The criminal justice system fails on all counts. It does not protect individuals from crime; it enhances community ideals. whereas the perp's perpetration; it is frequently punished by the guilty.

The foundation of American justice is that it is better to let guilty men go free, than to convict one innocent man. The majority of the evidence supports the cause, even if a reasonable doubt remains.

Selling more people to jail would add deterrence and limit crime until the convict returned to the streets. It does not address the costs mentioned above, nor society's frustration.

Perhaps it is time to demand our humanity slightly in search of greater security. Why not create two levels of guilt: "preponderance of evidence" and "unquestionable." Defendants in all cases where there was death or threat of death would be liable to a finding of unquestionable guilt on the testimony of two eyewitnesses. The penalty would be death.

It would be a very simple rule: if there is no question about your guilt in a violent crime, you die. If you kill or threaten someone with death, you surrender your right to live.

The defendant could make one automatic appeal within 30 days direct to the Supreme Court. If the appeal was denied, he would be executed immediately.

Television news should be able to cover the appeal. They should now, to satisfy society's desire for revenge and to aid people in making informed choices about capital punishment as public policy.

This policy would have nothing to do with deterrence. It represents the change in society's values. If it seems too strong a response, let it be that two unquestionable convictions would merit the death penalty.

In any event, such a policy would remove and punish criminals, without jeopardizing innocent people or those whose guilt was in any doubt. We'll be able to judge, let us at least be efficient.

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The costs attendant to an autocratic society still outweigh current ones. Injury to "innocent bystanders" is no more excusable a club of fiction writers. Gooz could easily have shot one of the other passengers, and even asked any women if he had accidentally hit her.

Some reactionaries blame the rise in crime to judicial coddling of criminals. They point to the reforms created by the Supreme Court during Chief Justice Earl Warren's tenure as the primary reason.

The reform that most rakes the law and order crowd is the exclusionary rule deriving from the Fourth Amendment's stricture on illegal searches and seizures. The penalty for a law enforcement violation of this prohibition is removal of the evidence seized. The prosecutor may not use the "tainted fruits" of an illegal search against a defendant, with the result that a guilty man may go free.

Unlinking the police is the last resort. Police officers are usually ignorant, self-aggrandizing brutes, heavily armed and heavily paranoid. MIT's own Campus Police are an exception to this rule.

Think about it: Would you want your brother or sister to become a cop? With whom would you rather spend an evening, a policeman or a drug dealer? Who do you think would be quicker to search your belongings, unilaterally restrict your movement or beat you until he got what he wanted? Law enforcement groups have an agenda of putting people in jail and are intrinsically above violating constitutional rights to achieve that agenda.

The legislature and judiciary are only a slightly better areas for improving law enforcement. When dangerous vigilantes and police officers. The drawback to tighter sentencing and parole is the cost. Building prisons, maintaining them and supporting prisoners exacts a hefty toll from the taxpayers.

That investment may be a wise one and represents the only solution both effective and likely. Another method is worth considering, though: revamping the present of criminal law to favor prosecution.

To convict, a 12-person jury must unanimously believe beyond a reasonable doubt that a defendant committed a crime. An obvious alteration would be to allow either a two-thirds or simple majority to convict.

Reducing the degree of guilt is also a option. Barring in civil cases find guilt or innocence based on a "preponderance of the evidence," i.e. the side that the majority of the evidence supports wins the case, even if a reasonable doubt remains.

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Second of two parts

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opinion

Columns/Robert E. Malchman

Time to fight street crime by trading humanity for security

Rules for The Tech's essay contest:

- Topic: MIT in the next century
- Eligibility: Any member of the MIT community (except members of The Tech staff) may submit an entry. One entry per person is allowed.
- Specifications: Entries must be between 500 and 1000 words long and must be typed, double-spaced, on 8½-by-11 inch paper.
- Publication: Entries must not have been published elsewhere. The Tech reserves all publication rights to entries. All submissions become property of The Tech and will not be returned.
- Deadline: Submissions must be received by 5 pm, March 2, 1985.

Gift certificates from the Harvard Cooperative Society will be awarded as prizes.

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