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# ACKNOWLEDGEMENTS

THANK YOU PRESIDENT BREWSTER

DEAN GOLDSTEIN

GOVERNOR GRASSO

JUSTICE STEWARD

JUSTICE  WHITE

MEMBERS OF CONGRESS (SEN HART, REPS

SECRETARY HILLS

MAYOR GUIDA

GIAIMO, MOFFETT  
AND DODD)

FELLOW ALUMNI, STUDENTS

AND GUESTS OF YALE LAW SCHOOL

REMARKS TO THE YALE LAW SCHOOL

FRIDAY, APRIL 25, 1975

IT IS A GREAT PLEASURE -- AND A GREAT HONOR --

TO BE HERE AT THE YALE LAW SCHOOL'S SESQUICENTENNIAL

CONVOCATION. AND I DEFY ANYONE TO SAY THAT AND CHEW

GUM AT THE SAME TIME!

EVERYTIME I COME BACK TO YALE, I FIND MYSELF  
ALMOST OVERWHELMED BY NOSTALGIA. IT HAS BEEN SO LONG  
AND SO MUCH HAS HAPPENED, SINCE I FIRST GOT OFF THE TRAIN  
AT NEW HAVEN STATION IN 1935. FOR THE FIRST SEVERAL YEARS,  
I WAS AN ASSISTANT FOOTBALL COACH, BUT DURING THAT PERIOD  
I DECIDED AGAINST A CAREER IN ATHLETICS AND SET AS MY GOAL  
A DEGREE IN LAW.

AT THAT TIME, ONE OF THE ENTRANCE REQUIREMENTS  
TO THE YALE LAW SCHOOL WAS A PERSONAL INTERVIEW WITH THREE  
DISTINGUISHED MEMBERS OF THE FACULTY. IN MY CASE, ONE  
OF THEM WAS PROFESSOR MYRES MCDUGAL -- WHO I'M  
DELIGHTED TO SEE IS WITH US TONIGHT.

YOU MIGHT BE INTERESTED TO KNOW THAT PROFESSOR

McDOUGAL, IN REMARKS GIVEN TO THE YALE LAW SCHOOL ASSOCIATION

IN WASHINGTON LAST YEAR, MENTIONED THE FACT THAT HE STILL HAD

HIS NOTES FROM THIS INTERVIEW. HE SAID THAT UNDER THE

APPROPRIATE HEADINGS THERE WERE ENTRIES LIKE: GOOD-LOOKING,

WELL-DRESSED, PLENTY OF POISE, PERSONALITY EXCELLENT.

THEN, UNDER ANOTHER HEADING, INFORMATIONAL BACKGROUND, --- --

"NOT TOO GOOD."

WELL, WHAT PROFESSOR McDOUGAL DOESN'T KNOW,  
IS THAT WHILE HE WAS KEEPING NOTES ON ME -- I WAS KEEPING NOTES  
ON HIM. AND BY COINCIDENCE, I JUST HAPPEN TO HAVE THEM  
WITH ME TONIGHT. UNDER THE APPROPRIATE HEADINGS I FIND  
ENTRIES LIKE: GOOD LOOKING, WELL-DRESSED, PLENTY OF POISE,  
PERSONALITY EXCELLENT. THEN, UNDER ANOTHER HEADING,  
INFORMATIONAL BACKGROUND ABOUT FOOTBALL -- "NOT TOO GOOD."



AS I REMEMBER IT, THE ONLY BENCHWARMER

PROFESSOR McDOUGAL TOOK AN INTEREST IN WAS OLIVER

WENDELL HOLMES.

I WON'T GO INTO ANY MORE DETAILS ABOUT THAT

INTERVIEW. SUFFICE IT TO SAY THAT PROFESSOR McDOUGAL

WAS SO EXTRAORDINARILY IMPRESSED WITH MY CAPABILITIES

AND SO CAUGHT UP BY THE VISION OF MY POTENTIALITIES --

IN A WHIRLWIND OF ENTHUSIASM HE WROTE: "I SEE NO

REASON WHY WE SHOULD NOT TAKE HIM."

