the information to the local governments. Now, I don't think the gentlemen ever answered that argument. They said, number one, that there are restrictions on the State Police going in when they're not asked. Well, number one, we're going to suggest that that's simply not the case. We're going to turn to the academic lectures on lie detection, 1956. I don't know why this piece of evidence was on lie detection. It said, "Most states have law enforcement divisions directly under the government's supervision. They offer services and facilities to any authorized law enforcement agency in the state, and they have jurisdiction throughout the state." We're going to suggest that they can go in, but that only says that even if they're not asked they can go in, and my whole point was that if they are asked, they can always go in, and I don't think the gentlemen ever denied that. As far as the federal government was concerned, the gentlemen just said he didn't think it would be very effective. I gave you examples of where it had been very effective. I don't think there is any reason why you can't have cooperation. I don't think these activities are being protected. What about the leaders of organized crime? I said the same two arguments apply. You can have cooperation between the states. The gentlemen merely suggested that they didn't think it would work very effectively. That was the whole purpose of the Extradition Law passed in 1955, so if a criminal living in one state, violates a law in another state - then they can cooperate with each other. I don't think the gentlemen have given us any reason why it can't be effective. We can have cooperation and jurisdictions don't have to be a very significant barrier.

All right then, let's go on to that second contention when the gentlemen talked about corruption. I said it wasn't a very widespread problem and the gentlemen said, "You were just talking about narcotics." But the point of the piece of evidence I read was they had cooperation on the state and local level, and that's the reason they were effective. Apparently that corruption wasn't a very significant problem. But what about those ways of eliminating corruption? I don't think Mr. Snyder answered them. The

Special Prosecutor - the gentleman merely said, "We don't have them in all states." Well, we do have them in some states, so it can be effective. In the other states we use the other means. What about the Grand Jury? The gentlemen suggested to us that this wasn't very effective because they rely on the local prosecutor. No evidence that it was the local prosecutors that were corrupt. It wasn't a problem in New York where they now have three Grand Juries in Manhattan working on the problem of organized crime. Self-checks? The gentlemen didn't think it would be very effective. I read you evidence saying it was effective in Los Angeles. I don't think the gentlemen gave us any reason why it couldn't. Crime Commissions - do they have any law enforcement power? The same piece of evidence I read you in my first speech - since its creation in 1962, the Massachusetts Crime Commission has truded through the jungles of Bay State politics, bagging Democrats and Republicans with equal vigor. Apparently they do have law enforcement power. We're going to suggest it's a very effective way. The gentlemen never denied the fact that the federal government always has jurisdiction. We're going to ask you to reject this affirmative case.

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First Affirmative Rebuttal Speech
Mr. Michael Denger
Northwestern University

Ladies and gentlemen, let's first turn to the precedent of the affirmative proposal. He suggested it was not analogous because it's a physical commodity. It has to be smuggled into the country and there's an addict left over. I don't think that denies the central points of the analogy. Number one, we have federal jurisdiction and stiff penalties both commencing in 1956, and it brought a decline in the narcotics problem. Let's turn to Henry Elcourt Giordano, Director of the Bureau of Narcotics; "Strict enforcement and severe penalties have curtailed narcotics traffic. Many of the principal underworld traffickers will no longer risk dealing in narcotics." I don't think he showed how those particular descriptive points denied the analogy.

All right, his second point was that we can't prove corruption now. The federal government could have jurisdiction if it could use wiretapping. There's two points we're going to make here. The key point is effective jurisdiction. Having jurisdiction involving phones and interstate commerce over those phones is no good unless you can convict those individuals. You need broad jurisdictions so you can go in and circumvent the corruption. I suggest that's not a very useful tool unless they advocate wiretapping.

Then he suggested there's going to be a problem of political influence, incapable prosecutors, and lacking local funds. I'm going to suggest these cause us to turn to the affirmative proposal. If political influence hinders them on the local level, I'm suggesting it's advantageous to have the state and federal come in to get the organized criminal operations. Our advantage was as much to circumvent corruption as it was to eliminate it. I suggest we can do that. If we have incapable prosecutors on the local level, that's simply cause for giving it to the state and federal authorities. They've told us themselves the federal government are capable prosecutors. Again that's merely cause for going to the federal level. What about lacking local funds? That's simply cause for going to the state and the federal government to come in. I don't think it denies the workability of the affirmative proposal. And as to the leniency of judges and sheriffs, I'm going to suggest we can go to the federal and state courts here. I don't think it denies the advantage of the affirmative proposal, circumventing those areas. Remember, our proposal had two advantages in the area of corruption. The first one was, it would be harder to

corrupt the federal government. His analogy here was to turn to the area of narcotics to suggest there were a few corruptions of the federal officials. Three points to make. Number one, Earl Johnson notes that the Maffia has been impressed by the relative incorruptibility of federal law enforcement officials. Number two, we said it's harder to corrupt all three levels of government. You heard the documentation way back in the first speech. I don't think he denied the point. Number three, we're going to suggest a deterrence in this area. Charles Adrian, Professor of Political Science at Michigan State, tells us that "As far as narcotics are concerned, local officials will not make an alliance with the purveyors of narcotics since it would be futile, as state and federal law enforcement officers are particularly alert and active in seeking out the narcotics rings." Three points; I don't think they denied the problem.

