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THE WHITE HOUSE
WASHINGTON

*Law & Order
Speech
material*



Now we have, in my judgment, a hard battle ahead of us. But if you join with me, and we get the mayors and the county officials to join with us, we can extend this program along the lines that I'm recommending. It's not going to be easy. You will have some people who will want to change its character, reduce its money, put all kinds of limitations and strings on it. We cannot afford to have that happen.

This program has justified itself. We had a hard time getting it in the first instance, and we will probably have a difficult time in the months ahead for its extension. But on its merit, it can be justified. And I'm confident that

the American people will support your efforts and mine as we join with others.

I think I understand the importance of State government and some of the problems you face. And I can assure you that I and my Administration will do everything we can to be helpful. It's a mutual responsibility we have to our respective constituents, and if we work together, we can get the job done.

Thank you very, very much.

NOTE: The President spoke at 2:08 p.m. in the East Room at the White House to participants in a special leadership conference being held in Washington, D.C., under the sponsorship of the National Conference of State Legislatures.

YALE UNIVERSITY LAW SCHOOL

*The President's Remarks at the Sesquicentennial Convocation
Dinner. April 25, 1975*

Thank you very much, President Brewster. Dean Goldstein, Governor Grasso, Justices Stewart and White, the Secretary of HUD, Carla Hills, the Members of the House of Representatives with whom I served and others who are now Members, but with whom I did not have that privilege and pleasure, good mayor, fellow alumni students, and guests of Yale Law School:

Obviously, it's a very great privilege and pleasure to be here at the Yale Law School Sesquicentennial Convocation. And I defy anyone to say that and chew gum at the same time. [*Laughter*]

Every time I come back to Yale, I find myself almost overwhelmed by nostalgia. It's been so long, and so much has happened since I first got off the train at the 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 my goal as 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 McDougal, whom I'm delighted to see is with us tonight. It was wonderful to chat with you, Myres, before dinner.

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 that interview. He said that under the appropriate headings there were entries like the following: good looking, well-dressed, plenty of poise, personality—excellent. Then, under another heading: informational background, not too good. [*Laughter*]

Well, Professor McDougal doesn't know—or what he 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 here tonight. Under the appropriate headings, I find entries like these: good looking, well-dressed, plenty of poise, personality—excellent. Then under another heading: informational background about football, not so good. [*Laughter*]

As I remember it, the only benchwarmer Professor McDougal took an interest in at that time was Oliver Wendell Holmes.

I won't go into any more details about that interview. Suffice it to say that Professor McDougal was extraordinarily impressed with my capabilities and so caught up with my capabilities and my vision of my potentialities that in a whirlwind of enthusiasm, he wrote: "I see no reason why we should not take him." [*Laughter*]

My biggest problem at that time was convincing the school I could continue as a full-time assistant football coach and still carry on a full schedule in the law school. Fortunately, I was able to convince them, and I've always been very grateful for the help, the encouragement I consistently received from such great educators as Gene Rostow, Thurman Arnold, Jimmy James, Harry Shulman and, in particular, Myres McDougal. And I thank you very much.

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 since I left Yale Law School in 1941. I practiced law. I joined the Navy. I was elected to Congress, became minority leader, Vice President, and now President. But no matter how far I have traveled, something from Yale has always followed with me—and I'm not just referring to those letters from the Alumni Fund [*laughter*—but something very special, something that adds to 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," and I think that says it all.

The 150th anniversary of this great law school, one of the outstanding institutions of the world for the study of law, suggests better than I, the subject for my remarks this evening. On May 1, 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 to the promulgation of the law.

Today, as President, I sense, and I think the American people sense that we are facing a basic and a very serious problem of disregard for the law.

I would like 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. And 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 great Government.

The Founding Fathers governed well and governed prudently, with restraint and respect for justice and law. There was no reign of terror, no repression, no dictatorship. The institutions they have founded became durable and effective. Because of all of this, we tend to think of them now as respectable and conservative. But the fact is that ours remains the great Revolution of modern 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 sound 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 government, local governments, or in business or in organized labor, sets an example that makes it all the more difficult to foster a law-abiding spirit among ordinary citizens.

And 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 the present 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, and it will be continued.

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, also in industry and in 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 lawbreaking 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, holdups, break-ins—the kind of brutal violence that makes us fearful of strangers 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 hu-

man. And so it makes ordinary commonsense that we promulgate rules and that there be enforcement of the rules to buttress the normal inclination of most people to obey the rules. As James Madison asked in *The Federalist*, and I quote, "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, very few in number. A very small percentage of the whole population accounts for a very large proportion of the vicious crimes committed. For example, in one study of nearly 10,000 males born in 1945, it was found that only 6 percent of them accounted for two-thirds of all of 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 really 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 the 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 infinitely more complex than that. Such an approach has not proven 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 overloaded. They're so overloaded that very few cases are actually tried. One study showed that in a county in Wisconsin, only 6 percent of the convictions resulted from cases which came to trial. According to another study, over a 3-year period in Manhattan, only about 3 percent of the persons indicted were convicted after trial.

I think this audience knows the explanation. It is plea bargaining—in many cases, plea bargaining required by the ever-growing pressure of an increased caseload. 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 basic reasons.

The increase in arrests has been much more rapid than the increase in the number 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 terms or sentences, or no sentences at all.

According to a recent authoritative report, half of the persons convicted of felonies in New York received no detention whatsoever. And of the other half, only one-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 and 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 27 percent were sent to prison after conviction.

Notice, please, that I'm 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 everyday commonsense, as I see it. 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 predatory crime be sent to prison.

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.

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 in providing financial and technical assistance to the several States. However, while we are all aware that the actual control of crime in this country is a matter primarily of State responsibility under the Constitution, there are several areas in which it is the chief responsibility of the Federal Government.

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 the law-abiding society. In totalitarian states, it's easier to assure law and order. Dictators eliminate freedom of move-

ment, 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. This is not a choice we are willing to consider.

Edmund Burke commented appropriately in his *Reflections on the French Revolution*. Burke said, and I quote, "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 still 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 element on America's new agenda. Let us show that we can temper together those 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.

Thank you very much.

NOTE: The President spoke at 9:57 p.m. in Woolsey Hall at the Yale University Law School, New Haven, Conn.

OFFICE OF THE WHITE HOUSE PRESS SECRETARY
(New Haven, Connecticut)

THE WHITE HOUSE

REMARKS OF THE PRESIDENT
AT THE
YALE SESQUICENTENNIAL
CONVOCATION DINNER

YALE LAW SCHOOL

9:57 P.M. EDT

President Brewster, Dean Goldstein, Governor Grasso, Justices Stewart and White, the Secretary of HUD, Carla Hills, the Members of the House of Representatives with whom I served, and others who are now Members, but with whom I did not have that privilege and pleasure, good mayor, fellow alumni, students, and guests of Yale Law School:

Obviously, it is a very great privilege and pleasure to be here at the Yale Law School Sesquicentennial Convocation, and I defy anyone to say that and chew gum at the same time. (Laughter)

Every time 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 the 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 my goal as 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 McDougal, whom I am delighted to see is with us tonight.

It was wonderful to chat with you, Myres, before dinner.

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 that interview.

