



Department of Justice

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Statement by

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before the

SUBCOMMITTEE ON EXECUTIVE REORGANIZATION

of the

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

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We meet in a season of sad, even fearsome frustration. In past weeks, we have seen eruptions of frustration among Negro citizens in demonstrations, riots, and violence in a number of cities.

We have seen frustration among whites crystallize into equally ugly counter-demonstrations and violence.

And we have witnessed frustration in the statements of those who have insisted that Negro rioting had to be and was fomented by agitators-- by leftists or racial extremists.

The Department of Justice, deeply opposed to violence and deeply concerned over any breakdown of law, has looked carefully into the causes of the riots. We conclude that they were indeed fomented by agitators-- agitators named disease and despair, joblessness and hopelessness, rat-infested housing and long-impacted cynicism.

These sources of agitation are not the product of Communists or Black Nationalists, or terrorists. They are the product of generations

of indifference by all the American people to the rot and rust and mold which we have allowed to eat into the core of our cities.

This corrosion would be intolerable if it poisoned only the lives of the Negro. It would be intolerable if it poisoned only the lives of all lower-income city dwellers. But now, in 1966, when three of every four Americans is an urban resident, have we surely not come to a time when the corrosion of the city is the corrosion of the life of the entire nation? America's cities and America are indistinguishable. Urban problems and national problems are inseparable.

What are the nation's pressing domestic concerns today? Poverty: is that not an urban problem? Unemployment: is that not an urban problem? Housing . . . education . . . air pollution . . . public health: are these not all urban problems?

In short, the task this committee has set itself is as mammoth as it is meaningful. Its scope is indicated by the fact that even to cover the federal government's responsibilities in this field requires testimony by more than half of the President's Cabinet.

I thank you for including me among those you have invited to appear. I warmly welcome the opportunity to join with other Administration spokesmen in coming to describe what programs have already been undertaken.

I welcome the opportunity to join with them in saying that this Administration--like this committee--recognizes the enormity and the necessity of reshaping American urban life.

And I welcome the opportunity to join in saying that we believe these are tasks that must be accomplished and that we will not be satisfied, we will not rest, until they are.

President Johnson sounded the watchword last January when he submitted his Message on American Cities to the Congress: "So let us begin--begin now, this year--so that a decade from now our cities may be what we have dreamed them to be--the masterpiece of our civilization."

I do not come to offer a broad report. Secretary Weaver has already detailed for you the series of programs and proposals already undertaken relating to the urban crisis--a necessary starting point for any future proposals. Other officials will describe their programs in days to come.

My role is specific: to delineate the urban impact of activities on the Department of Justice and the President's Commission on Law Enforcement and Administration of Justice.

And yet, as this committee has already so importantly underscored, it is not easy to compartmentalize the problems of the city. As Senator Kennedy observed Monday, underneath these problems "are a series of converging forces which rip at the fabric of life in the American city."

It is not sensible, consequently, to talk about programs of the Department of Justice, or the Crime Commission, or of any single agency as independent or as decisive. No answer we could offer to the problems of crime, for example, regardless of the brilliance of the members and staff of the Commission, could flower if attention to the general problems of the city remained arid and unfertilized.

In short, the success of our work is inescapably bound to the success of the larger work of this Administration. And the keystone of that work is the Demonstration Cities program.

The genius of this program lies in its basic comprehension that the problems of the city are not ones of brick alone, but also of men; that

the only success worth having or, indeed, possible--is for the problems of blight, unemployment, education, housing and all the rest to be considered in tandem.

The Demonstration Cities program is a flexible and adaptable instrument. It can absorb future programs of physical construction and social service. Indeed, it is designed to encompass such noteworthy ideas as the Community Development Corporations, the potential of which has been so well articulated by Senator Kennedy, and which were envisioned by the Presidential Task Force on Cities last fall. There is hardly a suggestion I have heard about possible further courses of action in the city which could not be fitted comfortably into the framework of this bill.

