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THE WHITE HOUSE

REMARKS OF THE PRESIDENT
AT THE
FEDERAL BAR ASSOCIATION DINNER

EVERGLADES HOTEL

9:30 P.M. EST

Thank you very much, Bob, Maurice, my good friend, Louis Frey, members of the Judiciary, distinguished guests, ladies and gentlemen:

As I had the privilege and honor of going through the reception, a number of very kindly remarks were made concerning the fact that I had apparently picked up some Florida sunshine. I am delighted that that happened.

It is wonderful to be here in Florida and, of course, the sunshine was great and the receptions were exceptional. But let me just say it is a great privilege and pleasure to be here on this occasion with this very distinguished group, and I thank you for the invitation.

It is a great honor and privilege to address the fellow members of the Federal Bar Association, the leading professional organization representing attorneys, civilian as well as military, in Federal service and formerly employed by the United States Government. The Federal lawyer serving in every department or agency of our Government has never had more important responsibilities than today in our rapidly -- very rapidly -- changing society. And this is especially true in law enforcement.

In South Florida, you have done an outstanding job to provide speedy justice and mobilize State and local cooperation. Indeed -- and I am delighted to hear it -- I understand that some of the Federal courts in your district remain in session as late as 11:00 P.M. to speed trials and to prevent backlogs. I congratulate you.

I wish the same example would be followed nationwide. If I can trespass on another branch of the Federal Government (Laughter) -- I specifically, in addition, commend the coordination of the Federal, city and local law enforcement officers in the investigations of the bombings of the Miami International Airport, the local FBI office, and other target areas in the Miami area.

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I congratulate you for this fine and I think exceptional effort.

Frankly, I have had it with terrorism of the kind that recently killed so many innocent people at LaGuardia Airport in New York City and has plagued the South Florida area. The FBI has reported that bombings in the United States in 1975 killed 69 people.

The time has come for society to act in its own self-defense.

I favor the use of the death penalty in the Federal criminal system in accordance with proper Constitutional standards. The death penalty in appropriate instances should be imposed upon the conviction of sabotage, murder, espionage and treason. Of course, the maximum penalty should not be applied if there is duress or impaired mental capacity or similar extenuating circumstances. But in murders involving substantial danger to the national security, or when the defendant is a coldblooded hired killer, the use of capital punishment is fully justified.

We realize today that passivity and permissiveness invite crime and that the certainty of punishment prevents crime, and I mean positive, swift and just punishment. But the criminal justice system need not be vindictive to be effective.

As President, I will give no comfort to those who make false allegations of police brutality but excuse the real brutality that exists in America today, the brutality of hoodlums in the streets of our cities throughout America.

I have no patience with those who would portray the violent criminal as the helpless victim of society when such offenders are actually anti-social criminals.

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Millions of our citizens, including the elderly and poor, lock themselves up in their homes, fearing violence. I would instead lock up the criminals who make them afraid.

A legal system that is exploited by the criminal but ignores his victim is sadly out of balance. I ask your help and that of all Americans in restoring that balance. I applaud the Federal, State and local citizen coalition against crime that is emerging in Florida. The 10,000 volunteers now active in the citizen's crime watch of the Dade County Public Safety Department deserve particular commendation, and I am glad with the many others who have passed that on to those public spirited citizens.

As of now, these crime watchers have provided information leading to significant arrests, including the seizure, as I understand it, of some 23 tons of illegal drugs.

The responsibility of local officials in dealing with the alarming increase in violent crime is primarily under our Constitution. Yet, crime is so pervasive that it can be brought under control only by the concerted efforts of all levels of Government -- Federal, State and local, by the closest possible cooperation among the Executive, Legislative and Judicial Branches and by nonpartisan political unity against a common enemy.

The primary duty of Government is to protect the law-abiding citizen in the peaceful pursuit of liberty and happiness. The Preamble to our Constitution puts the obligation to insure domestic tranquility in the same category as providing for the common defense.