MY BIGGEST PROBLEM THEN WAS CONVINCING THE

SCHOOL I COULD CONTINUE A FULL-TIME JOB AS ASSISTANT

COACH AND STILL CARRY ~~CLOSE TO~~ A FULL SCHEDULE IN LAW

SCHOOL. FORTUNATELY, I WAS ABLE TO CONVINCING THEM ---

AND I HAVE ALWAYS BEEN VERY GRATEFUL FOR THE HELP AND

ENCOURAGEMENT I CONSISTENTLY RECEIVED FROM SUCH GREAT EDUCATORS

AS GENE ROSTOW, THURMAN ARNOLD, JIMMY JAMES, HARRY SHULMAN

AND IN PARTICULAR, MYRES McDOUGAL.

MYRES, ALL I CAN SAY IS, MAY YOUR RETIREMENT  
PROVIDE YOU WITH THE SAME RICHES OF FULFILLMENT AND  
SATISFACTION -- YOUR CAREER HAS ALREADY BROUGHT TO THE  
STUDENTS OF YALE.

MAY GOD GO WITH YOU.

OBVIOUSLY, A LOT HAS HAPPENED TO ME SINCE

I LEFT YALE IN 1941.

I PRACTICED LAW;

I JOINED THE NAVY;

I WAS ELECTED TO THE CONGRESS;

I BECAME MINORITY LEADER

OF THE HOUSE; THEN VICE PRESIDENT OF THE UNITED STATES; AND

NOW PRESIDENT OF THE UNITED STATES.

BUT NO MATTER HOW FAR

I HAVE TRAVELLED -- SOMETHING FROM YALE HAS ALWAYS FOLLOWED

ME. AND I'M NOT JUST REFERRING TO THOSE LETTERS FROM THE

ALUMNI FUND.....

BUT SOMETHING VERY SPECIAL. SOMETHING THAT

ADDS TO OUR CHARACTER; SOMETHING THAT CLINGS TO OUR

CHARACTER; AND IN TIME, SOMETHING THAT BECOMES OUR

CHARACTER. IT'S RATHER HARD TO PUT FEELINGS INTO WORDS --

BUT THE MOTTO OF OUR SCHOOL IS: FOR GOD, FOR COUNTRY, AND

FOR YALE. *I think* THAT SAYS IT ALL.

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THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THIS  
LAW SCHOOL -- ONE OF THE GREAT INSTITUTIONS OF THE WORLD  
FOR THE STUDY OF LAW -- SUGGESTS BETTER THAN I CAN THE  
SUBJECT FOR MY REMARKS TONIGHT. ON MAY FIRST, WE  
CELEBRATE LAW DAY. MOST OF YOU IN THIS AUDIENCE HAVE  
DEVOTED YOUR ACADEMIC YEARS AND A GOOD PART OF YOUR LIVES  
TO THE DEVELOPMENT AND THE PROMULGATION OF THE LAW.

TODAY -- AS PRESIDENT OF OUR NATION -- I SENSE,

AND I THINK THE AMERICAN PEOPLE SENSE, THAT WE ARE FACING

A BASIC AND SERIOUS PROBLEM OF DISREGARD OF THE LAW.

I WANT TO TALK WITH YOU TONIGHT ABOUT LAW, AND THE SPIRIT

OF ABIDING BY THE LAW.



I ASK YOU TO THINK ALONG WITH ME ABOUT THE

CONCERN OF SO MANY AMERICANS ABOUT THE PROBLEM OF CRIME.

LET US START WITH THE GREAT PREAMBLE OF OUR CONSTITUTION

WHICH SEEKS " TO INSURE DOMESTIC TRANQUILITY."

HAVE WE ACHIEVED ON OUR STREETS AND IN OUR HOMES THAT SENSE

OF DOMESTIC TRANQUILITY SO ESSENTIAL TO THE PURSUIT OF

HAPPINESS?

WITH THE LAUNCHING OF OUR BICENTENNIAL YEAR, IT HAS  
BEEN ARGUED THAT THE AMERICAN REVOLUTION WAS THE MOST  
SUCCESSFUL IN HISTORY BECAUSE THE PRINCIPLES OF THE  
REVOLUTION -- LIBERTY AND EQUALITY UNDER THE LAW --  
BECAME THE FUNCTIONING CONSTITUTIONAL PRINCIPLES OF OUR  
GOVERNMENT.

