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Address by

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before the

LEARNED HAND HUMAN RELATIONS AWARD DINNER OF THE LAWYERS DIVISION

AMERICAN JEWISH COMMITTEE

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Plaza Hotel, New York City

It is both a pleasure and an honor for me to join with you tonight in doing literally what was done symbolically on my last trip to New York.

The occasion was President Johnson's signing of the Immigration Reform Act, at the foot of the Statue of Liberty. It occurred to me then, as I watched Congressman Celler stride up to the stand in that bright breeze that I was witnessing not only a national but also a personal triumph, for this measure would have been impossible had it not been for the tenacity and wisdom that have marked his 43-year career in Congress.

That measure thus symbolizes what we join tonight to do quite explicitly -- pay warm honor to Chairman Celler for a record which, even only in the comparatively brief time I have been in Washington, embraces such milestones as the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Chairman Celler, on my own behalf, on behalf of the Department of Justice with which you have worked so wisely and well, and on behalf of the Administration, let me offer you my warmest and most appreciative congratulations.

Immigration and Civil Rights are among a spectrum of fields on which we have worked together. Increasingly, another field of passionate national and governmental concern is crime. In the face of sharp increases in the crime rate and in the face of sharply increasing burdens on local police, the President has appointed a national Commission on Law Enforcement and called on me to serve as its chairman.

In naming the Commission last summer, the President said he hoped "that 1965 will be regarded as the year when this country began in earnest a thorough, intelligent and effective war against crime." There is little need for me to pause and note the size of that assignment. But I thought I might speak tonight in some detail about what we consider to be the principal, national, underlying factor of our work: the public's knowledge and the public's attitude toward crime.

I lay such heavy stress on the attitude of the public because I believe it to be the critical ingredient of any effort in this field. Unless it is possible to provide the information and the recommendations that can more accurately shape public attitudes to crime, no other aspect of our work can succeed.

To understand just how necessary such an approach is, we need only ask ourselves: What is the price of our present ignorance?

I believe there are three distinct prices exacted. The first is that we are denying ourselves fully effective modern law enforcement. Second, in our present national alarm, we need to focus our concerns on the reasons for that alarm. But in our simultaneous ignorance, we are flailing out at scapegoats rather than solutions. And third, because of our inability to achieve real information, we may well be permitting an alarmed public to be cowed by misinformation.

Let me report to you on how we appraise each of these three categories and how the President's Commission is approaching them.

I

When I say we are denying ourselves modern, effective law enforcement, I do not mean to suggest that police are not striving earnestly to bear the oppressive burden we place on them, for they are. I do mean to suggest that we are not providing them with a scale of priorities or with any rational basis for the most effective allocation of resources.

It may be, for example, that one of the most direct and effective actions against crime would be simply to hire more policemen. Given the mushrooming of crime in the past decade it is natural to assume that police forces have grown proportionately. But they have not. In Boston, between 1955 and 1965 the number of police on the force dropped ten percent. San Francisco, the hub of a rapidly urbanizing community of four and a half million people, has been able to increase its force by barely five percent since 1960.

The unbalanced support we give to law enforcement can be illustrated in other ways. For example, the United States Bureau of Narcotics estimates that there are 60,000 addicts in the country, each of them spending an average of more than \$5,000, buy \$350 million worth of heroin every year -- a price that must be paid principally through crime and burglary.

Without even taking note of the grievous price paid in personal suffering, might it not make a great deal of sense to develop these facts as a basis for considerably greater attention and expenditures by state, local, and perhaps even federal authorities?

In a still more fundamental sense, our catchall attitude toward crime and law enforcement has resulted in an almost complete failure to bring to law enforcement the flowering of research, development, and science that characterizes so many fields. It has been only in the past few years that we have seen even the beginning of experiments like the computer analysis of crime patterns on which the allocation of police personnel are based now being conducted in St. Louis.

Thus I believe the Commission must seek to provide to police and municipal leaders a gauge of minimum needs for equipment, funds, and personnel for police, courts, and correctional services.

