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THE WHITE HOUSE

TEXT OF REMARKS BY THE PRESIDENT
TO BE DELIVERED TO THE JOINT SESSION OF THE
CALIFORNIA LEGISLATURE

/ SACRAMENTO, CALIFORNIA

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. Almost half of California's delegation in the current Congress are alumni 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 the 25 years I served in the Congress I made many friendships with former State Senators and Assemblymen from Sacramento whose constituents had sent them back to Washington. Although they represented a wide spectrum of political persuasions and interests, they were, almost without exception, able and hard-working legislators who quickly reached positions of importance and influence in the House of Representatives where they could make California's voice heard -- and 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 and to our Nation. This is after all the way our two-Party system works at its best. I long ago came to admire California Legislators from afar, and I thank you most sincerely for this opportunity to meet with you in this historic chamber.

Since California is almost a model of the whole United States in the diversity of its 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 a California context. Any subject that is of major importance to Californians is also a concern of all Americans.

In the 13 months I have served as President of all 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 revive our free economic system without reigniting inflationary forces and through such Federal stimulants and incentives as will create productive and permanent private jobs and generate genuine economic growth; to develop a comprehensive, short and long range program to end our growing dependence on foreign sources of energy and provide the abundant and sure energy supply that is essential both to 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.

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Today I could devote my time to any of these goals, because all are of concern in Sacramento as well as in Washington.

California has a vital stake in peace and in the important breakthrough we have just made in defusing the time-bomb that has been ticking away ominously in the Middle East.

California is blessed above 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 and grow.

I have decided however, to discuss with you today another subject high on my agenda, one that affects every American and every Californian, one in which the role and 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 of cooperation among Executive, Legislative and Judicial branches, and by the abandonment of partisanship on a scale comparable to closing ranks in wartime against an external enemy.

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

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 10 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 citizen in his peaceful pursuit of life, liberty and happiness. The Preamble to our Constitution puts the obligation "to ensure 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."

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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 10,000 males born in 1945 it was shown that only 6 percent of them perpetrated two-thirds of all the 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 200 burglaries, 60 rapes and 14 murders were the work of only 10 individual criminals.

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

I am not suggesting that due process should be ignored or that 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.

Victims are my 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 and 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 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 minority of habitual lawbreakers 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 returned to the streets to continue to prey on the innocent and law-abiding majority?

Although only a 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 a dangerous weapon, 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 exceptions, 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. This is wrong and we must reverse it.

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The temptation to politicians -- and I trust we are all politicians here and proud of it -- is to call for a massive crackdown on crime and to advocate throwing every convicted felon in jail and throwing the key away. We have heard such cries for years and crime continues to gain on us. The problem is infinitely more complex than any updated vigilantly mentality can cope with. We have to confess, you and I, that we do not know all 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 quick fix.

In a talk to my Alma Mater, 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 the 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 upon massive support from the States which, quite properly, have sole jurisdiction in the exercise of most police powers. I said the Federal Government could set an example through 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. I am proud of my association with these innovative Federal measures and of the proof that, if an idea is good enough, it can prevail even if the minority espouses it.

I have asked this Congress to extend general revenue sharing, which expires at the end of next year. Under it, California has received about 10 percent of the total Federal funds turned back to the States and their subdivisions. California's share now adds up to more than \$2 billion, and will be closer to \$3 billion by the expiration date. This is money that you 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.

As for LEAA, I must say candidly that it hasn't done as much to help curb the rising crime statistics as we 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 very small number of deliberate criminals who destroy the domestic tranquillity of 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.

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

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Loss of liberty is both a deterrent to crime and a prevention of repeated crime, at least while the offender is behind bars. Prisoners should be treated humanely, and we cannot expect judges and juries to convict and sentence the guilty 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 programs to prevent juvenile crime and to rehabilitate youthful first-time offenders. One of the worst aspects of 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 obviously is not the best way to deal with the very young. Yet simply sending them home has not proven a very satisfactory solution either.

We do not have all the answers but we must spare no effort 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 their acquiring the lifelong stigma of a criminal record.

In another aspect of my crime program, I have asked the Congress to write into the revised Federal Criminal Code 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.

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 grandchildren.

It was really for this reason that I wanted to discuss crime today and the common front 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, has 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 livelihoods.

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

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I have not brought along any patent medicine that cures all human ills to peddle 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 even-handed justice for the violators, 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 expectations of our gold-seeking ancestors.

But I am not here to sing "I love you, California," either. I will save that for future visits. For today it is enough to ask your help on this complex but fundamental problem that confronts us all.

If we fail to ensure 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.

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