THE FOUNDING FATHERS GOVERNED WELL AND PRUDENTLY,

WITH RESTRAINT AND RESPECT FOR JUSTICE AND LAW. THERE

WAS NO REIGN OF TERROR, | NO REPRESSION, | NO DICTATORSHIP,

THE INSTITUTIONS THEY FOUNDED HAVE BEEN DURABLE AND

EFFECTIVE.

BECAUSE OF ALL THIS, WE TEND TO THINK OF THEM NOW

AS RESPECTABLE AND CONSERVATIVE. BUT THE FACT IS THAT

OURS REMAINS THE GREAT REVOLUTION OF MODERN WORLD HISTORY.

AND WE SHOULD BE PROUD OF IT !

A LEADING FEATURE OF THE AMERICAN REVOLUTION WAS ITS

DEVOTION TO JUSTICE UNDER LAW.      ONCE ONE GETS PAST

THOSE TWO GLORIOUS OPENING PARAGRAPHS, THE DECLARATION OF

INDEPENDENCE READS VERY MUCH LIKE A LEGAL BRIEF.

THE ARGUMENT WAS MADE THAT SOJND GOVERNMENT

AND JUST LAWS HAD TO BE RESTORED TO THE LAND. THE THEME

WAS THAT INDEPENDENCE WAS NEEDED TO RESTORE A REPRESENTATIVE

GOVERNMENT OF LAWS IN ORDER TO SECURE LIBERTY.

OUR REVOLUTIONARY LEADERS HEEDED JOHN LOCKE'S

TEACHING: "WHERE THERE IS NO LAW, THERE IS NO FREEDOM."

LAW MAKES HUMAN SOCIETY POSSIBLE. IT PLEDGES

SAFETY TO EVERY MEMBER, SO THAT THE COMPANY OF FELLOW

HUMAN BEINGS CAN BE A BLESSING INSTEAD OF A THREAT.

WHERE LAW EXISTS, AND IS RESPECTED, AND IS FAIRLY

ENFORCED, TRUST REPLACES FEAR.

DO WE PROVIDE THAT DOMESTIC TRANQUILITY WHICH THE  
CONSTITUTION SEEKS ? IF WE TAKE THE CRIME RATES AS  
AN INDICATION, THE ANSWER HAS TO BE "NO."

THE NUMBER OF VIOLENT CRIMES RISES STEADILY.  
AND WE HAVE RECENTLY SUFFERED THE NATIONAL DISGRACE OF  
LAWBREAKING IN HIGH PLACES.



VIOLENT CRIMES, ON OUR STREETS AND IN OUR

HOMES MAKE FEAR PERVASIVE. THEY STRIKE AT THE VERY

ROOTS OF COMMUNITY LIFE. THEY SEVER THE BONDS THAT LINK

US AS FELLOW CITIZENS. THEY MAKE CITIZENS FEAR EACH

OTHER.

CRIME IN HIGH PLACES -- WHETHER IN THE FEDERAL  
GOVERNMENT, \ STATE GOVERNMENTS, LOCAL GOVERNMENTS, OR IN  
BUSINESS AND ORGANIZED LABOR -- SETS AN EXAMPLE THAT MAKES  
IT ALL THE MORE DIFFICULT TO FOSTER A LAW-ABIDING SPIRIT  
AMONG ORDINARY CITIZENS.

WHEN WE TALK ABOUT OBEYING THE LAW, WE THINK

OF POLICE AND COURTS AND PRISONS AND THE WHOLE APPARATUS OF THE

LAW-ENFORCEMENT PROCESS. BUT THE TRUTH IS THAT MOST OF

US OBEY THE LAW BECAUSE WE BELIEVE THAT COMPLIANCE IS THE RIGHT

THING TO DO -- AND NOT BECAUSE THE POLICE MAY BE WATCHING.