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(OVER)

He said that under the appropriate headings there were entries like the following: Good looking, well dressed, plenty of poise, personality excellent. (Laughter)

Then, under another heading: Informational background, not too good. (Laughter)

Professor McDougal, what he doesn't know is that while he was keeping notes on me, I was keeping notes on him. (Laughter) By coincidence, I just happen to have them with me here tonight. (Laughter)

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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 great Government.

The founding fathers governed well and governed prudently, with restraint and respect for justice and law. There was no reign of terror, no repression, no dictatorship. The institutions they have founded became durable and effective.

Because of all of this, we tend to think of them now as respectable and conservative. But the fact is that ours remains the great Revolution of modern history, and we should be proud of it.

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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.

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Crime in high places, whether in the Federal Government, State government, or in business or in 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 the present 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, and it will be continued.

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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, also in industry and in 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 strangers and afraid to go out at night.

In thinking about this problem, I do not 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 the rules to buttress the normal inclination of most people to obey the rules.

As James Madison asked in *The Federalist*, and I quote, "But what is government itself but the greatest of all reflections of human nature? If men were angels," said Madison, "no government would be necessary."

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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, very few in number. A very small percentage of the whole population accounts for a very large proportion of the vicious crimes committed.

For example, in one study of nearly 10,000 males born in 1945, it was found that only 6 percent of them accounted for two-thirds of all of 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 really 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 the 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 infinitely more complex than that. Such an approach has not proven 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 overloaded. They are so overloaded that very few cases are actually tried.

One study showed that in a county in Wisconsin, only 6 percent of the convictions resulted from cases which came to trial. According to another study, over a three-year period in Manhattan, only about 3 percent of the persons indicted were convicted after trial.

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The increase in arrests has been much more rapid than the increase in the number 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 terms or sentences, or no sentences at all.

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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.

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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 convicted of predatory crime be sent to prison.

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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 in providing financial and technical assistance to the several States. However, while we are all aware that the actual control of crime in this country is a matter primarily of State responsibility under the Constitution, there are several areas in which it is the chief responsibility of the Federal Government.

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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 the 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.

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I am confident of the American answer. Let it become a vital element on America's new agenda. Let us show that we can temper together those 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.

Thank you very much.

END

(AT 10:25 P.M. EDT)

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT
ON HIS
MESSAGE ON CRIME

THE BRIEFING ROOM

3:32 P.M. EDT

Mr. Attorney General, two months ago, at Yale University Law School, I spoke about a subject that touches the lives of all Americans -- crime.

Today, I am sending to the Congress a special message spelling out in concrete terms the program for curbing crime and insuring domestic tranquility, which I advocated in that speech.

First, and foremost, our effort should be directed toward the protection of law-abiding citizens. For too long, the law has centered its attention more on the rights of the criminal than on the victim of crime.

It is high time that we reverse this trend and put the highest priority on the victims and potential victims.

Even though the chief responsibility in combating crime lies with State and local officials, the Federal Government can provide leadership. It can improve the quality of existing Federal laws and the Federal judicial system.

It can enact and vigorously enforce new laws governing criminal conduct at the Federal level, and it can provide financial and technical assistance to State and local governments in their efforts to stem lawlessness.

For example, I propose that the Congress enact mandatory prison sentences for Federal offenses committed with firearms or other dangerous weapons, and for hijackers, kidnappers, traffickers in hard drugs and repeated Federal offenders who commit crimes of violence.

I urge State and local authorities to take similar steps.

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(OVER)

I am unalterably opposed to Federal registration of guns or gun owners. I do propose that the Congress enact legislation to deal with those who use handguns for criminal purposes.

I also propose further Federal restrictions on so-called Saturday night specials.

We can and must make our legal system what it was always intended, a means of insuring domestic tranquility in making America safe for decent and law-abiding citizens.

This is a matter of deep personal concern to all Americans. So, I urge the Congress to reflect this concern for the victims of crime by acting on this message in a prompt, positive and nonpartisan spirit.

To provide more details concerning the message and the program that we have put together, I will now ask the Attorney General, Mr. Edward Levi, to fill you in on the details.

Thank you very, very much.

END (AT 3:35 P.M. EDT)

Office of the White House Press Secretary

THE WHITE HOUSE

TO THE CONGRESS OF THE UNITED STATES:

I address this message to the Congress on a subject that touches the lives of all Americans: crime.

Two months ago, at the celebration of the 150th anniversary of the Yale Law School, I spoke about law and respect for the spirit of the law.

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. It is the instrument through which we seek to fulfill the promise of our Constitution: "to insure domestic tranquility."

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, breakins -- the kind of brutal violence that makes us fearful of strangers and afraid to go out at night.

I sense, and I think the American people sense, that we are facing a basic and very serious problem of disregard for the law. Because of crime in our streets and in our homes, we do not have domestic tranquility.

Ever since the first Presidential message on crime, in 1965, strenuous Federal efforts, as well as State and local initiatives, have been undertaken to reduce the incidence of crime in the United States. Yet, throughout this period, crime has continued to increase. Indeed, the Federal Bureau of Investigation's latest estimates are that the rate of serious crime -- murder, forcible rape, robbery, aggravated assault, burglary, larceny and auto theft -- was 17 percent higher in 1974 than in 1973. This is the largest increase in the 44 years the Bureau has been collecting statistics.

Since 1960, although billions of dollars have been spent on law enforcement programs, the crime rate has more than doubled. Moreover, these figures reflect only the reported crimes. A study of unreported crime sponsored by the Law Enforcement Assistance Administration indicates that the actual level of crime in some cities is three to five times greater than that reported.

More significantly, the number of crimes involving threats of violence or actual violence has increased. And the number of violent crimes in which the perpetrator and the victim are strangers has also increased. A recent study indicates that approximately 65 percent of all violent crimes are committed against strangers.

The personal and social toll that crime exacts from our citizens is enormous. In addition to the direct damage to victims of crime, violent crimes in our streets and in our homes make fear pervasive.

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In many areas of the country, especially in the most crowded parts of the inner cities, fear has caused people to rearrange their daily lives. They plan shopping and recreation during hours when they think the possibilities of violent attacks are lower. They avoid commercial areas and public transit. Frightened shopowners arm themselves and view customers with suspicion.

The individual, political and social costs of crime cannot be ignored. They demand our attention and coordinated action. With the firm support of the American people, all levels of government -- Federal, State and local -- must commit themselves to the goal of reducing crime.

For too long, law has centered its attention more on the rights of the criminal defendant than on the victim of crime. It is time for law to concern itself more with the rights of the people it exists to protect.

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 turn to the Constitutional guarantee of domestic tranquility. The emphasis in our efforts must be providing protection for the victims of crime.

In this message, I shall address myself to what I believe the Federal government can and should do to reduce crime. The fact is, however, that the Federal role in the fight against crime, particularly violent crime, is a limited one.

With few exceptions, the kinds of crimes that obsess America -- murders, robberies, rapes, muggings, hold-ups, breakins -- are solely within the jurisdiction of State and local governments. Thus, while the programs that I will propose in this message will, if enacted, contribute to a safer America, the level of crime will not be substantially reduced unless State and local governments themselves enact strong measures.

I see three ways in which the Federal government can play an important role in combating crime:

First, it can provide leadership to State and local governments by enacting a criminal code that can serve as a model for other jurisdictions to follow and by improving the quality of the Federal criminal justice system.