It does not cast a frozen mold that inhibits future change. It gives realistic promise of affording neighborhoods of maximum need a chance for real revival in accordance with their distinctive requirements and their size.

This is not a bill for the Goliath city or the small city alone. Its provisions allow the federal government to offer all urban communities an assisting hand when they take the initiative. This is not a bill which erodes or supersedes the ability of local governments to act. Its effects should be just the opposite--in giving cities new choices, new capacities, and new creativity.

This program already owes a debt to Senator Ribicoff, for his service last fall on the Presidential Task Force of scholars, experts, and public servants. It was the driving, imaginative work of that Task Force which laid the foundation for the President's Message and the legislative recommendations pending before the Congress.

We owe an additional debt to Senator Ribicoff now for the renewed attention these hearings are focusing on the urgency of the urban crisis-- on the need for the legislation the President has proposed, on the need for the Senate to act favorably on the Demonstration Cities bill now on the Senate floor.

Against the background, then, of this basic program and of other Administration activity focused on the city let me outline the roles of the Department of Justice and the Crime Commission.

I am not the administrator or departmental proponent of large action or grant-in-aid programs. Nevertheless, the Department is the chief litigator for the government, and with increasing responsibility for civil rights and the improvement of criminal justice, it has a close partnership with many of the spearhead efforts which the Government is making in the city.

Nor is there any doubt that the quality of our work in civil rights and other law enforcement greatly affects the confidence which all disadvantaged groups have in the integrity of our institutions.

If the Department of Justice most characteristically is the fireman called to duty when fire is close or already raging, it is our experience, both in litigation and in informal negotiation, that legal problem-solving can be enormously enhanced by the landmark legislation of the past two years and that now before Congress.

The problem, for example, of accelerating the rate of school desegregation everywhere has been eased substantially by the medley of tools provided by the Elementary and Secondary Education Act of 1965--ranging from straight assistance for school construction to special techniques of remedial and quality education.

Likewise, I can think of no immediately available set of tools more likely to assist in releasing the building pressure in the urban ghettos than prompt funding of the rent-supplement program and passage of the Demonstration Cities bill. In concert with our fair housing proposal, all of my Department's responsibilities in civil rights and community relations would be given greater force and effectiveness by their passage.

Let me turn now to the specific activities of the Department and the Crime Commission which have relevance to inquiry.

1. Law Enforcement

In the establishment of the Office of Law Enforcement Assistance, in the passage of the Law Enforcement Assistance Act, and in the creation of the President's Commission on Law Enforcement and the Administration of Criminal Justice--all within two years--we are inciting a revolution in knowledge about the whole cycle of criminal justice.

We have also begun to support and fund programs of research and experimentation which will, I believe, profoundly alter and improve all aspects of the criminal justice system. Large parts of this system have remained invisible and unexamined. In few areas has the 20th century made such shallow penetration or are public preconceptions so hardened.

Few agents of our society have had to work in such darkness as the policeman, the corrections officer, the criminal judge. The ice floes of old social patterns are shifting as never before, and often they smash. Many times the policeman is the only buffer.

One large theme that has come to the forefront from the work of the President's Commission and from the studies under the Law Assistance Act is the fundamental one: whether the law we see and respect is the same law seen by the urban poor--be they victim, witness, or accused. To many, the

system of criminal justice is largely invisible because we have no contact with it. But what is the view of the poor person who is thrown into frequent contact with it? Does he see dignity in the criminal law? Does he experience fairness in the criminal law? Does he develop respect for the criminal law?

To ask these questions is to answer them: the distrust and disrespect for criminal justice among the poor--however law-abiding the vast majority--is obvious.

Too often we react not by blaming the system which inspires such disrespect but by blaming its subject. Too often, we are disposed to dismiss the inequities visited by the system by saying, that the poor--particularly Negro poor--are shiftless, or are unsophisticated, or are prone to crime.