All right, then we suggested they should give them money to the local level. I'm going to suggest, indeed, this is quite inefficient for the following reason: we're going to suggest the reason it's inefficient is because you're going to give them money to one little local hamlet, they're simply going to move to another. The American Bar Association says, "A statewide effort to fight organized crime is necessary because no single community alone can effectively deal with organized crime. Efficient policing in one community simply drives the gangster and racketeer to other areas where law enforcement is more lax." The point we're making here is very simple. You don't throw tons of resources into one little municipality so they can move to another one. I suggest it's more advantageous to have the state and the federal government come in. I don't think they denied the advantage. As far as the national police force goes, we're not taking away original local power. They still have their initial responsibility. I want to know the harm of the affirmative proposal. Simply labeling them a national police force doesn't mean it's disadvantageous.

Then he suggested we're going to sap morale at the local level. Here's the very important point. If the local officials are doing an effective job right now, we're not going to come in. It's only when they're lax, when they're corrupt or they lack jurisdiction, and here it doesn't sap the morale. Orlando W. Wilson testified in 1963, "We not only accept, but welcome federal agents as in the enforcement of the narcotic laws. Federal participation in the organized crime drive away not undermine local law enforcement agencies. It's been helpful."

What was his last disadvantage? It's better to let the local police handle it, because they're more familiar with the problem. If they lack jurisdiction in areas, if they're corrupt, if the penalties aren't significant, it doesn't do any good to let the local police handle it. I suggest the federal government can be just as effective by coming right in.

All right, let's go to that affirmative need analysis. Number one, I don't think the federal government has jurisdiction in a good many areas. They suggest it's easy to establish federal jurisdiction, but they didn't adapt to the evidence. The Wall Street Journal, January 29, 1964, "The more knowledgeable gamblers," says the Justice Department, "have tailored their operations so they don't become part of interstate commerce." William Hundley tells us, "We're looking for possible violations of federal law. If we find any, we will prosecute. But we haven't in Heart Springs, Arkansas, and a good many other localities." I don't think we have those federal jurisdictions in many areas. I suggest they're going intrastate.

What about that cooperation? They can cooperate all they want, but that doesn't let the federal and the state governments investigate and prosecute. They can cooperate but that still doesn't overcome those investigative and prosecutive barriers.

What about those areas in corruption? We suggest you're not solving the problem. We suggested many states don't have Grand Juries. They suggested we could use the other techniques. This is very interesting. They suggested prosecutors may not be the problem in calling Grand Juries, yet before they're going to appoint people to replace the prosecutors who may be corrupt, I don't think they've shown us that we haven't solved the problem of organized crime. I think there's a serious problem of corruption.

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Second Negative Rebuttal Speech
Mr. Douglas Frost
Wayne State University

Mr. Chairman, ladies and gentlemen: Let me begin with my plan objections. First of all, you remember I told you there was no assurance of a significant advantage resulting from this affirmative proposal, because Mr. Johnson himself admitted that the analogy could not be extended to all forms of organized crime, because it was the nature of the narcotics industry which resulted in the success of the federal prosecution. Now the gentlemen came back with another piece of evidence that said strict enforcement and severe penalties caused this decrease in narcotics. But nothing about federal jurisdiction, nothing about what the gentlemen really are proposing in this plan. I suggest Mr. Johnson denied his own analogy, and the gentlemen could never come back and deny that fact.

Secondly, I said you can't prove corruption and Mr. Kennedy said we have the jurisdiction to investigate it; but, because we didn't have wiretapping, we couldn't prove it. I don't think Mike really answered that one.

Then, I indicated that there were a number of other factors which resulted in the protection of organized crime. I thought Mike's answers were interesting. First of all, I said, well you know political influence is used to protect gamblers. He said well, let's circumvent the corruption. Let's give up to it, in other words, and have the federal government's attempts to get at organized crime. Yet they're not doing anything about that political influence.

Secondly, I said incapable prosecutors. The gentlemen said well, let's do it on the federal level. I suggest now the gentlemen are going to have all crimes prosecuted on the federal level, still having incapable prosecutors on the local level, by which these other prosecutions will be ineffective. They didn't do anything about that.