Second, it can enact and vigorously enforce laws covering criminal conduct within the Federal jurisdiction that cannot be adequately regulated at the State or local level.

Third, it can provide financial and technical assistance to State and local governments and law enforcement agencies, and thereby enhance their ability to enforce the law.

I. Providing Leadership

Law Enforcement in a democratic society depends largely upon public respect for the laws and voluntary compliance with them. We do not have and do not want a police state. Respect and compliance are undermined if individuals conclude that law

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enforcement efforts are ineffective and that crimes may be committed with impunity -- conclusions which are buttressed by rapidly rising crime rates and by statistics showing only one arrest for every five serious crimes committed.

A decline in respect for the law leads to the commission of more crimes. The necessity to investigate these additional crimes, prosecute those accused, and punish those convicted places even greater strain on the already overburdened capacities of police, prosecutors, public defenders, courts, penal institutions and correctional authorities. As a consequence, the percentage of offenders apprehended, prosecuted and appropriately sentenced is further reduced. This leads to an even greater decline in respect for the law and to the commission of even more crimes. To succeed in the effort to reduce crime, we must break this spiral.

There are two direct ways to attack the spiral of crime. One is through improvements in the law itself. The other is through improvement of the criminal justice system so that it functions more swiftly, surely and justly.

Federal criminal laws should be a model upon which State and local governments can pattern their own laws. At the present time, they are not. These Federal statutes developed haphazardly over the decades. They have been revised here and there in response to changing judicial interpretation. They are complicated, and sometimes conflicting, leaving gaps through which criminal activity too often slips unpunished. Because of their complexity, the laws invite technical arguments that waste court time without ever going to the heart of the question of the accused's guilt or innocence.

For several years, the Federal government has engaged in a massive effort to reform the Federal criminal laws into a uniform, coherent code. The product of this effort was recently introduced in Congress, with wide bipartisan support, as S. 1, the "Criminal Justice Reform Act of 1975."

Since it covers every aspect of criminal law, some of the proposals in this Act have stirred controversy and will undoubtedly precipitate further debate. For instance, concern has been expressed that certain provisions of the bill designed to protect classified information could adversely affect freedom of the press. While we must make sure that national security secrets are protected by law, we must also take care that the law does not unreasonably restrict the free flow of information necessary to our form of government. Responsible debate over this and other provisions of S. 1 will be very useful. Issues can be clarified and differing interests accommodated.

I think everyone will agree, however, that comprehensive reform of the Federal criminal code is needed. Accordingly, as a legislative priority in the Federal effort against crime, I urge the 94th Congress to pass the kind of comprehensive code reform embodied in the Criminal Justice Reform Act.

In connection with this overall effort, let me suggest some specific reforms I believe essential.

The sentencing provisions of current Federal law are, in my judgment, inadequate in several respects, often erratic and inconsistent. Defendants who commit similar offenses may receive widely varying sentences. This lack of uniformity is profoundly unfair and breeds disrespect for the law.

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The revision of the criminal code should restore a sense of consistency in sentencing, so that the fine or term of imprisonment imposed by the law relates directly to the gravity of the offense. For example, criminal fines are woefully inadequate and provide little deterrence to offenders whose business is crime -- a business profitable enough to support current levels of criminal fines as an ordinary business expense. Other than under the antitrust laws, the maximum fine which can be imposed on serious violators is usually \$10,000. That amount is too often not commensurate with the crime. The maximum level should be increased to \$100,000, if the defendant is an individual, and \$500,000, if the defendant is an organization.

The sentencing provisions of the proposed code should be modified to provide judges with standards under which prison sentences are to be imposed upon conviction. Imprisonment too seldom follows conviction, even for serious offenses. It is my firm belief that persons convicted of violent crime should be sent to prison. Those who prey on others, especially by violence, are very few in number. A small percentage of the entire population accounts for a very large proportion of the vicious crimes committed. Most serious crimes are committed by repeaters. These relatively few persistent criminals who cause so much worry 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 crimes 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 personal safety that they cannot provide for themselves; in a phrase, for domestic tranquility.

Imprisonment too seldom follows conviction for a felony. In the 1960's, crime rates went higher, but the number of criminals in prison, state and federal, actually went down. A study of one major jurisdiction showed that of all convicted robbers with a major prison record, only 27% were sent to prison after conviction.

There should be no doubt in the minds of those who commit violent crimes -- especially crimes involving harm to others -- that they will be sent to prison if convicted under legal processes that are fair, prompt and certain.

I propose that incarceration be made mandatory for (1) offenders who commit offenses under Federal jurisdiction using a dangerous weapon; (2) persons committing such extraordinarily serious crimes as aircraft hijacking, kidnapping, and trafficking in hard drugs; and (3) repeat offenders who commit Federal crimes -- with or without a weapon -- that cause or have a potential to cause personal injury. Exceptions to mandatory imprisonment should apply only if the judge finds and specifies in writing one or more of the following: that the defendant was under 18 when the offense was committed, or was mentally impaired, or was acting under substantial duress, or was implicated in a crime actually committed by others and participated in the crime only in a very minor way. I have asked the Attorney General to assist the Congress in drafting this modification to the sentencing provisions of S. 1. Since most violent crime is in the jurisdiction of State and local criminal

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courts, I call upon the States to establish similar mandatory sentencing systems. Too many persons found guilty of serious, violent crimes never spend a day in prison after conviction.

I would emphasize that the aim of this program of mandatory imprisonment is not vindictive punishment of the criminal, but protection of the innocent victim by separating the violent criminal from the community. These victims -- most of whom are old or poor or disadvantaged -- have a valid claim on the rest of society for the protection and the personal safety that they cannot provide for themselves.

Reasonable mandatory minimum sentences can restore the sense of certainty of imprisonment upon which the deterrent impact of criminal law is based. Mandatory sentences need not be long sentences; the range of indeterminacy need not be great. In fact, wide disparities in sentences for essentially equivalent offenses give a look of unfairness to the law. To help eliminate that unfairness, Federal appeals courts should be given some authority to review sentences given by Federal trial court judges -- to increase or reduce them so that the punishments will be more nearly uniform throughout the Federal system. I am also asking the Attorney General to review this problem to ensure that the Federal sentencing structure, which is now based on the indeterminate sentence, is both fair and appropriate. Among other things, it may be time to give serious study to the concept of so-called "flat time sentencing" in the Federal law.

In addition to reform of the criminal law, we must improve the manner in which our criminal justice system operates. Effective deterrence to law-breaking is currently lacking, in part because our criminal justice system simply does not operate effectively.

A logical place to begin discussion of such improvement is the prosecutor's office, for it is there that important decisions are made as to which offenders should be prosecuted, what cases should be brought to trial, when plea bargains should be struck and how scarce judicial resources should be allocated. Many prosecutors' offices currently lack the manpower or management devices to make those decisions correctly. Prosecutors often lack information on a defendant's criminal history and thus cannot identify habitual criminals who should be tried by experienced prosecutors and, if convicted, sent to prison. In too many cases, they lack efficient systems to monitor the status of the numerous cases they handle. If improved management techniques could be made available to prosecutors, the likelihood of swift and sure punishment for crime would be substantially increased.