In the more than 80 grants which we made during fiscal year 1966 under the Law Enforcement Assistance Act we have tried to give this kind of problem the widest perspective and to put as many inherited assumptions as possible to hard tests:

Whether slums breed crime, whether poverty breeds violence, whether systems of work release and community treatment will reduce recidivism among juvenile offenders, whether community referrals and consultation can better handle minor criminal complaints than the courts, whether more disadvantaged youths can qualify for police work.

The Law Enforcement Assistance Act applies to all the agencies of law enforcement and administration of justice--the police, prosecutors, courts, and correctional agencies. It has broad application to all units of government, and it should help greatly in illuminating the relationship of law enforcement to the condition of our cities.

None of our studies under the Act has been more central to the Department of Justice and the Crime Commission than those for police-community relations. These too have been broad in range--from a three week management seminar for 40 police chiefs in large cities taking place now at the Harvard Business School to a police-community relations course for the entire city police force of New Orleans, plus 100 key police officials from four surrounding parishes.

Today I am happy to announce that we are able to begin a new Law Enforcement Assistance plan by which special grants will be available to cities of over 150,000 population for planning and developing police-community relations programs. These grants, totalling \$1,000,000, underscore the fact that the man on the beat is, for many citizens, the only real link with local government and even organized society. Likewise the average policeman needs, and wants, a greater understanding of the people in his community, neighborhood by neighborhood.

The need here is so widely felt that we anticipate rapid applications from at least 60 cities in all parts of the country.

The President's Commission is also making deep probes into basic issues. Its full-time staff of over 20 and its force of more than 200 consultants, it draws on the best talent and acknowledged professional excellence.

Senator Kennedy is well acquainted with the outstanding abilities of the Director and Deputy Director, James Vorenberg and Henry Ruth. Lloyd Ohlin from Columbia who leads the Task Force on Crime has the highest standing as sociologist, welfare expert, and penologist. Albert Reiss, Jr., of the University of Michigan, who is working on "precinct profiles," seeking to measure aspects of crime that cannot be tabulated and to evaluate public attitudes toward law enforcement, is a man of similar high repute.

Professor Frank Remington of the University of Wisconsin Law School, studying administrative control of the police; Dean Donald Cressy of the University of California at Santa Barbara, making a sociological analysis of organized crime groups; and Professor Abraham Goldstein of the Yale University Law School, examining the early diversion of criminal cases from the criminal court system, are further distinguished examples of the advisers we have brought to this task.

Indeed, I should note that it was Senator Kennedy, as Attorney General, who first brought the Department of Justice into this frontier area of the law by appointing an exceptional committee on law and the poor and by initiating a full-time Office of Criminal Justice in the Department.

Our studies seem to me essential preconditions of any large new programs in my Department. The terrain is so little charted, the areas of near ignorance so broad that I cannot believe new programs, bold in scale but lacking roots in knowledge, would appreciably improve the climate of criminal justice. Early next year, however, when the Commission has completed its findings over the whole topography of crime, from narcotics to the possible institution of alarm and surveillance systems, it may well be necessary to map out areas of enlarged expenditures.

Not only does it take time to pierce the areas of ignorance; it also takes time to mobilize and harness durable community support, and to relate discovery to practical reform. Willingness to act is not self-starting.

The Chairman of this Subcommittee knows that two of the most successful city efforts in urban renewal and revival--New Haven and Hartford--could not have been as effective without a period of prior mobilization of the principal agencies in the private sector--business, church, labor, university.

Likewise the Crime Commission is trying to see that its concerns and its chief findings enter the arterial stream of the whole legal system-- the bar, the law school, the correctional agencies, the police. We have tried to engage their attention and energies, because it is community dynamics--not the written reports--which will be the final arbiters of our efforts.

One means of stimulating involvement in this area and seeding reform which I suggested to the American Bar Association last week was the possible establishment of "law corps" in various communities. Such a program--perhaps most typically for law students in the summer after their second year of study--could work with local police forces, correctional institutions, bail programs, lower criminal courts.