We recall in this Bicentennial year that our Founding Fathers adhered to the dictum of John Locke: "Where there is no law, there is no freedom." The overwhelming majority of Americans are law-abiding citizens. It is a small, hard core of law-breakers who commit a very large proportion of all crimes.

A recent study in one major metropolitan area recently showed that within one single year more than 200 burglaries, 60 rapes and 14 murders were committed by only ten individuals. Most serious crimes are committed by repeaters. Such criminals duly tried and convicted must be removed from our society for a definite period of time.

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A law-abiding majority also has its rights and, as Chief Executive, I intend to see that those rights are given full weight on the scales of justice in America.

With very few exceptions, I strongly advocate mandatory minimum sentences for individuals who committed crimes or offenses involving the use of a dangerous weapon or who commit such grave offenses as aircraft hijacking, kidnapping and dealing in hard drugs, and for repeated offenders who commit Federal crimes that harm or endanger others.

Too many violent and habitual criminals are convicted but never spend a single day in prison. The lack of certainty tempts the mugger and, yes, even the murderer. We must shorten their odds if we are to deter lawbreakers.

The way to reduce criminal use of handguns is not to disarm law-abiding citizens. The way to reduce criminal use of handguns is to impose mandatory sentences for gun crimes, to make it harder to obtain Saturday night specials and to concentrate on gun control in high crime areas.

Last July, I recommended to the Congress a bill to achieve these objectives, and I urge and strongly advocate action by the Congress to act immediately and without harrassing the lawful gun owner.

The vast majority of victims of violent crime in Florida and throughout the United States are the poor, the old, the children, the most defenseless of our fellow citizens.

When people fear for their physical safety, they are rightfully afraid to use our streets. They lose their inherent freedom to come and go as they please, a right that I think is very important to all of us.

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Even the young and strong are endangered by criminals ready to maim and to kill, but older people are especially vulnerable. A mugger, by just snatching a purse or a wallet, may actually do terrible injury to an elderly person.

I think we owe protection to everyone, but most of all we owe protection to those least able to cope with violence. Let us pay special attention to guarding areas where our elderly people are concentrated. Let us help them feel safe as they sit in the sun in this beautiful State or take an evening walk in this beautiful area. Let us lift the oppressive fear from their hearts.

While prisons exist to protect society from the criminal, those convicted are on the main line back to crime if they are freed because of inadequate detention facilities. This is also true if inmates are confined in notoriously bad or over-crowded facilities that breed even more crime.

Unbelievably, America still has the same prison capacity as in 1960, although crime has doubled and our population has burgeoned. The need for more prisons is obvious and very, very urgent, and I included it in the budget for the next fiscal year -- four new Federal prisons that are badly needed to meet this problem at the Federal level.

Here in the Miami area the Federal Government will next month open a new Federal Youth Center. All of you know it will have a detention facility capable of handling some 250 -- including youths and pre-trial adult offenders. I think this is a step forward.

My concern is for the total fabric of American society with our constitutional guarantee of due process. The time is long, long overdue to give the innocent victim every bit of protection and consideration now accorded to the criminal.

Why are so many serious and violent crimes never reported to the police? The criminal victimization survey conducted by the Bureau of Census for the Law Enforcement Assistance Administration, better known as LEAA, disclosed that in 13 major cities, including Miami, only about one-third of rapes, robberies, aggravated assaults and burglaries are reported to the police. Miami has a higher rate of reporting than most of the cities that were surveyed.

Even here the figures show that four out of ten rape cases are not reported. In the case of robbery accompanied by serious assault resulting in injury, three out of every ten victims do not report the crime to the police.

Crime figures, unfortunately, do not tell the full and the very terrible story. The fact that so many victims are reluctant to report serious crimes indicates a breakdown in the traditional relationship between the citizen and the police.

We must protect the victims of crime as well as the witnesses to crime. We must help them and we must treat them with great respect. That is essential.

As all of you know, in the law enforcement process all law-abiding people must unite in the struggle to regain the freedom of our streets and the safety of our homes. When a criminal is arrested, the police are required to immediately read to that individual his rights under the Constitution. Why not tell the victim of his rights, too, just as clearly and just as promptly?