At the Federal level, last September I directed the Department of Justice to develop and implement a program to deal with career criminals, with the objectives of (1) providing quick identification of persons who repeatedly commit serious offenses, (2) according priority to their prosecution by the most experienced prosecutors, and (3) assuring that, if convicted, they receive appropriate sentences to prevent them from immediately returning to society once again to victimize the community.

Programs to deal with habitual criminals will be encouraged at the State and local levels through the use

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of the Law Enforcement Assistance Administration model programs and discretionary grants already underway.

To illustrate the nature of this problem, let me point out that in one city over 60 rapes, more than 200 burglaries and 14 murders were committed by only 10 persons in less than 12 months. Unfortunately, this example is not unique.

The results of a repeat offender project recently launched in the Bronx County District Attorney's Office, City of New York, are hopeful. The first year's experience showed a 97 percent felony conviction rate and a reduction of time in case disposition from an average of 24 months to an average of three months. In addition, prison sentences resulted in 95 percent of the career criminal cases prosecuted.

A second improvement in the criminal justice system may be obtained by diverting certain first offenders -- not all, but some -- into rehabilitation programs before proceeding to trial. The Department of Justice has begun a pilot program of this kind designed to achieve two important goals. First, it will seek to reduce the caseloads of Federal courts and prosecutors through expeditious treatment of offenders who are good prospects for rehabilitation. Second, it will seek to enable the offenders who successfully satisfy the requirements of the diversion programs to avoid criminal records and thus increase the likelihood that they will return to productive lives.

Experimentation with pretrial diversion programs should continue and expand. However, careful efforts must be taken to prevent these programs from either treating serious offenders too leniently, or, on the other hand, violating defendants' rights. By coupling this pretrial diversion program with a mandatory term of imprisonment for violent offenders, we will make sure that offenders who deserve to go to prison will go to prison. At the same time, those who may not need imprisonment will be dealt with quickly and in a way that minimizes the burden on the criminal justice system.

The criminal and civil caseloads in trial and in appellate courts have grown over the years, while the number of judges assigned to handle those cases has not kept pace. In 1972, the Judicial Conference of the United States recommended the creation of 51 additional Federal District Court judgeships in 33 separate judicial districts across the country. Senate hearings on legislation incorporating this proposal were conducted in 1973. To date, however, the legislation has not been scheduled for floor action. The increasing needs of the Federal courts make this measure an urgent national necessity of a nonpartisan nature -- for justice delayed is too often justice denied. In addition, seemingly technical but important reform in the Federal criminal justice system can be achieved by expanding the criminal jurisdiction of United States Magistrates. This reform will enable the relatively small number of Federal judges to focus their efforts on the most significant criminal cases. The Criminal Justice Reform Act contains a provision that will achieve that result, and I am giving it my specific support.

When a defendant is convicted, even for a violent crime, judges are too often unwilling to impose prison sentence, in part because they consider prison conditions inhumane. Moreover, a cruel and dehumanizing penal institution can actually be a

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breeding ground for criminality. In any case, a civilized society that seeks to diminish violence in its midst cannot condone prisons where murder, vicious assault and homosexual rapes are common occurrences.

The Federal Bureau of Prisons has embarked on a program to replace large, outdated prisons with smaller, more modern ones. The Bureau has seven new corrections institutions of this sort under construction. All are designed to be civilized places that can be governed effectively by the wardens and correctional officers rather than by the most brutal and inhuman prisoners. In addition, the Bureau is opening new institutions in three major cities to replace overcrowded, antiquated local jails which formerly housed Federal prisoners awaiting trial. The program to improve Federal prisons must be paralleled by State efforts, because the problem of decrepit prison facilities that are hothouses of crime is worst at the State and local level. Unless prisons are improved, many judges will only reluctantly commit convicted offenders to them, even if they are guilty of serious crimes and have previous criminal records.

I know that grave questions have been raised by qualified experts about the ability of the corrections system to rehabilitate offenders. These are important and serious questions. They go to the very heart of the corrections system. While the problem of criminal rehabilitation is difficult, we must not give up on our efforts to achieve it, especially in dealing with youthful offenders. Crime by young people represents a large part of crime in general. The 1973 statistics indicate that 45 percent of persons arrested for all crimes are under 18 years of age. Whatever the difficulty, we must continue our efforts to rehabilitate offenders, especially youthful offenders. To do less would be to write off great numbers of young people as unsalvageable before they have even come of age. I have directed the Attorney General, as Chairman of the Cabinet Committee on Crime Prevention and Rehabilitation, to work in close cooperation with the Secretary of Labor, the Secretary of Health, Education, and Welfare and other concerned agencies of the Executive Branch to ensure that the Federal government is making the best possible use of its resources in this crucial area.

Whatever the corrections system might accomplish in rehabilitating offenders while they are in prison will be lost if the individual leaves prison and cannot find a job, simply because he has been convicted of a crime. I urge employers to keep an open mind on the hiring of persons formerly convicted of crimes. The U. S. Civil Service Commission currently administers a program designed to prevent Federal employers from unjustly discriminating against ex-felons. I am directing the Commission to review this program to ensure that it is accomplishing its objectives. I am also calling on the National Governors Conference to consider steps the States can take to eliminate unjustified discriminatory practices. Giving ex-offenders who have paid their penalty and seek to "go straight" a fair shake in the job market can be an effective means of reducing crime and improving our criminal justice system.

In addition to this general effort to reform and improve the criminal justice system, the Federal law should be specifically revised to take into greater account the needs of victims of crime. They, as well as the general public, must be made aware that the government will not neglect the law-abiding citizens whose cooperation and efforts are crucial to the effectiveness of law enforcement.

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I urge the Congress to pass legislation to meet the uncompensated economic losses of victims of Federal crimes who suffer personal injury. In order to promote the concept of restitution within the criminal law, the monetary benefits should come from a fund consisting of fines paid by convicted Federal offenders.

II. Better Laws and Enforcement

As I pointed out initially, except in limited circumstances, street crime is a state and local law enforcement responsibility. There is a dimension to this problem, however, that cannot be adequately dealt with on just the state and local levels. Criminals with handguns have played a key role in the rise of violent crime in America. Hundreds of policemen have been killed in the past decade through the use of handguns by criminals. The most effective way to combat the illicit use of handguns by criminals is to provide mandatory prison sentences for anyone who uses a gun in the commission of a crime.

In addition, the federal government can be of assistance to state and local enforcement efforts by prohibiting the manufacture of so-called Saturday Night Specials that have no apparent use other than against human beings and by improving Federal firearms laws and their enforcement.

At the same time, however, we must make certain that our efforts to regulate the illicit use of handguns do not infringe upon the rights of law abiding citizens. I am unalterably opposed to federal registration of guns or the licensing of gun owners. I will oppose any effort to impose such requirements as a matter of federal policy.

Nonetheless, we can take steps to further guard against the illicit use of handguns by criminals.

Current Federal gun laws should be revised to provide that only responsible, bona fide gun dealers be permitted to obtain Federal licenses to engage in the business of selling firearms. Licenses to sell firearms should also be withheld from persons who have violated State laws, particularly firearms laws. Additional administrative controls over the sale of handguns, including a ban on multiple sales, will help to establish dealer responsibility in stopping illicit gun trafficking. A waiting period between the purchase and receipt of a handgun should be imposed to enable dealers to take reasonable steps to verify that handguns are not sold to persons whose possession of them would be illegal under Federal, State or applicable local laws.