AS FAR AS LAW VIOLATIONS IN HIGH PLACES ARE CONCERNED,  
LET ME STRESS THIS POINT: IN MY ADMINISTRATION, I HAVE MADE IT  
A MATTER OF THE HIGHEST PRIORITY TO RESTORE TO THE EXECUTIVE BRANCH  
DECENCY, HONESTY, AND ADHERENCE TO THE LAW AT ALL LEVELS,  
THIS HAS BEEN DONE. IT WILL CONTINUE TO BE.

I URGE THE SAME EFFORT AND THE SAME DEDICATION  
IN STATE GOVERNMENTS, WHERE RECENTLY THERE HAVE BEEN TOO MANY  
SCANDALS. I URGE THE SAME STANDARDS IN LOCAL GOVERNMENTS.  
AND ALSO IN INDUSTRY AND LABOR. THERE IS NO WAY TO INCULCATE  
IN SOCIETY THE SPIRIT OF LAW IF SOCIETY'S LEADERS ARE NOT  
SCRUPULOUSLY LAW-ABIDING.

WE HAVE SEEN HOW LAW-BREAKING BY OFFICIALS CAN BE  
STOPPED BY THE PROPER FUNCTIONING OF OUR BASIC INSTITUTIONS --  
EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES.

BUT AMERICA HAS BEEN FAR FROM SUCCESSFUL IN DEALING WITH THE SORT  
OF CRIME THAT OBSESSES AMERICA DAY AND NIGHT -- I MEAN STREET  
CRIME, CRIME THAT INVADES OUR NEIGHBORHOODS AND OUR HOMES --  
MURDERS, ROBBERIES, RAPES, MUGGINGS, HOLD-UPS, BREAK-INS --  
THE KIND OF BRUTAL VIOLENCE THAT MAKES US FEARFUL OF STANGERS AND  
AFRAID TO GO OUT AT NIGHT.

IN THINKING ABOUT THIS PROBLEM, I DO NOT SEEK  
VINDICTIVE PUNISHMENT OF THE CRIMINAL BUT PROTECTION OF THE  
INNOCENT VICTIM.      THE VICTIMS ARE MY PRIMARY CONCERN.  
THAT IS WHY I DO NOT TALK ABOUT LAW AND ORDER AND WHY I RETURN  
TO THE CONSTITUTIONAL PHRASE -- INSURING DOMESTIC TRANQUILITY.

THE OVERWHELMING MAJORITY OF AMERICANS OBEY THE  
LAW WILLINGLY, AND WITHOUT COERCION. BUT EVEN THE MOST  
LAW-ABIDING AMONG US ARE STILL HUMAN. AND SO IT MAKES  
ORDINARY COMMON SENSE, THAT WE PROMULGATE RULES, AND THAT  
THERE BE ENFORCEMENT OF RULES, TO BUTTRESS THE NORMAL INCLINATION  
OF MOST PEOPLE TO OBEY THE RULES.



AS JAMES MADISON ASKED IN THE FEDERALIST:

"BUT WHAT IS GOVERNMENT ITSELF BUT THE GREATEST OF ALL REFLECTIONS  
ON HUMAN NATURE?" "IF MEN WERE ANGELS," SAID MADISON,

"NO GOVERNMENT WOULD BE NECESSARY."

SINCE MEN -- AND WOMEN -- ARE NOT ANGELS,

WE MUST HAVE THE APPARATUS OF LAW ENFORCEMENT.

THOSE WHO PREY ON OTHERS, ESPECIALLY BY VIOLENCE,  
ARE VERY FEW IN NUMBER.      A SMALL PERCENTAGE OF THE WHOLE  
POPULATION ACCOUNTS FOR A VERY LARGE PROPORTION OF THE VICIOUS  
CRIMES COMMITTED.      FOR EXAMPLE, IN ONE STUDY OF NEARLY  
TEN THOUSAND MALES BORN IN 1945, IT WAS FOUND THAT ONLY  
 $6\%$  SIX PERCENT OF THEM  $\frac{2}{3}$  ACCOUNTED FOR TWO-THIRDS OF ALL THE VIOLENT  
CRIMES COMMITTED BY THE ENTIRE GROUP.