Effort of this kind, locally organized, would bring new perspectives and impetus for reform from the outside, accomplish considerable practical work at little cost, and create an informed and concerned legal constituency of persons who recognize an issue not least because they have seen and experienced it.

II. Civil Rights

In civil rights the major emphasis of the Department of Justice has necessarily been in the South. In trying to get local and state law enforcement officials to administer the law fairly to Negroes and to protect them when they seek to exercise their constitutional rights we have, I believe, had a national influence.

When we are successful in eliminating bigotry in the administration of justice, or voting, then we also help to restore and raise confidence in our institutions within the Negro communities in the North.

The success we have in the South--in freeing the vote, in opening schools, in prosecuting terrorists--has an intangible but positive effect on Northern urban problems. If we are effective, we foster respect and confidence. If we are not, we foster disillusionment and bitterness.

The interdependence between what happens in the South and in the North is not just figurative. The problem of de facto segregation in schools across the land is of great concern to the administration. It is now being studied intensively by the Civil Rights Commission. Both HEW and the Department of Justice recognize the national scope of racial isolation in public schools and the damaging effects it has on the quality of educational opportunity available to many students.

In devising and advocating Title IV of the 1966 Civil Rights Act, we are dealing with a pervasive national problem--enforced, segregated housing, a formidable obstruction. Forced housing is not limited to any section of the country. It isolates racial minorities from the public life of the community. It is a basic cause of inferior public education, recreation, health, transportation facilities and greatly restricts access to training, employment, and business opportunities.

If we do not obtain meaningful housing legislation, all other avenues to human equality are narrowed. An advance in that area is essential this year to the common assault on poverty and human despair. It would do much to free the housing market of barriers built on encrusted bigotry--barriers which are often unwanted handicaps not only for the Negro buyer but also for the white seller.

This Committee was instrumental in the transfer this spring of the Community Relations Service to the Department of Justice. Basic to the civil rights policy of the Department have been our efforts always to seek

the resolution of racial disputes initially through conciliation. We have not filed any civil rights case without first seeking a solution through conciliation and discussion with state and local officials.

The Community Relations Service has primarily a mediatory, "early warning" role. It operates most often in racially troubled communities where direct violation of the law has not yet occurred and is not imminent. Its mission is closely complementary to that of the Civil Rights Division, and I believe the transfer has proven to be well-based.

As a flexible instrument the Service is particularly well-adapted to provide channels of communication to the myriad of private groups and interests whose activities and involvement are essential to successful conciliation. Like the grants I described under the Law Assistance Act, the Service, too, is well suited to help local governments work in the enduring tasks of community adjustment.

Currently there are conciliators assigned to work on a regular periodic basis in 40 cities ranging in size from Elizabeth, New Jersey to New York City. The Service seeks particularly to bring the efforts of other federal agencies to bear on pinpointed areas of need.

These are our present programs with relevance to the city. As is evident from them, our response--and the response of other agencies--to the intensifying problems of the cities has been characterized by intensified, unprecedented growth: growth in expenditures, growth in the organization of federal, local, and private resources, and growth in the variety and scope of federal programs.

Indeed, in this Administration, we have gone from direct urban spending of \$5 billion in fiscal 1961 to \$8 billion in 1964, \$13 billion this year, and more than \$14 billion in 1967 if our pending legislation is enacted.

To describe this growth another way, these funds have made or would make possible the poverty program, the Teacher Corps, urban renewal and housing programs, rent supplements, aid to public schools in low-income areas, programs to train the unemployed, and efforts to abate pollution and restore open spaces to the cities.

But even if we assume the success of these programs--even if we assure the success in Congress of the broad program for the city presented by the President, we would demean ourselves and delude the nation that these are decisive solutions unless at the same time we recognized three cautions.

