

1966

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### Recommended Citation

John Edgar Hoover, Contempt for the Law--The Dagger of National Suicide, 18 S. C. L. Rev. 217 (1966).

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## CONTEMPT FOR THE LAW — THE DAGGER OF NATIONAL SUICIDE

JOHN EDGAR HOOVER\*

Theodore Roosevelt, America's twenty-sixth President, in his Inaugural address of March 4, 1905, talked about the America he so deeply loved: "Never before," he said, "have men tried so vast and formidable an experiment as that of administering the affairs of a continent under the forms of a Democratic republic." Then, with keen insight, he added:

Upon the success of our experiment much depends, not only as regards our own welfare, but as regards the welfare of mankind. If we fail, the cause of free self-government throughout the world will rock to its foundations, and therefore our responsibility is heavy, to ourselves, to the world as it is today, and to the generations yet unborn. There is no good reason why we should fear the future, but there is every reason why we should face it seriously, neither hiding from ourselves the gravity of the problems before us nor fearing to approach these problems with the unbending, unflinching purpose to solve them aright.

In President Roosevelt's words, the time has come that we in 1966 should not hide from ourselves the gravity of a serious problem in our nation today, nor fear to approach it with an unbending, unflinching purpose of solving it.

Frankly speaking, this problem is a growing contempt and disregard for law and order in the United States—a feeling on the part of an increasing number of individuals and groups that citizens need only obey the laws with which they agree. If, for some reason, they believe a law is wrong or unjust, they simply ignore or wilfully disobey it. Such attitudes and actions, if continued and accepted by more citizens, especially our young people, can spell grave disaster to our free society. The ultimate result of a widely accepted and condoned spirit of lawlessness can only be anarchy, nihilism and a growing national temper of discord, mistrust and hostility.

Prominent legal authorities have recognized the malaise of this Trojan horse in our midst. The Honorable Lewis F. Powell, Jr., President of the American Bar Association, for example,

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speaking before the State Bar of Texas, states: "In travelling about the country, talking with lawyers and judges, I find a deepening concern over the deteriorating state of law and order in our country. . . ."<sup>1</sup>

Lawyers, Powell added, are concerned not only with a deepening crime problem but also "about a different aspect of deteriorating law and order. This relates—not to crime as such—but to the growing lack of respect for law and for due process, and the unwillingness of many to resolve differences by established legal means."

This trend of contempt for the law directly and forcefully affects law enforcement—local, state and national—and in recent months has presented serious problems, in the form of riots, demonstrations, mob activity and direct physical attacks against police personnel. In fact, law enforcement is today experiencing one of its most grave testing periods because of this concept of "I am above the law—you can't touch me."

Let's look at some of law enforcement's problems. First, let's allow Colonel Joseph L. Regan, Director, New Hampshire Division of State Police, to speak: "Fear and bewilderment gripped the minds of many families and individuals who had come to Hampton Beach, New Hampshire, on Labor Day weekend, 1964."<sup>2</sup>

But a riot, not an enjoyable weekend, was in store for Hampton Beach. The arrival of large numbers of young people, in a boisterous mood, was the first symptom of trouble. "They made their presence felt further by an outward display of arrogance and profane and insulting chants directed at the police. Among these was 'Let's have a riot.'" Often these chants were accompanied by bongo drums and guitars. On Sunday evening disrespect for the law reached its climax. Colonel Regan tells the story:

An uncontrolled mass of young people, bent on the destruction of property and defiance of the law, vaulted the railing along the beach front, came out of side streets and restaurants, and met en masse on the sands of the beach with its back to the ocean. Following this, there was a spontaneous move at 7:45, when the entire group of between 5,000 and 7,000 split into three groups and came back over the railing.

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1. July, 1965, Fort Worth, Texas.

2. FBI Law Enforcement Bulletin, April, 1965.

The first group ran down 'D' Street, spilling into the parking lot at the rear of the Casino. From there they stormed the local police and fire station.

The frenzied rioters chanted "Kill the cops." "Troopers were faced with bricks, bottles, beer cans filled with sand, rocks, and pieces of plate glass hurled at them from shoulder height." Then the rioters started to throw Molotov cocktails which resulted in several small fires. "Firemen trying to extinguish the blazes were under constant attack by the mob," and one fireman was stabbed in the leg.