Second, I have ordered the Treasury Department's Bureau of Alcohol, Tobacco and Firearms, which has primary responsibility for enforcing Federal firearms laws, to double its investigative efforts in the Nation's ten largest metropolitan areas. This action will assist local law enforcement authorities in controlling illegal commerce in weapons. I have directed, therefore, that the Bureau of Alcohol, Tobacco and Firearms employ and train an additional 500 investigators for this priority effort.

Third, the domestic manufacture, assembly or sale -- as well as the importation -- of cheap, highly concealable handguns should be prohibited. These so-called "Saturday Night Specials" are involved in an extraordinarily large number of street crimes. Most have no legitimate sporting purpose. They are such a threat to domestic tranquility that we should eliminate their manufacture and sale entirely.

These recommendations go to the very heart of the problem of handgun abuse. If enacted, they should add significantly to the efforts of State and local law enforcement authorities to prevent the criminal use of handguns.

There are several other areas in which Federal law and enforcement can be improved to strike at those who have made crime a business.

The leaders of organized crime can be prosecuted under current Federal law only when it can be shown that they participated in a specific offense, such as gambling, loan-sharking or narcotics. A reformed criminal code should strike directly at organized criminal activity by making it a Federal crime to operate or control a racketeering syndicate. This revision will make the criminal law apply to organized crime leaders who seek to conceal their role in the syndicate's criminal activities.

Since current Federal laws restrict the government's ability to attack consumer frauds, the statutes punishing fraud and theft should be revised to make Federal prosecution more effective. Pyramid sales schemes -- clever confidence games, in other words -- should be specifically prohibited. Federal jurisdiction over these frauds should be extended to enable the government to move against them on a nationwide basis.

The protection of constitutionally guaranteed civil rights is a primary duty of the Federal government. Yet, a private citizen can be punished for violating constitutional rights only if he acted in concert with others. Under current law, even if a State official intentionally commits acts that violate an individual's constitutional rights, proof of these acts alone may be insufficient to secure a conviction. Restrictions which prevent our laws from protecting the constitutional rights of Americans should be eliminated.

I am particularly concerned about the illegal trafficking in narcotics and dangerous drugs. These crimes victimize the entire Nation, bringing personal tragedy and family destruction to hundreds of thousands. In addition to the human toll, the property crimes committed to finance addicts' drug habits are estimated at \$15 billion each year.

Federal, State and local governments must continue their vigorous law enforcement efforts aimed at major traffickers in narcotics and dangerous drugs. This Administration is committed to maintaining a strong Federal Drug Enforcement Administration to provide leadership in this fight. At the same time, I continue to recognize our responsibility to provide compassionate treatment and rehabilitation programs for the hapless victim of narcotics traffickers.

Recent evidence suggests an increase in the availability and use of dangerous drugs in spite of the creation of special Federal agencies and massive Federal funding during the past six years. I am deeply concerned over these developments and have, therefore, directed the Domestic Council to undertake a comprehensive review and assessment of the overall Federal drug abuse prevention, treatment and enforcement effort to ensure that our programs, policies and laws are appropriate and effective.

Finally, white-collar crime is taking an increasing toll in terms of financial and social costs. The United States Chamber of Commerce recently reported that in 1974 white-collar crime cost the public approximately \$40 billion, excluding the costs of price-fixing and industrial espionage. In

addition to direct economic losses, white-collar crime can destroy confidence in and support for the nation's economic, legal and political institutions. In recognition of the gravity of the impact of white-collar crime, I have directed the Attorney General to undertake new initiatives to coordinate all Federal enforcement and prosecutorial efforts against white-collar crime.

III. Providing Financial and Technical Assistance

The Federal government must continue to help State and local governments in carrying out their law enforcement responsibilities. Therefore, I will submit to Congress a bill that will continue the Law Enforcement Assistance Administration through 1981.

The LEAA annually provides millions of dollars of support to State and local governments in improving the overall operation of their criminal justice systems. Additionally, the LEAA serves as a center for the development of new ideas on how to fight crime. Examples of several LEAA innovations have already been noted in this Message. The bill that I will submit will authorize \$6.8 billion for LEAA to continue its work through 1981.

Several aspects of the reauthorization bill deserve special mention. It will increase the annual funding authorization for LEAA from \$1.25 billion to \$1.3 billion. The additional \$250 million over five years will enable the agency's discretionary program to place greater emphasis on programs aimed at reducing crime in heavily populated urban areas. It is in these areas that the problem of violent street crime has reached critical proportions. The LEAA "High Impact" program, which is designed to provide additional assistance for cities and counties with high crime rates, has had encouraging success. This additional authorization will permit LEAA to build upon that success.

The bill will also place special emphasis on improving the operation of State and local court systems. Specifically, it will include such improvement within the statement of purposes for which LEAA block grant funds can be utilized. Too often, the courts, the prosecutors and the public defenders are overlooked in the allocation of criminal justice resources. If we are to be at all effective in fighting crime, state and local court systems, including prosecution and defense, must be expanded and enhanced.

In conclusion, I emphasize again that the Federal government cannot, by itself, bring an end to crime in the streets. The Federal government can seek the cooperation and participation of State and local governments. Such cooperation is vitally important to this effort. The cumulative effect of persistent Federal, State and local efforts to improve our laws and eliminate difficulties that encumber our criminal justice system offers the only hope of achieving a steady reduction in crime.

I am confident that, if the Congress enacts the programs that I have recommended, the means available for an effective attack on crime will have been substantially strengthened. I call upon the Congress to act swiftly on these recommendations. I also call upon State and local governments to move rapidly in strengthening their processes of criminal justice. Together, we will restore to this nation that sense of domestic tranquility so essential to the pursuit of happiness.

GERALD R. FORD

THE WHITE HOUSE,

June 19, 1975.

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Office of the White House Press Secretary

THE WHITE HOUSE

FACT SHEET

CRIME MESSAGE

The President is today transmitting to the Congress a special message on crime in which he advocates enactment of mandatory minimum sentences for offenders who commit violent Federal crimes. In addition, he asks the Congress to improve Federal fire arms laws and their enforcement. The President also recommends the extension of the Law Enforcement Assistance Administration through 1981.

BACKGROUND

The Federal Bureau of Investigation has estimated that the rate of serious crime was 17 percent higher in 1974 than in 1973. This is the largest annual increase in the 44 years the Bureau has been collecting statistics. Moreover, these figures reflect only the reported crimes. A study of unreported crime sponsored by the Law Enforcement Assistance Administration indicates that the actual level of crime in some cities is three to five times greater than that reported. Significantly, and tragically, the number of crimes involving threats of violence or actual violence has also increased.

Two months ago, at the celebration of the 150th anniversary of the Yale Law School, the President delivered a speech on the problem of crime in America. In that address, the President stressed his concern for the innocent victims of crime and the impact which crime -- particularly violent crime -- has had on domestic tranquility in America. The message which the President is sending to Congress today spells out his program for combatting crime.

HIGHLIGHTS OF MESSAGE

While acknowledging that the Federal role in the fight against crime is a limited one, the President sets forth three important responsibilities of the Federal government in this vital area:

- Providing leadership to State and local governments by improving the quality of Federal laws and the criminal justice system.
- Enacting and vigorously enforcing laws covering criminal conduct that cannot be adequately regulated at the State or local level.
- Providing financial and technical assistance to State and local governments and law enforcement agencies, and thereby enhancing their ability to enforce the law.