This has been advanced by the National District Attorneys Association and a victim's rights card is now used in 18 States. The investigating officer informs the victim, "You have the right, as a victim of crime, the following: 'To be free from intimidation; to be told about available compensation for court appearances; to be told about social service agencies which can help you; and to be assisted by your criminal justice agencies.'"

I think this is a step forward and I hope that more than 18 States will do exactly the same. Let us encourage witnesses by giving them the support that they need. I have asked the Department of Justice to develop new programs to protect and to assist all witnesses in Federal criminal proceedings. No community should tolerate the abuse of victims.

This has happened far too frequently in rape cases where the victim is needlessly subjected to additional humiliation.

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The violent crime that plagues Americans is essentially within the realm of State and local Government. But, the Federal Government will assert its maximum role under the Constitution to fight crime within its jurisdiction. The increasing abuse of hard drugs contributes to the soaring crime rate.

In this case, our Federal responsibility is very, very clear. I have directed all Federal law enforcement agencies -- in particular, the Drug Enforcement Administration-- to intensify the drive against major narcotic traffickers.

I am seeking legislation and cooperation with the Congress for mandatory prison sentences for convicted traffickers in hard drugs. These merchants of death deserve nothing less.

Because the drug problem also involves other nations, I have had an opportunity in the last year and one half to consult with leaders of Mexico, Columbia and Turkey to urge stronger action by them in cooperation with us to control the production and the shipment of hard drugs.

I have also recommended to the Congress to increase Federal funds to get drug addicts into treatment and out of crime. Your own program right here in Miami, known as the Treatment Alternative to Street Crime, funded by LEAA, I think is an excellent example of this concept at work.

Programs that I have outlined here tonight are part of a Federal effort to combat crime. As long as crime is a national or nationwide problem, the Administration is determined to provide leadership and assistance in fighting it within our jurisdiction.

The Law Enforcement Assistance Administration is vital in the comprehensive national effort. Since 1969, the LEAA has given more than \$153 million in Federal funds to the State of Florida to fight crime.

I have asked that Congress extend the existing law. I repeat those requests today and call upon Congress to act rapidly so there is no indecision as to our total effort by the Executive, the Legislative and the Judicial Branch to move forward.

I continue to urge the Congress to enact legislation to compensate victims of Federal crimes who suffer personal injuries. This is somewhat controversial, but I have been convinced, after looking at all of the evidence, that it is a step forward, and I hope that the Congress will respond.

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The money would come from a fund consisting of fines paid by convicted Federal offenders promoting the concept of restitution under criminal law.

I hope and trust that the Congress will follow what has happened and what has proven to be, in my judgment, sound in a number of our States. As I have said, some 17 States in the country have already tried it, and it is working.

I would hope that the Federal Government's action would promote some 33 other States to do the same.

While money and technical assistance have limitations, they can help our overburdened judges, prosecutors and public defenders. If the blockage in the court system is broken, cases will flow more swiftly through the courts.

We will come closer to our ideal of justice, and this will bring new order to our social system. I believe in America, as all of you do, and I am convinced that a united America is once more going to have safe streets, secure homes, and the dignity and the freedom from fear which is the birthright of every American.

To secure this end, I have proposed what I think is a sound program to the Congress. Today, with your help, I call upon action, and I would appreciate the chance to meet with so many of you, as I have tonight, who follow the profession of the law, who know the problems and who know from practical experience what can and what ought to be done in the process of defeating crime.

Our concern should be for the victim of crime. Our concern should be for domestic tranquility. Yes, we understand the problems of the law violator, but here in Florida you can take the lead, as you have in many cases, to be on the side of the victim and for domestic tranquility.

I hope and trust that we on a national level can take the same strong stand, which is essential for the benefit of all law-abiding citizens in our country. And, as I close, I pledge to you and to all the people of Florida my unrelenting efforts to reduce crime here, as well as elsewhere, in full cooperation, in consultation with experts such as you, as we try to meet head on this very serious problem.

Thank you. Good night.

END (AT 9:58 P.M. EST)