(Prisons, for example, may provide highly fertile ground. At present, a very high rate of prisoners -- probably more than 50 percent -- go on to commit later crimes. It is possible -- indeed likely -- that by allocating more resources to rehabilitation we can reduce the number of repeaters. In economic as well as social terms, enhanced investment in correctional work could become one of our biggest payoffs.)

The Commission also must seek to bring the innovations and the systematic skills of science to law enforcement.

As an illustration, an electronic burglar alarm system, with a master console in a precinct headquarters might be expensive -- but far less so than the aggregate losses that would otherwise be inflicted on merchants in an area.

As another example, radical improvements in personal communication need not exist only in police comic strips; they should be as feasible for police as they are for the military. Their development might far exceed the resources of an individual police force. But fastening the attention of private industry to the needs and the potential might well result in social -- and economic -- gains.

Consequently, we are now sending a Commission task force out to encourage research and development, to develop a blueprint of what science and research can do in law enforcement. This task force will try directly to encourage such research by private industry -- whose involvement in the technical and planning problems of law enforcement can become just as extensive as it has in the technology of medicine -- or defense.

II

Ineffective allocation of resources and attention to law enforcement is the first of the three kinds of price I believe we are paying for our present primitive attitudes toward crime.

The second is the extent to which we are now flailing at scapegoats.

The fact of public alarm over crime needs no elaboration. In all parts of the country, citizens are frightened, and -- in the general ignorance of which problems their concern should be directed at -- are reacting against the nearest targets.

Perhaps the most common -- and least defensible -- recent target has been the courts. Their liberal decisions, it has been asserted all too often, have emboldened criminals, have made police work more difficult, and thus have caused or contributed to the rise in crime.

I do not agree uniformly with the philosophies underlying all of the recent controversial decisions in the field of criminal justice. The problems which some of these decisions seek to solve are, in my opinion, problems which should be resolved by state statutes rather than be frozen into constitutional interpretations stemming only from the facts of a single case.

Nevertheless, to identify a cause and effect relationship between court decisions and the crime rate is to reach a devastating conclusion with little hard evidence to support it. Castigating the courts endangers rights central to our society -- the right to be let alone; the right not to be compelled to incriminate oneself. Such castigations are not only distractive, but they are destructive. Not only do they draw our attention away from the real roots of crime, but they inflame public attitudes toward the courts, risking real damage to the strength and purpose of the entire judiciary.

Another scapegoat -- a particularly ironic one -- are the police themselves. It seems painfully obvious to observe that the police are our central institutions for dealing with crime and that when their problems increase, so should our support.

Yet we all know how often it is that instead of support, they receive righteous criticism for being inept; or cynical dismissal as being, in any event, corrupt. We fall too easily into slogans that a half hour of questioning is instantly supposed to equate with "police brutality".

As Chief Thomas Cahill of San Francisco observed at the last meeting of the Crime Commission, whenever the crime figures go up, whenever anything goes wrong, "immediately there is the question, 'Why aren't the cops doing more? Why didn't the police arrest these robbers?'"

I find this kind of criticism just as dismaying as that of the courts. For, in most cases, it is flatly unfair. To take a close municipal analogy, it is rather like blaming the firemen for the fire.

The courts and the police are hardly the only scapegoats. The AJC is particularly aware of a major one; too often, too stridently, and particularly in recent political campaigns, we have heard the innuendo and even the explicit equation of crime and race.

Seeking such scapegoats is destructive. Still, the need to find targets is a human one and evidences the intensity of public concern over crime. It is no answer simply to say that the targets so far seized on are unjustified; the answer must lie, rather, in the isolation and identification of the actual evils.

For these reasons, I have directed the staff of the Crime Commission to embark on a study of the relationships between court decisions and crime. More important, I have asked the staff to make the broadest possible appraisal of the conditions that create the opportunity for crime, in the hope that we can identify them and realign public concern to them.