Finally, local officers, assisted by reinforcements, restored order. But at what cost! Here are the casualties to the law officers, whose duty it was to enforce the law:

With the sun just starting its climb in the east, the New Hampshire troopers checked their casualties. It was learned that one man had a broken foot, one a knee injury, and another had been hit in the face with a rock, which later resulted in the loss of five teeth and the taking of thirty-one stitches to close his wounds. Of the eighty-six New Hampshire troopers committed to action, seventy-two carried visible marks of the riot.

James S. Kline, Coordinator of Police Training, Governmental Research Center, the University of Kansas, Lawrence, Kansas, tells of another riot<sup>3</sup>—similar to a number of others in recent years:

It has been said that out of all things there comes some good. It is doubtful that anyone in Garnett, Kansas, would have agreed with this statement on the morning of July 7, 1963. This was the morning following a horrible nightmare. Citizens were asking themselves: "How could this terrible thing have happened?" "What has happened to our town?"

Mr. Kline continues:

The finale for the 1963 Lake Garnett sports car races had been an ugly riot in the city square. Thousands of youths who had descended upon the city became involved in this uproar. Some had come to enjoy the races; others had come to spoil them. The net result was that the National Guard had to be called. There was extensive property damage.

3. FBI Law Enforcement Bulletin, October, 1964.

Thirty-one persons were arrested; nearly a hundred persons were treated for injuries; and a police officer was dead of a heart attack.

What was the aftermath?

"The question was asked: 'What good could come of this tragedy?' Possibly, the answer is that it brought about an awakening among Kansas law enforcement officials. The riots and civil disturbances which had been occurring elsewhere in the United States had been nothing more than newspaper copy in Kansas. Most Kansas citizens were fairly secure in the belief that: 'It could not happen here.'

"After the riot in Garnett, things began to happen." Local authorities, Kline explains, sought out reasons why the riot had happened, and what steps could be taken in the future to handle such attacks on law and order.

These episodes can be multiplied many fold—of riots, for example, at the University of California at Berkeley; in Los Angeles; Rochester, New York; Seaside, Oregon; Jersey City, New Jersey; Dixmoor, Illinois (a suburban community outside Chicago); and Philadelphia. In addition, law enforcement has frequently been faced with near-riot situations, where ugly moods, epithets from citizens and bitter hostility have caused great tension and strains.

Today's rising contempt for the law is of deep concern to law enforcement. We must, however, see it in its many-faceted dimensions if we are to appreciate the full magnitude of its danger and the problems it poses for law enforcement.

First of all, crime is still with us—the types of crime we have always faced—but in an ever-increasing crescendo. In fact, crime is increasing six times faster than population. Virtually all categories of offenses are showing increases—both adult and juvenile. In addition to the so-called "aboveground" crimes, such as bank robbery, kidnaping and auto theft, is the whole area of "underworld" crime, involving hoodlums, whose way of life is gambling, gang wars, paid assassination, loan sharking, illicit traffic in narcotics, labor racketeering and contrived bankruptcies. In both "aboveground" and "underworld" crime we meet a cynical disregard of the law, an utter contempt for the rights of others and a complete negation of spiritual values.

In addition, law enforcement is facing still another type of contempt of the law—a contempt which, relatively speaking, is

something new in this country but, like a corrosive acid, has already eaten deep fissures into our body politic. Often unseen and always difficult to handle, it has greatly compounded law enforcement's problems. As one of the most subtle diseases ever to attack this country, students of the law should know more about it. I have reference to a contempt which arises from an ideological base.

Attacks from the ideological enemies of free government, such as communism (and earlier Nazism and Fascism), have left their mark. The communists have spewed hatred and scorn against law enforcement ever since the Party's formation in this country in 1919. The FBI, for example, has been accused of virtually every conceivable thing—"violating civil liberties," "thought control," "brutality" and "blackmailing." For the communists, the consistent slander and defamation of law enforcement (and all legal processes of free government) have a diabolical and long-range purpose: to undermine public confidence in the officer of the law and thereby weaken democratic institutions.

