

Real World Graduation: Question 59: Witness Protection

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Question 59

One evening, a local tavern was invaded by a large number of motorcycle gang members. Their main mission was to intimidate the bar owner over some previous incident, but some of the members of the gang decided to have a little "fun" and assault the customers, including people who had no stake in the previous incident, and were only having a few beers after work. Some of the bar patrons were injured seriously enough to require hospitalization. The police were called, and they were able to make a few arrests, although most of the gang members dispersed before the police came.

Because so many innocent people were injured, the case became a local sensation. Usually the gang members were able to buy off certain officials to reduce charges, but were unable to do so in this case because of public outrage at the scale and severity of the attack. As the prosecutor was preparing his case against the gang members who had been arrested, a reliable informant reported that the other members of the gang intended to kill anyone they believed would testify against the defendants. This particular gang operated nation-wide according to a strict organized crime discipline. They had a long-established reputation for carrying out their threats; they have promised "to finish the job" if any of the victims testify. But there is little chance of a conviction if the victims do not testify. The prosecutor was faced with a choice of: a) dropping the cases; b) watering the charges down to a laughable set of misdemeanors, or c) proceeding with the case, and offering each of the victims entry into the Witness Protection Program. The victims are asked to consider the third prosecutorial option. What are the benefits of the Witness Protection Program for the victims who testify?

- a) They are given a new identity.
- b) They are relocated out of the area.
- c) They receive protection at public expense.
- d) They receive monthly payments in return for standing up to the criminals in the interest of justice.
- e) All of the above.

Answer to Question 59

This is a trick question. All of the answers are false.

Answers c) and d) do not actually occur, and are patently false.

Although a) and b) actually occur, they are not "benefits" to the Witness Protection Program. The Witness Protection program was set up to provide aid, comfort, and protection to professional criminals who wished to avoid a long prison sentence by testifying against their fellow gang members (known as "turning state's evidence"). An innocent person who enters the program has to give up everything: their good name, home, friends, family, job, and church. They lose nearly everything that matters to regular people. Admittedly, these are not quite so problematic for professional criminals, since they do not have a good name, friends, a job, or a church. At least the professional criminal stays alive to commit some more crimes when the heat dies down. But for a regular person, there is no "benefit" to the Witness Protection Program. In this particular case, since the gang operates nationwide, most likely with moles in local police departments, a victim who enters the program would always have to be careful, looking over his shoulder as if he were the criminal. It is actually worse than that: if you do testify, you will most likely be prohibited from owning a gun to protect yourself after entering the program.

What should you do if you become a victim of organized crime and are faced with a choice of either refusing to testify or entering Witness Protection? You should refuse to testify. Why should you be penalized the rest of your life for the government's failure? It is bad enough that you were victimized the first time. The prosecutor will certainly have contempt for you, and may even call you a coward, especially if the case is sensational enough to have earned him a chance to run for Governor. Don't worry - he'll get over it.

How is organized crime the government's failure? Because most organized crime is based on providing goods that are prohibited or inordinately taxed. Common examples include the importation and distribution of alcohol during Prohibition, and importing and distributing illegal narcotics at the present time (drug prohibition began in 1919). With cigarette taxes rising so high, we may in the future hear of "tobacco cartel kingpins" who smuggle in cigarettes and sell them for only \$6.00 per pack. Another case where organized crime represents governmental failure is through passive aiding and abetting of organized criminal activity. The prime example is J. Edgar Hoover. As the first director of the FBI and the one of the nation's top law-enforcement officers, he spent nearly four decades (1930's to 1970's) denying the existence of the Italian mafia. It came to power during Prohibition, at the same time J. Edgar Hoover came to power. It seems like J. Edgar Hoover was either the nation's highest ranking pathologically incompetent law enforcement ignoramus, or was on the mafia's payroll. I guess we'll never know.