MOST SERIOUS CRIMES ARE COMMITTED BY REPEATERS. THESE  
RELATIVELY FEW PERSISTENT CRIMINALS, WHO CAUSE SO MUCH  
MISERY AND FEAR, ARE THE CORE OF THE PROBLEM. THE REST  
OF THE AMERICAN PEOPLE HAVE A RIGHT TO PROTECTION FROM THEIR  
VIOLENCE.

MOST OF THE VICTIMS OF VIOLENT CRIME ARE THE POOR,  
THE OLD, \ THE YOUNG, THE DISADVANTAGED MINORITIES, \ THE PEOPLE  
WHO LIVE IN THE MOST CROWDED PARTS OF OUR CITIES, THE MOST  
DEFENSELESS. THESE VICTIMS HAVE A VALID CLAIM ON THE REST  
OF SOCIETY FOR PROTECTION AND THE PERSONAL SAFETY THAT THEY  
CANNOT PROVIDE FOR THEMSELVES -- IN SHORT, FOR DOMESTIC  
TRANQUILITY.

HARDLY A DAY PASSES WHEN SOME POLITICIAN DOES NOT  
CALL FOR A MASSIVE CRACKDOWN ON CRIME. BUT THE PROBLEM IS  
MORE COMPLEX THAN THAT. SUCH AN APPROACH HAS NOT PROVED  
EFFECTIVE IN THE LONG HAUL. IT IS NOT THE AMERICAN STYLE.  
WE NEED A PRECISE AND EFFECTIVE SOLUTION.

ONE PROBLEM IS THAT OUR BUSIEST COURTS ARE SO

OVERLOADED THAT VERY FEW CASES ARE ACTUALLY TRIED.

ONE STUDY SHOWED THAT, IN A COUNTY IN WISCONSIN, ONLY SIX

67%

PERCENT OF THE CONVICTIONS RESULTED FROM CASES WHICH CAME

TO TRIAL. ACCORDING TO ANOTHER STUDY, OVER A THREE-YEAR

3%

PERIOD, IN MANHATTAN, ONLY ABOUT THREE PERCENT OF THE PERSONS

INDICTED WERE CONVICTED AFTER A TRIAL.

THIS AUDIENCE KNOWS THE EXPLANATION: IT IS

PLEA BARGAINING -- IN MANY INSTANCES, PLEA BARGAINING

REQUIRED BY THE EVER GROWING PRESSURE OF AN INCREASED CASE LOAD.

THE POPULAR NOTION THAT TRIAL FOLLOWS ARREST IS

A MISCONCEPTION IN A VAST MAJORITY OF CASES.

AND THIS AUDIENCE WILL ALSO BE QUICK TO GUESS ONE  
OF THE REASONS: THE INCREASE IN ARRESTS HAS BEEN MUCH MORE  
RAPID THAN THE INCREASE IN THE NUMBERS OF JUDGES, PROSECUTORS,  
AND PUBLIC DEFENDERS. THE MOST OBVIOUS RESPONSE TO THIS  
IMBALANCE HAS BEEN TO ACCEPT PLEAS OF GUILT IN RETURN FOR SHORT  
PRISON SENTENCES OR NO SENTENCES AT ALL.



ACCORDING TO A RECENT REPORT, HALF OF THE PERSONS CONVICTED

OF FELONIES IN NEW YORK RECEIVED NO DETENTION WHATEVER.

AND OF THE OTHER HALF, ONLY ONE-<sup>1</sup>/<sub>5</sub>FIFTH WERE SENTENCED TO MORE

THAN ONE YEAR OF IMPRISONMENT.

IMPRISONMENT THUS TOO SELDOM FOLLOWS CONVICTION  
FOR A FELONY.      IN THE SIXTIES, CRIME RATES WENT HIGHER,  
BUT THE NUMBER OF PERSONS IN PRISONS, STATE AND FEDERAL,  
ACTUALLY WENT DOWN.      A RAND CORPORATION REPORT OF ONE MAJOR  
JURISDICTION SHOWED THAT OF ALL CONVICTED ROBBERS WITH A MAJOR  
PRIOR RECORD, ONLY TWENTY-SEVEN PERCENT WERE SENT TO PRISON  
AFTER CONVICTION.