I. PROVIDING FEDERAL LEADERSHIP

A. Improving the Quality of Federal Laws

Noting that Federal criminal laws should be a model upon which State and local governments can pattern

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their own laws, the President recommends to the Congress the enactment of a comprehensive criminal code.

In codifying the Federal criminal law, the President recommends that criminal fines be increased from a maximum of \$10,000 to a maximum of \$100,000 if the defendant is an individual, and \$500,000 if the defendant is an organization.

The President also recommends the enactment of mandatory minimum sentences for persons who:

- (1) commit Federal offenses involving the use of a dangerous weapon,
- (2) commit such extraordinarily serious offenses as aircraft hijacking, kidnapping and trafficking in hard drugs, and
- (3) are repeat offenders who commit Federal crimes that cause or have the potential to cause personal injury to others. Limited exceptions to the imposition of mandatory minimum sentences would be set forth in the statute.

The President recommends that Federal appeals courts be given limited authority to review sentences imposed by Federal trial court judges.

B. Improving the Federal Criminal Justice System

In addition to reform of the criminal law, the President believes that we must improve the manner in which our criminal justice system operates. In the message, he makes numerous suggestions and recommendations designed to improve the quality of the Federal criminal justice system. These include:

1. Establishment of "career criminal" programs designed to assure quick identification and prosecution of persons who repeatedly commit serious offenses.
2. Continuation and expansion of programs designed to divert certain first offenders into rehabilitation prior to trial.
3. Creation by the Congress of additional Federal District Court judgeships and expansion of the criminal jurisdiction of United States Magistrates.
4. Up-grading of prison facilities, including the replacement of large, outdated prisons with smaller, more modern ones.
5. Directing that the Attorney General, as Chairman of the Cabinet Committee on Crime Prevention and Rehabilitation, ensure that the Federal government is making the best possible use of its resources in the area of offender rehabilitation.
6. Enactment by the Congress of legislation to provide limited compensation to victims of Federal crimes who suffer personal injury.

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Additionally, the President calls upon employers, including Federal agencies, to keep open minds on the hiring of persons formerly convicted of crimes.

II. BETTER LAWS AND ENFORCEMENT

- A. The President is unalterably opposed to Federal registration of guns or gun owners. He has directed the Attorney General to prepare legislation prohibiting the manufacture, assembly or sale of "Saturday Night Specials". The President also proposes to strengthen current law so as to strike at the illegal commerce in handguns and to emphasize the responsibility of dealers to adhere to the law. He has also ordered the Treasury Department's Bureau of Alcohol, Tobacco and Firearms to double its investigative efforts in the nation's ten largest metropolitan areas and to immediately employ and train an additional 500 firearms investigators for this priority effort.
- B. The President believes there are several other areas in which Federal law and enforcement can be improved to strike at those who have made crime a business. Laws relating to organized crime, consumer fraud, white-collar crimes and protection of civil rights can and should be improved.
- C. The President also has directed the Domestic Council to conduct a comprehensive, priority review of the Federal effort in the treatment and prevention of drug abuse, to ensure that Federal programs and policies are appropriate to meet the current and mounting threat.

III. PROVIDING FINANCIAL AND TECHNICAL ASSISTANCE

The Federal government must continue to help State and local governments in carrying out their law enforcement responsibilities. Therefore, the President will submit to the Congress a bill that will continue the Law Enforcement Assistance Administration through 1981.

The Bill will authorize \$6.8 billion for the Law Enforcement Assistance Administration to continue its work through 1981. Further, the bill will increase LEAA's annual funding authorization of \$1.25 billion to \$1.3 billion so that additional funds may be made available to urban areas with high crime rates. Finally, the bill will place additional emphasis on improving State and local court systems.

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OFFICE OF THE WHITE HOUSE PRESS SECRETARY
(Sacramento, California)

THE WHITE HOUSE

REMARKS OF THE PRESIDENT
TO THE
CALIFORNIA STATE LEGISLATURE

CALIFORNIA STATE CAPITOL

11:33 A.M. PDT

Governor Brown, Mr. Speaker, Mr. President, members of the State Legislature, distinguished guests, ladies and gentlemen:

It is indeed an honor to come before the California Legislature. You represent more Americans than any other legislative body, except the Congress of the United States, with which I have had some acquaintance over a good many years.

Almost half of California's delegation in the current Congress are alumnus of this legislature. I cannot take time to salute all of them by name, but from veterans like the able Majority Whip, John McFall, to respected newcomers like Bob Lagomarsino, they are really an outstanding group.

In 25 years that I served in the Congress, I made many friendships with former State Senators and assemblymen from Sacramento whose constituents have consistently sent them back to Washington.

Although they represent a wide spectrum of political persuasions and interests, they were almost without exception able, hard working legislators who quickly reached positions of great importance and great influence in the House of Representatives, where they could make California's voice heard and, believe me, they did.

As a delegation that is now the largest in the Congress, Californians were often able to temporarily put partisanship aside on matters of great concern to your State as well as to our Nation.

This, after all, is the way our two-party system works at its best. I, long ago, came to admire California legislators from afar, and I thank you very, very sincerely for this opportunity to meet in this historic chamber.

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Since California is almost a model of the whole United States, in its diversity of industry and agriculture, its urban and rural interests, its internal and international trade and commerce, its steady growth and the attendant challenges in transportation, education, employment and human needs, almost any national problem would be an appropriate one to discuss in California context.

Any subject that is of major importance to Californians is also of deep concern to all Americans.

In the 13 months I served as President of all of the people, my priority goals have been set by the circumstances which confronted our Nation, and still do: To work steadily and prudently toward peace and the reduction of conflicts which threaten peace globally or regionally without weakening either our defense or our resolve; to reverse the current recession and to revive our free economic system without reigniting the inflationary forces, and through such Federal stimulants and incentives as will create productivity and permanent private jobs and genuine economic growth; to develop a comprehensive short- and long-term program to end our growing dependence on foreign sources of energy and provide the abundant and sure energy supply that is essential both for jobs and to competitive production for the future; and finally, but certainly not least, to encourage among all Americans a greater spirit of conciliation, cooperation and confidence in the future of this great country and the institutions of self-government which for 200 years have served to create a more perfect union.

Today, I could devote my time to any one of these goals because all are of concern in Sacramento, as well as in Washington. California has a very vital stake in peace and the important breakthrough we have just made in diffusing the time bomb that has been ticking away ominously in the Middle East.

California is blessed above many, many States when it comes to energy resources. But by the same token, Californians are exceptionally aware of the importance of power to make things move, to make things grow.

I have decided, however, to discuss with you today another subject on my agenda, one that affects every American and every Californian, one in which the role and the responsibility of State officials is even greater than that of the Federal establishment; that is, the truly alarming increase in violent crime throughout this country.

Crime is a threat so dangerous and so stubborn that I am convinced it can be brought under control only by the best concerted efforts of all levels of Government, Federal, State and local, by the closest cooperation among Executive, Legislative and Judicial Branches, and by the abandonment of partisanship on a scale comparable to closing the ranks in wartime against an external enemy.

