

COMMENT

The dilemma federal trial judges face today recalls Socrates' struggle to reconcile a wrong done the individual citizen under the law of the state. Most federal trial judges in criminal cases today are forced by the law to impose sentences which too often are grossly unfair, given the individual circumstances of the particular offender. Their judicial experience and knowledge of the individual's background tell them this, but the law mandates an unfair result. The defendant is free to protest but those charged with the duty to enforce the law find this no solution. Some judges, a few, have chosen to resign rather than perpetuate the tyranny imposed under current legislated formulae. But this is no solution. Their place in the present circumstances of this republic will be taken, in all probability, by judges of less conscience and experience. As in so many matters of public consequence, and this is but one, the willingness and ability of the press to make the effort to focus the issue for public discussion must be approached. Public attitudes are hostile. But constitutional values are eroding and we are saddling our urban generation with broken homes, increasing welfare rolls, and enormous expense, without making any appreciable deterrent of the crime rate. One only has to read the situation outlined in the Fatal Shore to learn that when England faced comparable concerns, resort to Draconian sentencing was self-defeating. We must question our legislative premises more sharply and turn down a different road.

G.A.G.