NOTICE, PLEASE, THAT I AM SPEAKING ONLY OF CONVICTED  
FELONS. I AM NOT CHASTISING OUR SYSTEM FOR DETERMINING GUILT  
OR INNOCENCE.

I AM URGING THAT VIRTUALLY ALL OF THOSE CONVICTED  
OF A VIOLENT CRIME SHOULD BE SENT TO PRISON. AND THIS SHOULD  
BE DONE ESPECIALLY IF A GUN WAS INVOLVED OR THERE WAS OTHER  
SUBSTANTIAL DANGER OR INJURY TO A PERSON OR PERSONS.  
THERE CERTAINLY SHOULD BE IMPRISONMENT IF THE CONVICTED PERSON  
HAS A PRIOR RECORD OF CONVICTIONS.

MOST SERIOUS OFFENDERS ARE REPEATERS. WE OWE IT

TO THEIR VICTIMS, PAST, PRESENT, AND FUTURE, TO GET THEM

OFF THE STREETS. THIS IS JUST EVERY-DAY COMMON SENSE.

THE CRIME RATE WILL GO DOWN IF PERSONS WHO HABITUALLY

COMMIT MOST OF THE PREDATORY CRIMES ARE KEPT IN PRISON

FOR A REASONABLE PERIOD, IF CONVICTED — BECAUSE THEY WILL

THEN NOT BE FREE TO COMMIT MORE CRIMES.

CONVICTS SHOULD BE TREATED HUMANELY IN PRISON.

LOSS OF LIBERTY SHOULD BE THE CHIEF PUNISHMENT.

IMPROVEMENT IN THE TREATMENT OF AND FACILITIES FOR PRISONERS

IS LONG OVERDUE.

BUT IT IS ESSENTIAL THAT THERE BE LESS DELAY IN

BRINGING ARRESTED PERSONS TO TRIAL, LESS PLEA BARGAINING

AND MORE COURTROOM DETERMINATION OF GUILT OR INNOCENCE,

AND THAT ALL, OR PRACTICALLY ALL, OF THOSE ACTUALLY CONVICTED

*of a predatory  
crime*

↑

BE SENT TO PRISON.

## WHAT CAN THE WHITE HOUSE DO ABOUT THIS?

THE FEDERAL ROLE IS LIMITED BECAUSE MOST VIOLENT CRIMES

ARE MATTERS FOR STATE AND LOCAL AUTHORITIES. FURTHER, THE

CREATION OF CRIMINAL SANCTIONS AND THEIR INTERPRETATION ARE THE

CONCERNS OF THE LEGISLATIVE AND JUDICIAL BRANCHES, AS WELL

AS THE EXECUTIVE BRANCH.



THE PRINCIPAL ROLE OF THE FEDERAL GOVERNMENT IN THE

AREA OF CRIME CONTROL HAS CENTERED ON PROVIDING FINANCIAL

AND TECHNICAL ASSISTANCE TO THE SEVERAL STATES.      HOWEVER,

WHILE WE ARE ALL AWARE THAT THE ACTUAL CONTROL OF CRIME IS A

MATTER PRIMARILY OF STATE RESPONSIBILITY UNDER OUR CONSTITUTION,

THERE ARE SEVERAL AREAS IN WHICH IT IS THE CHIEF RESPONSIBILITY

OF THE FEDERAL GOVERNMENT.

IN MANY OTHER AREAS, IT IS THE RESPONSIBILITY  
OF THE FEDERAL GOVERNMENT TO AUGMENT THE ENFORCEMENT EFFORTS  
OF THE STATES WHEN IT BECOMES NECESSARY.

WHAT ELSE CAN WE DO ?

THE FEDERAL CODE CAN BE MODIFIED TO MAKE MORE

SENTENCES MANDATORY, AND THEREFORE PUNISHMENT MORE

CERTAIN FOR THOSE CONVICTED OF VIOLENT CRIMES.