I come to California not only to plead for this kind of Federal, State and local citizen coalition against crime, but to praise the progress you have already begun in California.

California has long been a leader in both law enforcement and criminal justice. The rate of increase in violent crimes here remains less than the national average. For the first quarter of this year, serious crime rose 18 percent for the Nation as a whole. It rose only 13 percent in California, but both figures, I am sure we agree, are far, far too high.

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The rate for forcible rape was down, but murder was up 22 percent in California and robbery up 23 percent. What is more distressing, my good friend, Evelle Younger, tells me that nearly four out of every ten persons convicted of using firearms to kill someone, or to rob someone, were given probation. Approximately 2300 persons convicted of violent crimes involving firearms are returned to the streets of California each year without serving a prison sentence.

Clearly, the billions of dollars spent at all levels of Government since 1960 have not done the job of stemming the rise in crime. The reported crime rate has doubled, and unreported crimes have probably multiplied even more.

As a former lawmaker among active lawmakers, let me put before you three simple propositions about crime. First, a primary duty of Government is to protect the law-abiding citizens in his peaceful pursuits of life, liberty and happiness.

The Preamble to our Constitution at the Federal level puts the obligation to insure domestic tranquility in the same category as providing for the common defense against foreign foes.

The American Revolution was unique in its devotion to the rule of law. We overthrew our rulers but cherished their rules. The founding fathers were dedicated to John Locke's dictum that "Where there is no law, there is no freedom." One of them, James Madison, added his own corollary, "If men were angels, no government would be necessary."

While it is true that not all men nor all women are angels, it is also true that the vast majority of Americans are law-abiding. In one study of ten thousand males born in 1945, it was shown that only 6 percent of them perpetrated two-thirds of all crimes committed by the entire sample.

As for serious crimes, most are committed by repeaters. Another study in a major metropolitan area showed that within a single year, more than two hundred burglaries, 60 rapes and 14 murders were the work of only ten individual criminals.

This brings me to my second proposition. If a primary duty of Government is to insure the domestic tranquility of the law-abiding majority, should we not put as much emphasis on the rights of the innocent victim as we do on the rights of the accused violators?

I am not suggesting that due process should be ignored or the legal rights of defendants be reduced. I am not urging a vindictive attitude toward convicted offenders. I am saying that, as a matter of public policy, the time has come to give equal weight on the scale of justice to the rights of the innocent victims of crimes of terror and violence.

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Victims are my primary concern and I am sure that is your primary concern. They should be the concern of all of us who have a role in making or executing or enforcing or interpreting the criminal law, Federal, State or local. The vast majority of victims of violent crime in this country are the poor, the old, the very young, the disadvantaged minorities, the people who crowd our urban centers, the most defenseless of our fellow citizens.

Government should deal equally with all citizens but if it must tilt a little to protect any element more than any other, surely it should be those who cannot afford to be robbed of a day's food money, those who lack the strength to resist, those who even fear the the consequences of complaining.

My third proposition is this: If most serious crimes are committed by repeaters, most violent crimes by criminals carrying guns, if the tiny majority of habitual lawmakers can be identified by modern data-keeping methods, then is it not mandatory that such offenders, duly tried and convicted, be removed from society for a definite period of time rather than returning to the streets to continue to prey on the innocent and the law-abiding majority?

Although only a very limited number of violent crimes fall under Federal jurisdiction, I have urged the Congress to set an example by providing for mandatory prison terms for convicted offenders in such extraordinarily serious crimes as aircraft hijacking, kidnapping and trafficking in hard drugs. I also advocate mandatory sentences for persons found guilty of crimes involving use of dangerous weapons, and for repeat offenders, with or without a weapon, whose crimes show a potential or actual cause of physical injury. There will, of course, be sensible exception but they must be minimal.

I hope all 50 States will follow suit. Far too many violent and repetitive criminals never spend a day in prison after conviction. Mandatory sentences need not be severe. It is the certainty of confinement that is presently lacking. We will never deter crime, nor reduce its growth if potential lawbreakers feel they have favorable odds of escaping punishment.

The more experienced in crime they get, the better their odds of not suffering the consequences. That is wrong and it must be reversed, and the quicker, the better.

The temptation to politicians -- and I trust we are all politicians here, and proud of it -- I am -- is to call for a massive crackdown on crime and to advocate throwing every convicted felon in jail and throwing the key away.

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We have heard such cries for years and crime continues to gain on us. The problem is infinitely more complex than any updated vigilante mentality can cope with. We have to confess, you and I, that we do not know all of the answers. But as with other stubborn national problems, my philosophy is that we must take one sure step at a time.

It is simply intolerable to stand still or slip backwards. It is simply impossible to devise a swift cure-all or a quick fix.

In a talk to my alma mater and to yours, Mr. Governor, the Yale Law School, last April, and again in a detailed message to the Congress in June, I outlined the first steps which I believe must be taken to get a handle on the rising crime rates. I will not rehash these points today, except to thank the California Legislature for moving somewhat faster than Congress has on some of my recommendations, such as mandatory prison sentences for crimes involving firearms and hard drug pushing.

I told the Congress, not as a cop-out, but as a Constitutional fact of life, that the Federal effort in the fight against crime really depends on the massive support from the States -- which quite properly have sole jurisdiction in the exercise of most police powers.

I said the Federal Government could, however, set an example to reform of the Federal Criminal Code, which is progressing, and through the Law Enforcement Assistance Administration and other programs including general revenue sharing.

I want to give it to you straight about these programs. They were pushed by the minority in the Congress during the Johnson Administration and I am somewhat proud of my association with the innovative Federal measures and the proof that if an idea is good enough, it can prevail even if the minority espouses it.

I have asked the Congress to extend general revenue sharing, which expires at the end of next year. Under it, California has received about ten percent of the total Federal funds turned back to the States and to subdivisions.

California's share now adds up to more than \$2 billion and will be closer to \$3 billion by the expiration date.

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This is money that you in California are relatively free to use where you think California needs it most.

Frankly, the Congress isn't too happy about such liberty on your part and would rather tell you how they want it spent. I leave it to your good judgment to help us continue this program for another five years. I have recommended that it be extended for a five-year period, and with added money on an annual basis.

I should say, and, in fact, warn you, there are many enemies in the Congress who don't want it extended and the consequence is there is an unfortunate delay. And I detect that there is a feeling of complacency on the part of Governors, State Legislators, Mayors and county officials. I warn you, all of those who have received these funds and used them effectively -- and I think you have -- get moving, because the enemies are working and I don't detect the proponents are pushing.

Don't get caught napping when that expiration date comes up much more quickly than you suspect it might.

As for LEAA, I must say candidly that it hasn't done as much to help curb the rising crime statistics as we had hoped. But it has encouraged experimentation and pilot projects in law enforcement and criminal justice which, if they work, can be adopted by other States. Some of the outstanding ones have been funded for California's own Department of Justice dealing with organized crime and criminal intelligence and to Sacramento and San Diego counties for programs on juvenile delinquency, white collar crime, fraud, drugs and career criminals.

The drug problem in America could make several speeches by itself. Here, again, we have a small number of deliberate criminals who destroy the domestic tranquility of millions and millions of decent citizens. What is particularly outrageous is the tragedy they bring to young people who should be learning to face life, not run from it.