I said we have lack of funds, and the gentlemen said let's call on the federal government if there's lack of funds. But remember what my evidence said to you? It said we can beat corruption if we properly compensate, train, and equip our law enforcement officers. I think in a comparative advantage case it would be better to give them the money and train them properly, not give up and go to the federal government. Then I said lenient judges are going to be a problem. Again, Mike came back with what seemed to be the same answer for all of my objections. Let's go to the federal courts. I suggest those lenient judges, number one, are a serious problem - and the gentlemen really aren't doing anything about it. And then I said, you know, blackmail protects organized crime, and Mike didn't even want to talk with you about that. What about my disadvantages?

First of all, I said it's going to force 'em to corrupt the federal government. He came back with a rather curious piece of evidence that said the organized criminals were impressed with the relative incorruptibility. Number one, they got the narcotics chief

in Miami. Number two, the evidence said that there was corruption at all levels of the government, and I suggest to you that if those organized criminals have to corrupt the federal government, they'll get over their impressed state of mind and they'll corrupt them. I want that disadvantage answered in that last speech.

Finally, I said it reduces the support of this organized crime. We pointed out to you, I think, that the money will result in incorrupt and honest police forces if we give it to the local level. But no, Mike just wants to have the federal government come in and do everything. Then I said a national police admits defeat to local corruption, and I think Mike admitted that earlier when he said, "Well, we'll circumvent this corruption - that's only one part of our case." I suggest using the present system and get at that corruption. A national police force is bad. What's the harm? I pointed out to you that the harm was that it saps the morale. Now O. W. Wilson doesn't mind the federal government participating, according to Mr. Denger, but I'll bet you O. W. Wilson would mind plenty much if the federal government were in there supervising all of the activities and looking for corruption under every rug. I think it does sap the morale, and I don't think Mike answered it.

Finally, I said the local efforts are most effective because organized criminal activities primarily are there on the local level operating even though in violation of federal laws. We can't expect Washington to know where the local bookie is in New York, but the New York Police Department will know. There are five serious disadvantages to this affirmative proposal. In a comparative advantage analysis, I think they better be answered very satisfactorily in that last rebuttal. I don't think they can be.

Now, let's go back to those need contentions. Number one, they told us we'll remove the jurisdictional barriers. All Kathy is telling you here is, first of all, the federal government has jurisdiction in this area - specifically in terms of gambling. Now Mike came back with a Wall Street Journal article that said, "The more knowledgeable gamblers have tailored their operations so they don't become a part of interstate commerce." Mr. Denger, in his eagerness, forgot to read two words in that quotation. "The more knowledgeable gamblers have attempted to tailor their operations so they stay out of interstate commerce." I want proof that they have. I want proof that they don't use the telephone, that they don't use the mails, and that they don't use that interstate commerce in any way whatsoever. As proof that the federal government does have jurisdiction, Mr. Kennedy said they had investigations. He goes on to say, "We have investigations of this nature now going on in twenty-two states." That was in the report to the President from the Attorney General January 10, 1963. I think the federal government has jurisdiction. What about cooperation? We're telling you that if the localities may not be able to go in, but if they need cooperation because a gangster lives outside their jurisdictions, there's no reason why they can't cooperate. They came back and said, "Well, they won't cooperate because they're corrupt." These are the investigative and prosecutive barriers they're talking about. Yet, Kathy said, number one, the federal government has jurisdiction to deal with this corruption. Number two, we have special prosecutors, we have Grand Juries, we have the Internal Revenue Service, we have these self-check units that have been effective in Chicago and Los Angeles. And all that Northwestern has done is committed what I consider the fallacy of division by telling us, "Well, each one of these is either in all the states or each one of these can't solve the problem." But I want to know why all of these in conjunction can't solve the problem. I think they can be pretty effective. I want some legitimate indictments to these mechanisms.

And finally, they're going to remove the penal barriers. You know, Mike never did explain how those 100,000 prosecutions were illegal because, see, our prosecutors

are legally bound to prosecute only in that area where the money is spent most judiciously. Yet they're getting 100,000 convictions in gambling every year. We reject that analysis.

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Second Affirmative Rebuttal Speech
Mr. William Snyder
Northwestern University

Let's begin with the objections to the affirmative proposal. Number one, the narcotics analogy is not an accurate one. Mr. Earl Johnson says after all, you always have the corpus delicti, you have the smuggling operation, you have the interstate level. Now that was Mr. Johnson's description. We never heard an exact quotation that said the Narcotics Bureau's effective law enforcement had nothing to do with the effective fight on organized crime. My colleague in his rebuttal speech pointed out to you from Mr. Siragusa in 1963, "A major reason for the decline in narcotics addiction and traffic in recent years has been the tougher legislation adopted in 1956 aimed at ending the narcotics." What did that legislation provide? Complete jurisdiction and strong penalties. We think it's a rather remarkable coincidence that in 1956 we gave that freedom to the Narcotics Bureau. They had extremely great success. We think all those characteristics of narcotics operations applied before 1956, just as much as they did afterwards. We think we've identified the reason for success.