Most unfortunately, a generation of communist attack (not only by the Party but also by a myriad of communist fronts, sympathizers and fellow travellers) has borne productive fruit for the Party. A significant percentage of the current turbulence on campuses, symbolized by the so-called New Left, with its frenzied attacks against American policy in Vietnam, stems from Marxist teachings and philosophy. This is a penalty the nation—and law enforcement—is paying for a generation of poison pellets unleashed by a highly organized, well planned international conspiracy operating inside the United States. We have seen a bitter deracination of American values, a scoffing at democratic traditions, a deriding of patriotism. We see, for example, such extremist acts as attempting to block railroad tracks, lying down at busy intersections and crudely sprawling in the offices of government officials. The destruction of draft cards and offering to counsel on how to avoid military service are serious acts. Often these excesses rest on moods of unrestrained individualism and an arrogant and false belief that laws are specifically designed to "impede" the solution of social and economic problems. Flagrant beatnik-style nonconformism in dress and speech, including the use of obscene language, is a feature of this type of contempt of the law.

Of serious concern to law enforcement is the strong effort by some to morally justify civil disobedience. Proponents of this

theory assert that civil disobedience is justifiable if the acts are open, not violent and respectful of the rights of others and have for a purpose the focusing of attention on significant moral issues of the day. This is a dangerous doctrine. Such a position, in essence, asserts that the answers to the problems confronting society should be found, not in legitimate legal procedures, but on the streets, behind the barricades and even in riots! If every group or individual who thought he had a morally justifiable cause were to (pursuant to this doctrine) commit civil disobedience, what would happen to our system of government?

In America, we have the right of dissent—that is the very heart of our way of life. A citizen must have the right, if he chooses to speak his mind, to criticize, and to express what he believes. But this does not mean the license to arbitrarily violate the law for a purpose which he and his associates certify as “right”. Specific actions which may start out as peaceful and respectful of the rights of others can very easily—and events have so proved—turn into episodes of violence where great injury has occurred, sometimes to innocent people. If laws seem unjust, the citizen should not endeavor to take the law into his own hands, or encourage violation of the law to redress what he feels is wrong, but should take steps to have the laws changed through established constitutional procedures.

In a democracy patience is a primary discipline for the citizen—along with mutual trust and tolerance for his fellow citizen. Far too often the orderly processes of government are disrupted by excessive emotion, impatience and dreams of individual martyrdom in an alleged noble cause.

In 1787, Benjamin Franklin spoke in favor of ratifying the proposed Constitution for the thirteen states:

I doubt, too, whether any other convention we can obtain may be able to make a better constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests and their selfish views. From such an assembly can a perfect production be expected?

A vital key of democratic government is a striving for the common good through the orderly process of law. If each person (or group) acts independently of the law, using Mr. Franklin’s words, for his own “prejudices,” “passions” and “local interests,”

only chaos can result. What is today mandatory are a steadfast reliance on the integrity of our legal system and a recognition by our citizens of the majesty of the law. Far too many Americans have forgotten that we are a nation of laws, not of men. They put their faith, hope and dreams in the actions of a leader or a group rather than due process of law. What is the essence of the American "experiment," as President Roosevelt described this nation? It is the law—a thread of light emerging from the dark years of history embodying the experiences of men and women seeking to find how they can best live in justice and harmony one with another.

Harry Gold, the atomic spy of World War II, is an example of what can happen if the citizen attempts to take the law into his own hands to achieve what he believes is moral and good: "Somewhere in me through the years, I got a basic disrespect . . . I felt I could ignore authority. I was cocksure. . . ." Gold said he felt a "genuine sympathy" for the Russian people. Here was the moral justification he gave himself to violate the law, to steal confidential information and turn it over to representatives of a foreign power, the Soviet Union.

Unfortunately, the mood of civil disobedience—of contempt for the law—makes its adherents particularly vulnerable to exploitation by highly trained, purposive and well organized subversive groups. This has occurred, for example, in the recent turbulence on college campuses and elsewhere protesting American policy in Vietnam. Both the pro-Moscow communists, through the Communist Party, U.S.A., and the W.E.B. DuBois Clubs (youth group spawned by the Party), and the pro-Red Chinese groups, such as the Progressive Labor Party and the May 2 Movement, have been intently active in these demonstrations. They seek in every possible way to influence, exploit and dominate the social unrest of the New Left.

These subversive elements, acting through disciplined procedures, have cynically exploited the idealism and personal dedication of many of the movement's participants. In typical communist style, they have "moved in," taking advantage of the moods of discontent and unrest, youthful resentment against what is called the "Establishment" and "authority," and scorn for law and order. This is the grim harvest we are reaping today from the savage negation of American values in some circles which has been under way for a number of years.