First, no amount of federal leadership or federal expenditure can succeed without the involvement and support of private industry and capital and of the officials and citizenry of every city.

This fundamental was enunciated by President Kennedy to the mayors of the nation in 1963:

"Federal action, including additional federal legislation, can help. And I think State action can help. But in the last analysis, what happens in Birmingham, or Chicago, or Los Angeles, or Atlanta depends in large measure upon the leadership of those communities. We will back you up, we will work with you in every way possible, but the mayor of every metropolitan city, in every section of America, must be aware of the difficult challenges he now faces and will face in the coming months."

President Johnson reiterated that view in his Message on Demonstration Cities: "The success of each demonstration will depend on the quality of its planning, and the degree of cooperation it elicits from the various governmental bodies concerned, as well as from private interests."

Second, no matter how massive the program presented to the Congress, no matter how strong our will, unless we are sensitive to the extraordinary complexities involved, simple solutions will produce only simple failures.

The urban problem is not as wholly new as it sometimes appears. The Greek philosophers were absorbed with the difficulties of maintaining a healthy polity, yet Pericles' Athens was only the size of Yonkers, New York.

In the Renaissance, there was a surge of concern for the city, yet its most prominent peak--Florence--was the size of present-day New Haven.

Boston two hundred years ago was a dominant city--of barely 20,000--which resounded with debates about the precariousness of employment, the lack of educational opportunities, and the deficiencies in law enforcement.

The urban problems that confront us now are magnified first of all by size. Soon there will be 150 cities of 100,000 or more.

Beyond mere size, we are all aware that the root conditions of urban life in a mass society are made more painful and perplexing by the racial and civil rights revolution. Slums, congestion, crime, ugliness, and money would be a problem if every citizen of New York or Cleveland or Los Angeles were white. But the internal migration by which the Negro and the Mexican-American and the Puerto Rican seek the full promise and opportunity to which they are entitled has added to the scale and immediacy of urban needs.

Finally, by complexities, I mean not only substantive interrelationships--the ties between crime and unemployment or education and housing. I mean as well the complexities within each of those fields--the varying, sometimes competitive programs of different public and private agencies in a given neighborhood or city.

The differences that do exist cannot simply be overridden arbitrarily--unless we choose to lose good men and good work and entangle progress in a web of well-meant rivalry.

Third, we must guard against the temptation of reposing too much confidence in coordination. Undoubtedly, organizational refinements in present

mechanisms are possible and desirable. Waste, duplication, and overlap unquestionably warrant vigilance.

But we would err if we mistook symmetry for wisdom. We should not confuse coordination--that is, careful packaging--with the contents of the package.

There are, in truth, a number of plausible methods of organizing our efforts. For the time, I believe that the Executive Order issued last week, coupled with the administrative provisions of the Demonstration Cities program, will suffice. No single umbrella will cover the whole span of urban affairs any more than a single executive Department or a single committee of Congress embraces the whole field.

The President recognized this danger in his Message on Cities: "The prize," he said, "--cities of spacious beauty and lively promise, where men are truly free to determine how they will live--is too rich to be lost because the problems are complex. Let there be debate over means and priorities. Let there be experiment with a dozen approaches, or a hundred. But let there be commitment to that goal."

That, after all, is the heart of our purpose--in the Administration and, I am sure, in this committee. And we are moving toward that goal.

President Kennedy foresaw with clarity from the first days of his administration that the looming domestic issue of the sixties was to be the condition of urban life in America. But only now have these problems been engraved on the national consciousness; only now is the true national crisis recognized; only now are the best minds and resources beginning to be applied toward them and the difficult interrelationships being sensed.

We have, thus, made a beginning, but a beginning is not enough. We will, whether in the Department of Justice or anywhere in the Administration, **persist, accelerate, and--together with this committee, with Congress, and with the leadership of the American cities--will achieve the poet's vision of the day when,**

"Out of the spent and unconsidered Earth, New Cities rise again."