Number two, the gentlemen said we're not going to be able to get the corruption. You can't prove it unless you have the right to wiretap. Now, perhaps once in a while there's been a case of corruption in which we needed wiretapping to prove it. The gentlemen themselves told you we had gotten corruption in some cases without the right to wiretap. What did we come back to say? We pointed out the success of the Bureau of Narcotics was what? Mr. Charles Adrian, Professor of Political Science at Michigan State, "While quite a few public officials will cooperate with underworld vice operations, few will make an alliance with the purveyors of narcotics, since it would be futile, because state and federal law enforcement is particularly alert here." They don't have the right to wiretap. We don't think there is going to be a severe problem with regard to corruption if we can give jurisdiction to state agencies and to the federal government.

Third, the gentlemen suggested we're not going to solve the problem of protection. Sometimes it's not in the form of the bribe. Let me make two remarks. Number one, often it is in the form of a bribe - 4 1/2 billion dollars worth. We suggest they don't deny the advantage there. Number two, when it isn't in the form of the bribe, such as a lenient judge, the possibility of little money, an incapable prosecutor, political influence; doesn't it have more of an advantage to rely not on one local agency, but to create an agency also at the state and federal authority, so that we can go in and get this, even if it's leniency, even if it's a lack of money, even if it's an inept prosecutor at the local level. I don't believe they've denied the advantage there.

All right, then, finally they suggested some disadvantages. Number one, there's always the danger of corrupting the federal government. We pointed out, number one, if they had to corrupt all three levels of government, it would be prohibitive. That's in the first constructive speech. The negative haven't replied. Number two, we pointed out, it's been extremely difficult to corrupt at the federal level. They think one example disproves that. We pointed out that when we have had corruption, we've been able to get them in the Bureau of Narcotics. Number three, we suggested if we can have three levels, it makes much more sense to have a check on three levels of government rather than relying on one level of government. I don't believe we're going to have complete corruption throughout the United States.

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Then the gentlemen suggested that we would reduce financial support for the local law enforcement agencies. They told us that a national police force would sap morale, and they said it would be a mission of defeat. These were three separate disadvantages, but we think they're all virtually the same thing. My colleagues comment, we only send in these agencies when jurisdictional barriers prevent, or corruption prevents an ability or a willingness to attack organized crime. We didn't say they would be looking over Orlando Wilson's shoulder supervising all of his operations. Mr. Wilson indicated that they welcome that kind of jurisdiction. We don't think we're going to sap the morale. We don't think there's an admission of defeat. We think we can do better against organized crime. How? In three ways.

Number one, we can remove jurisdictional barriers to effective law enforcement. The lady of the negative team and her colleague have told us we can always get federal jurisdiction. In four out of six cases, in a few instances, but the conclusion was in most cases the federal law is not violated. They don't have jurisdiction. They suggested we can have cooperation. We pointed out we don't have any agency at the state or federal level to provide that cooperation. It only takes place in one or two cases. We're trying to argue comparative advantage. We're not saying that it's absolutely impossible ever to have that kind of cooperation. But, when we review the conclusion of the New York Times, "Most states lack any centralized control over law enforcement," and Mr. Hundley tells us that, "Without centralized authority to enforce the criminal laws the state is unable to move in on local enclaves of organized crime." We think we can substantially reduce those jurisdictional barriers which in Detroit, Tampa, and throughout the nation, continue to impair the attack upon organized crime. And, I don't believe the negative team has ever denied the fact that they impair that attack.

Number two, we suggest we can remove political barriers to effective law enforcement. The lady of the negative team read five specific mechanisms. I pointed out most of them aren't available in most of the states. I pointed out the Crime Commission isn't a law enforcement body. All she did was re-read her evidence which said that it exposed a few things - not that it was able to enforce the law. What did we argue? Here, isn't it more advantageous to have an agency at the federal and state level that can move in when these particular mechanisms are unavailable or when they break down? I don't believe she denied the conclusion of the American Bar Association that it would be far superior to have federal and state agency jurisdiction to go in and attack corruption when they're unable to do it on the local level. We claim an advantage there.

Third, and finally, we can remove penal barriers. We're not saying it's illegal to attack this particular organized crime if you have raids and a few convictions. We talked about the major conspiracy case in which a great deal of time and effort is necessary. That cannot be done at the present time because the penalties are too weak to justify it. Mr. Ploscowe said that was the major reason for non-enforcement of the law. We can remove the penal barrier. We think we can emulate the success of the Bureau of Narcotics and have a far more effective attack on organized crime.