Law enforcement is today keenly conscious of its many-faceted and rapidly growing responsibilities. This is an age of change, challenge and conflict—and law enforcement knows it. “Police administrators,” wrote one top police executive, “must be aware that law enforcement agencies are presently in the most critical, crucial, and abstruse era of modern American history. The entire social structure is changing from day to day. In most of our communities, where social and economic changes have taken place, you will find a restless, moving, ever-growing population which results in new tensions, new conflicts, and new demands for police service.”<sup>4</sup>

There are still many problems—poor salaries, lack of personnel, insufficient public support and understanding. Many state criminal codes enacted, for example, under vastly different economic, political and social conditions, deny law enforcement the proper tools to adequately do its job. In recent years in the criminal law there has been a trend of restricting the powers of the police.

Yet, law enforcement can—and is—overcoming these problems. It is each day rendering a more effective protection of the rights, lives and property of the citizenry.<sup>5</sup> Law enforcement is an honored profession, attracting men and women of the highest quality. Greater training is being given,<sup>6</sup> utilizing the latest techniques of science. Police administration has improved.

In our mid-twentieth century society, with its changes and tensions, law enforcement is on its way to meeting the new challenges. But its ultimate success depends on one aspect of our national life which, despite the advent of the space age, the miracles of science, the triumph of the jet, never must change—

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4. Colonel E. Wilson Purdy, Commissioner, Pennsylvania State Police, FBI Law Enforcement Bulletin, June, 1965.

5. “[The] cases suggest that in recent years law enforcement officials have become increasingly aware of the burden which they share, along with our courts, in protecting fundamental rights of our citizenry, including that portion of our citizenry suspected of crime.” *Spano v. New York*, 360 U.S. 315 (1959) (Warren, C. J.).

6. South Carolina is instituting a police training program utilizing closed-circuit facilities of the South Carolina Educational Television Network. It is being promoted by Chief J. Preston Strom, South Carolina Law Enforcement Division, who is a graduate of the FBI National Academy, and has the backing of the principal law enforcement groups and associations in the State. Such a program makes it possible for instruction in basic police subjects to be telecast to some 210 public schools in South Carolina having the television facilities for the benefit of small and large departments, personnel of which may go to the school nearest them having a TV receiver. This is a most worthy training endeavor and indicative of the progress law enforcement is making. The FBI plans to participate in this program.

and that is *respect for the law*. This is the rock of permanency which must remain as the keystone if our government is to survive as a free nation.

As students of the law, attorneys, judges, citizens and readers of the *South Carolina Law Review*, we must be personally concerned with this cornerstone. In all my years as Director of the FBI I have never seen such variety, intensity and violence of attacks against this cornerstone. Not only the criminal and the communist, but hatemongers and bigots, such as the Ku Klux Klan, preach a doctrine of intolerance, hatred and scorn. Pseudo-liberals of the extreme left as well as the misguided zealots of the ultra right dance in frenzy around this cornerstone, seeking to push it one way or another. All kinds of "explanations" and "apologies" are being set forth to justify such actions.

At the same time, the failure of far too many "good" people to perform their duties as citizens abets this contempt. Time after time law enforcement meets what might be called the disease of "noninvolvement"—of citizens simply not wanting to become involved! It's the philosophy of "let George do it!" Some refuse to report vital information in their possession about illegal behavior; others will not testify or seek to avoid service on a jury. Not long ago national publicity was given to a case in New York City where some thirty-seven individuals admitted they had witnessed repeated assaults on a murder victim—and not even in the safety of their own apartments would they call the police! In another instance, a young newspaperman in a Western city, posing as a "drunk", sprawled across a downtown sidewalk during the rush hour with his feet dangling in the street. What would happen? The answer came quickly:

No one went out of his way except to avoid me; no one stopped except to stare at me. I guess the Good Samaritan concept is dead.

Theodore Roosevelt, in his 1905 Inaugural address, also spoke these words:

Much has been given us, and much will rightfully be expected from us. We have duties to others and duties to ourselves; and we can shirk neither.

Only in this way—faithfulness to our democratic heritage, a rededication to the majesty of the law—can this "experiment" of free government survive.