WE CAN PROVIDE LEADERSHIP IN MAKING FUNDS

AVAILABLE TO ADD JUDGES, PROSECUTORS, AND PUBLIC DEFENDERS

TO THE FEDERAL SYSTEM. THIS FEDERAL MODEL SHOULD

ENCOURAGE STATES TO ADOPT SIMILAR PRIORITIES FOR THE USE OF

THEIR OWN FUNDS AND THOSE PROVIDED BY THE LAW ENFORCEMENT

ASSISTANCE ADMINISTRATION.

WE CAN ENCOURAGE BETTER USE OF EXISTING PRISON

FACILITIES TO MINIMIZE DETENTION OF PERSONS CONVICTED OF

MINOR CRIMES, THUS MAKING MORE ROOM FOR THE CONVICTED

FELONS TO BE IMPRISONED.

THERE ARE A NUMBER OF ESTIMATES OF HOW MUCH  
THE CRIME RATE WOULD BE REDUCED IF ALL CONVICTED CRIMINALS  
WITH MAJOR RECORDS WERE SENT TO PRISON INSTEAD OF BEING SET FREE  
AFTER CONVICTION, AS TOO MANY ARE TODAY.

ALTHOUGH WE MIGHT EXPECT THE CERTAINTY OF A PRISON

SENTENCE TO SERVE AS A DETERRENT, LET US REMEMBER THAT ONE

OBVIOUS EFFECT OF PRISON IS TO SEPARATE LAWBREAKERS FROM

LAW-ABIDING SOCIETY.

IN TOTALITARIAN STATES, IT IS EASIER TO ASSURE LAW  
AND ORDER. DICTATORS ELIMINATE FREEDOM OF MOVEMENT,  
OF SPEECH, AND OF CHOICE. THEY CONTROL THE NEWS MEDIA  
AND THE EDUCATIONAL SYSTEM.



THEY CONSCRIPT THE ENTIRE SOCIETY AND DEPRIVE PEOPLE  
OF BASIC CIVIL LIBERTIES. BY SUCH METHODS, CRIME CAN BE  
STRICTLY CONTROLLED. BUT IN EFFECT, THE ENTIRE SOCIETY BECOMES  
ONE HUGE PRISON. THAT IS NOT A CHOICE WE ARE WILLING TO  
CONSIDER.

EDMUND BURKE COMMENTED APPROPRIATELY IN HIS

REFLECTIONS ON THE FRENCH REVOLUTION. BURKE SAID:

"TO MAKE A GOVERNMENT REQUIRES NO GREAT PRUDENCE.

SETTLE THE SEAT OF POWER, TEACH OBEDIENCE, AND THE WORK IS DONE.

TO GIVE FREEDOM IS STILL MORE EASY. IT IS NOT NECESSARY TO

GUIDE; IT ONLY REQUIRES TO LET GO THE REIN. BUT TO FORM

A FREE GOVERNMENT, THAT IS, TO TEMPER TOGETHER THESE OPPOSITE

ELEMENTS OF LIBERTY AND RESTRAINT IN ONE CONSISTENT WORK,

REQUIRES MUCH THOUGHT, DEEP REFLECTION, A SAGACIOUS,

POWERFUL, AND COMBINING MIND."

SINCE THESE WORDS WERE WRITTEN, THE WORLD HAS  
CHANGED PROFOUNDLY. BUT THE OLD QUESTION REMAINS.

CAN A FREE PEOPLE RESTRAIN CRIME WITHOUT SACRIFICING FUNDAMENTAL  
LIBERTIES AND A HERITAGE OF COMPASSION?

I AM CONFIDENT OF THE AMERICAN ANSWER. LET IT  
BECOME A VITAL ITEM ON AMERICA'S NEW AGENDA.

LET US SHOW THAT WE CAN "TEMPER TOGETHER THESE OPPOSITE  
ELEMENTS OF LIBERTY AND RESTRAINT" INTO ONE CONSISTENT WHOLE.

LET US SET AN EXAMPLE FOR THE WORLD OF A LAW-ABIDING  
AMERICA GLORYING IN ITS FREEDOM AS WELL AS ITS RESPECT FOR LAW.

LET US AT LAST FULFILL THE CONSTITUTIONAL PROMISE  
OF DOMESTIC TRANQUILITY FOR ALL OF OUR LAW-ABIDING CITIZENS.

END OF TEXT