We will survey and collate all possible sources of information on the relationship between crime and conditions of deprivation and discrimination -- from our own work, from other government agencies like the Anti-Poverty program, and from private sources -- such as Marvin Wolfgang's excellent AJC report of last year on Crime and Race.

III

I have spoken so far about two of the very high prices we must now pay for uniformed attitudes about crime -- denying ourselves effective law enforcement, and, in our ignorance, seizing destructively on scapegoats for our concerns.

Perhaps even more fundamental is the third kind of price exacted -- the extent to which the public may now be intimidated by exaggeration and misinformation in some areas and misled into false confidence in others.

In statistical terms, we are extraordinarily fortunate to have the fruits of years of painstaking work by the Federal Bureau of Investigation which regularly compiles its national Uniform Crime Report. This Report gives us a better statistical picture of crime than is available to any other country in the world and each year, the Report continues to improve.

Nevertheless, if we are to alleviate or properly align public concerns over crime, there is much more we need to know. Even the best statistics, after all, provide only a skeleton and if taken to mean too much, provide a misleading skeleton.

Not too long ago, your former Police Commissioner Michael Murphy told me about some New York statistics. Most murders, he noted, are committed between 3 a.m. and 6 a.m. in residences by a relative or acquaintance. It is thus possible to draw the lesson, he said, that the safest place to be at night is not at home in bed, but in Central Park.

The more serious lesson is that we are faced with a need to put a great deal of flesh on the skeleton of statistics. We need to know not only that certain crimes are committed at a certain rate but who commits them -- where they are committed, how many are committed by strangers; we should be able to tell, for example, whether all women in a city should be constantly

terrified by the possibility of being raped by a stranger, or whether in fact, the odds of that happening may be about the same as those of being hit by lightning -- which may, indeed, be closer to the truth.

Let me hasten to say that I do not seek, in any way, to minimize public alarm or public precaution; much of it may be justified. I think the government bears a responsibility to protect and warn the public -- as it does, for example, with respect to hitchhikers, or dangerous drugs. But at the same time, I believe there is a parallel duty, depending on the facts to reassure the public when it is myths and not facts that create dislocations and alarm.

The Crime Commission shares deeply in both these responsibilities and we will shortly set out to act on them by seeking a fuller picture of criminal activity.

We will begin by developing precinct profiles in a number of major cities -- intensive case study compilations with which to flesh out the FBI statistics.

Such a detailed profile of crime could serve as an important guide to private action. If more of the public were to recognize and act on the fact that 40 percent of the cars stolen annually were left with the keys in the ignition, we could obviously make an immediate and substantial dent in the largest category of crime the FBI classifies as important.

Just as there are steps that individuals, made aware of the hazards, can take to prevent crime, information can give us the basis for better understanding of which fears are justified and which are exaggerated. I suspect that too often, too many change the course of their daily lives because of fears, that may, in fact, be inflated.

I think of an elderly lady who lived alone near Central Park. Her daily delight was to walk her dog there every afternoon, but she saw so many stories of purse-snatchings and attacks in the papers she decided it wasn't safe to go out. So she gave up her dog and now spends her time indoors.

That slight, but poignant decision may or may not have been justified by the facts; what is most disturbing is that we simply don't know. We have no basis on which to give her -- and millions of others whose lives are touched with fear -- a measured answer of the actual dangers and real risks, rather than simply the impression that all parks are always dangerous.

It is not crime so much that we should fear; it is not so much fear itself; it is, rather, fear based on fancy rather than facts. For by succumbing to such fear, we surrender both freedom and rationality.

We are not a fearful nation. It is one of the dominant threads of our young history that we have always sought maximum freedom bounded not by our fears but rather by rational understanding and weighing of the risks.

Whatever else the Commission may do, whatever else the nation may do in response to our present problems of crime, maintaining that tradition is the most central challenge. As President Johnson observed not long ago:

"No more bitter irony could be imagined than this -- that a people so committed to the quest for human dignity should have to pursue that quest in trembling, behind locked doors. We are determined that this shall not happen."