

# 'Numbers' - Its Nature, Cause, Cure

By John Lawrence Monroe

"The law," said Mr. Bumble in "Oliver Twist," "is a ass, a idiot."

Nowhere is this more amply demonstrated than in the trials of James J. Hines in New York City. I do not refer to the legal technicality upon which Justice Pecora ruled a mistrial at a most inauspicious time for the gubernatorial ambitions of District Attorney Thomas E. Dewey, or to the other judicial comedy with which the fracas abounded. I go back to the laws against gambling which Hines is accused of having conspired to violate.

Laws passed against human acts which are not innately criminal invite violation. Attempts to circumvent these laws make "protection" a purchasable privilege. Violators who do not pay politicians for "protection" are prosecuted and stopped. Those who do pay enjoy a monopoly of the illegal practices. Thus, supposed vices legislated against are themselves not checked and a new and worse social vice is born—political corruption and the crippling of all law enforcement. Laws against vice breed racketeers.

The "numbers" racket is an excellent demonstration. According to Dewey's opening statement to the jury during the first trial, policy (on "numbers") was but a small game in the 1920's. It was played largely among the poorer classes of the city, being made up of penny, two-cent, nickel and dime bets.

"In the summer of 1931," Dewey related, "Dutch Schultz decided to make policy a racket."

Now, Dutch Schultz was the product of another attempt by law to regulate the morals of the people. He had been a bootlegger. To make these small gambling games into a racket, he used his proven strong-arm methods—gunmen, guerrillas, beatings and murder. But these methods were only incidental to the power of the law which he invoked.

A raid upon one of the "banks" was an expensive business. By Dutch Schultz's collusion with public officials, "banks" raided would

have their cases dismissed. Those not in with the gang, not paying for protection, would not have their cases dismissed. Consequently the only safe places with which to bet were those afforded political protection. This was a tremendous monopoly advantage to the racketeer.

Hines was the man who made this great lottery racket possible, by his political protection, Dewey charged. But what Dewey did not reveal was that by putting anti-gambling laws on the statute books the people had given Hines an extra-legal privilege to sell. "Protection" is a vendable value created by law. Schultz and his mobsters would, except for these laws, be nothing but thugs and murderers and subject to punishment. Without privileged protection they would, as professional gamblers, have to meet the competition of other professional gamblers seeking to serve the gambling public.

Laws against practices not popularly recognized as wrongs are at best fraught with danger. "The wise know," said Emerson, "that the state must follow and not lead the character and progress of the citizen." That the petty gambling of "numbers" is not regarded as morally wrong is evidenced by the thousands of people in all walks of life who play. Dewey himself referred to "the hundreds of thousands or millions of players." Millions engaged in a wrongful practice do not make it right. But can the question of individuals' gambling their earnings among themselves be a legitimate concern of government? Are not laws against gambling violations of the right of men to dispose of their products as they see fit, provided they do not infringe upon the equal rights of others? The right to err is as essential to progress as it is to freedom.

To end the evils of political corruption that grow out of the "numbers" racket there is one universally applicable method: Repeal the laws against gambling. Such repeal would not stop gambling but it would stop the exploitation, by law-creat-

ed leaches, of the innocent folks who desire to wager their earnings. So long as poverty persists the poor will doubtless risk their little on the chance they may win, even if the odds are prohibitively against them. A few pennies dropped into the jack-pot will never be missed, and "I can dream, can't I?"

Without laws against gambling, any person could gamble to his heart's content without interference of law enforcement agencies. People who do not wish to be under no compulsion to gamble. Professionals who provide the mechanisms for others to gamble would be free to do so. They would be paid for their services in this uneconomic field by those who desired their services. Some individuals would lose their bets; others would gain. But corruption of government would not be invited. With no law against gambling, the would-be racketeer would have to resort to illegal strong-arm methods. And he could be dealt with according to his acts. He could not use the law as a lever to advance his own ends. He could not buy legal immunity while the law was being enforced against non-protected individuals.

Not all forms of gambling, of course, are of the non-economic, non-social character of "numbers" betting. This kind of betting is but one expression, and a minor one, of that larger spirit of speculation which animates all people "whose desires are never satisfied" and "who seek to gratify their desires with the least effort."

Essentially there are three modes of gambling or speculation:

1. Games of pure chance or skill as between individuals. Playing marbles "for keeps," poker, horse racing, and other forms of gambling for the pleasure of the gamblers and profit of some of them, merely reassorts existing wealth among the participants. It neither increases nor decreases the amount of wealth in existence, except as there may be some expense attached to carrying on the games—the "cut of the house."

2. Speculation in the products of labor—buying or selling with expectation of profiting by a rise or fall in price. Gambling, or speculation, in a product of labor can have no ill economic effects over a period of time, since any orgy of speculation that would make prices soar, or create a corner, is checked by the increased production of that product, or the lessening of its use. The tendency of speculation in labor products is always to stimulate production, and to bring producers together in the readier exchange of their products.

3. Speculation in land sites and natural resources. This is gambling of a different stripe. There is no check to the speculative advance of rent except as labor and capital lessen production, thus lessening the demand for land. This means depression, unemployment, poverty. When a land speculator loses, the winner is another land speculator—as, for instance, the bank which forecloses on the mortgage. When the land speculator wins, the public loses, for his winnings represents the higher rent-tribute we must pay him for the privilege of working.

In fact, it is the result of this last form of gambling—poverty—which is at bottom the primary cause of the chances taken by poor people with their meagre earnings. The despair of ever getting above their condition of economic slavery prompts them to risk their much-needed pennies on what they know to be a fraudulent game. The hope that they may win the golden pot—as somebody in their midst did last week—blinds them to every reasonable argument. Maybe—