MORE

Here in California, according to the latest figures I have seen, less than one out of every five convicted hard drug pusher ever served time in prison. One way to keep a convicted murderer from killing anybody else, one to keep a hard drug pusher from ruining any more lives, is to lock them up for a reasonable but certain term of imprisonment.

Loss of Liberty is both a deterrent to crime and a prevention of repeated crime, at least while the defendant is behind bars. Prisoners should be treated humanely, and we cannot expect judges, Mr. Chief Justice, and juries, to convict and sentence persons to places of confinement that are cruel and degrading.

But I consider it essential that we reduce delay in bringing arrested persons to trial, sharply limit the prevailing practice of plea bargaining caused by congested prosecutor and court calendars, and significantly increase the proportion of those convicted of violent crimes and repeated crimes who actually serve time in prison.

I commend the State of California for its ongoing efforts in these areas, as well as for your program, or programs, to prevent juvenile crime and to rehabilitate youthful first-time offenders.

One of the worst aspects in the current rise in crime rates has been that almost half of all arrests are persons under 18 years of age. While imprisonment is clearly the way to put hardened criminals out of business for a period of time, it is obviously not the best way to deal with the very young.

Simply sending them home has not proved a satisfactory solution, either. We do not have all the answers, but we must spare no efforts to find them quickly.

The Federal Department of Justice has embarked on an urgent pilot program to divert first offenders and, in appropriate cases, prevent them acquiring the lifelong stigma of a criminal record.

Another aspect of the crime program that I have submitted, I asked the Congress to write into the revised Federal criminal code the stronger provisions to allow Federal action against organized crime, wherever it rears its ugly head.

The leaders of organized crime do not recognize State or, for that matter, national boundaries. It will take all of our law enforcement resources to fight this giant conspiracy against domestic tranquility and prevent its spread.

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Like other vexing problems facing California and the Nation, we will not conquer crime with a single roll call or a stroke of the Governor's or President's pen. But, we must do what we can and we must work together here and now for the sake of our children and our grandchildren.

It was really for this reason that I wanted to discuss crime today and the common front that we must create against it. Peace in our neighborhoods and places of business is almost as important as peace in the world.

Keeping the peace is as heroic and essential on the part of those policemen and policewomen who work the night shift as it is on the part of our military personnel and civilian technicians standing watch around the world.

The courage and devotion of some for the safety and survival of all have brought us through 200 years as a Nation, and it will carry us forward to an even brighter future.

Nowhere is the community of interest and the necessity of close collaboration between the Federal Government and the States of the Union more obvious than in the field of crime control.

There is no more universal longing among our people than to be free of fear and safe in their homes and in their livelihoods.

There is no issue even in a spirited campaign year already beginning, in which we who seek to serve the people can work harder without partisanship or without demagoguery to bring about visible progress.

I have not brought along any patent medicine that cures all human ills to peddle here in California. I have come simply to pledge to you my unrelenting efforts to reduce crime in cooperation and consultation with you and with all who have America at heart.

In moving against crime, with compassion for the victims and evenhanded justice for the violator, California can be the pace setter for the Nation, as you have been in so many other challenges.

The genius of California has enriched all America beyond the wildest expectation of our goal-seeking ancestors. But, I am not here to sing, "I love you California," either. I will save that for future visits, and I hope there will be many, because I love your people.

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For today, it is enough to ask your help on this complex but fundamental problem that confronts us all. If we fail to insure domestic tranquility, any other successes we may have as public officials will be forgotten.

Peace on 10th Street in Sacramento is as important to the people who walk and work there as peace in the Sinai Desert.

One man or woman, or child, becomes just as dead from a switchblade slash as from a nuclear missile blast. We must prevent both.

Thank you very much.

END (AT 12:05 P.M. PDT)

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

*Drug program
in
Congress*

THE WHITE HOUSE

REMARKS OF THE PRESIDENT
AT THE
LEAA CAREER CRIMINAL CONFERENCE

DEPARTMENT OF JUSTICE

4:05 P.M. EDT

Mr. Attorney General, Attorney General Tyler,
Mr. Velde, Mr. Work, ladies and gentlemen:

I am delighted to be here this afternoon and to give my personal encouragement and help and assistance to a program that I feel very strongly about.

Last September, as was mentioned by Mr. Velde, I directed the Department of Justice to develop a program to deal with the career criminals throughout the country. Its goals, as all of you know, are quick identification of those who repeatedly commit serious crimes, priority of prosecution of those cases, and the assurance of appropriate sentences upon conviction so that they could not return immediately to victimize the community.

And speaking of victimizing the community, it, of course, means the victimizing of the individual. And in a speech that I gave at the Yale Law School this past spring, where I sought to lay out some guidelines and some further direction, we used two phrases that, in my opinion, ought to be the direction in which we go -- concern for the victim of crime, and concern for the domestic tranquility of our country.

Now this program that you are a part of has been funded with LEAA grants and I commend each of you from your respective 11 communities for your participation to prove that a program can work in this field. I am enough of an optimist to believe that this kind of well-directed, well-funded thing, with the right personnel, will result in success.

I am told that it will be operational in all 11 cities in a relatively short period of time, and although we recognize it as experimental in nature I personally have very great expectations for its success.

All of you, through your various responsibilities, know far better than myself the toll that crime exacts from our fellow citizens, a toll measured in blood, treasure and peace of mind.

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Unfortunately, the statistics prove that crime is on the rise. Since 1960 -- and this is hard to believe -- reported crime has more than doubled. Last year we saw the annual crime rate increase by 17 percent, the largest yearly increase since the FBI began statistics in their department some 44 years ago.

This crime epidemic threatens the very foundation of our society, for it is law which makes human society possible. Each of us has taken an oath to uphold and to defend the Constitution which charges us with the duty, the very solemn obligation of insuring domestic tranquility.

But there can be little domestic tranquility when increasing numbers of citizens are robbed, mugged, raped, murdered. Each of us has a very unique opportunity to do something about this.

As you know, again far better than myself, a very large percentage of serious crimes are committed by a very small part --or small number--of offenders. The career criminal program aims directly at solving this specific problem. And the success of this program will pave the way for a far greater effort, a far sharper focus on career criminals by our criminal justice system.

The good part about this program, as I see it, is that it is a grassroots program. The Federal Government, through the Law Enforcement Assistance Act, has awarded some \$5 million in grants together with equipment, technical assistance and evaluation. But the day-to-day planning, the conduct and the decision-making are fundamentally yours at the local level.

I happen to believe that is the way it should be. With few exceptions, the prosecution of serious crimes in this country is solely within the jurisdiction of State and local authorities.

I gather from talking with the Attorney General and with others, you have all had a very productive day even though the weather of Washington interfered to some extent with your starting on time. Let me assure you we were a little late getting started in the White House this morning for reasons that were obvious, because of the weather.

If I might close with this observation, even though Disraeli once said "It is with words we govern men," I might add my personal belief that it is with words we also wear men down.

So let me end by thanking you for coming here, for working so hard in the preparation for this new operation and with the work that you will do when you get back to your local communities. I think it is a program with a very bright promise. And may God speed you as you proceed.

Thank you very much.

END (AT 4:12 P.M. EDT)

OFFICE OF THE WHITE HOUSE PRESS SECRETARY
(Miami, Florida)

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)