



Department of Justice

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"A SYSTEMS APPROACH TO CRIMINAL JUSTICE"

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BEFORE THE

COMMONWEALTH CLUB OF CALIFORNIA

SAN FRANCISCO, CALIFORNIA

OCTOBER 27, 1972

As I come before you I cannot help being aware of the Commonwealth Club's demonstrated interest in American justice. One of your continuing study groups has as its subject the "Administration of Justice," and as your current President you have honored the Presiding Justice of the California Court of Appeals here in San Francisco. So I'm glad to be here to be able to discuss with you the status and objectives of the criminal justice process in America today.

This process is like a chain with three vital links--enforcement, courts, and corrections. We often take some of these links for granted, and it is only when the chain shows signs of breaking that we recognize the crucial importance of each link.

Probably one of the most vivid examples of this breakdown brought on the Vigilante movement in California in the 1850's. And what is often overlooked is that the popular tribunals which took the law into their hands in the mines and in San Francisco were not creating law and order in an untamed wilderness. Starting with statehood in 1850, California had its State, county, and municipal governments with their

peace officers, courts, and jails. The Vigilance Committees were a substitute for this established law, on the grounds that the law had broken down. As the apologist for one mining camp lynching wrote, "We have lawyers, judges, sheriffs, prisons, but alas! No justice, unless we fight for it ourselves..."

Early in 1969, when Attorney General John Mitchell and the others who were to lead the Justice Department gathered in Washington, our thinking was dominated by the crime wave that had rolled across the country in the 1960's. Serious crime had increased more than 120 percent from 1960 to 1968. And the increase kept accelerating.

Many people believed that the rule of law in the United States was approaching a breakdown.

President Nixon had an answer for this threat. "Let us resolve," he said, "that the wave of crime and violence will not be the wave of the future in America."

I believe we have responded to that mandate--not just in words, but in vigorous actions. And we have done it in a manner consistent with Constitutional guarantees.

The first requirement was to tackle the problem with what California's aerospace industry would call a "total systems approach."

That included enforcement, courts, and corrections. It also included a much broader commitment to combat the long-term breeders of crime--poverty, disadvantage, and discrimination.

I am proud that the Nixon Administration has pressed the attack on these national ills. Our priorities are obvious--43 percent of the 1973 Budget is going for development of human resources through such Departments as HEW and HUD, compared to 32 percent for defense. Thus in three-and-a-half years we have exactly reversed the percentage of allocations between human resources and defense that had existed in 1968.

I am also proud that where the Department of Justice has participated in this long-term effort to reduce the causes of crime--as in the battle against discrimination--it has moved decisively. Critics have tried to show, by citing instances, that we have cut back in civil rights activity. But our programs prove exactly the opposite. In virtually every civil rights category--education, employment, housing, voting and public accommodations--we have brought actions against more defendants in the same period of time than any previous Administration. And we greatly expanded the Community Relations Service which works to alleviate problems experienced by minority groups across the country.

At the same time I disagree with those who would concern themselves entirely with the causes of crime and turn their backs on the need for law enforcement. The most effective long-range program is little comfort to the victim of last night's mugging.

When President Nixon came to office the nation desperately needed a thorough overhaul of the entire criminal justice system. Under his leadership we have set in motion sweeping reforms. Federal enforcement agencies and prosecutors' offices were greatly strengthened. As court vacancies occurred, the President filled them with judges who had demonstrated not only a concern for the rights of the accused, but for the rights of the people as potential victims. And a 10-year program was launched to re-orient the Federal prison system toward more effective programs to correct and rehabilitate offenders.

Nowhere has this total systems approach been more effective than in Washington, D. C.. By 1968 the nation's capital had the dubious distinction of also becoming the "nation's crime capital."

When Richard Nixon became President in 1969, he overhauled the enforcement program and proposed a new law to reform the entire criminal justice system, especially the courts. This law was finally

passed by Congress late in 1970 and went into effect on February 1, 1971.

As a result, crime in the District of Columbia decreased more than 12 percent in 1971 and went down by 26 percent in the first half of 1972 compared to the same period in 1971. In September it was down more than 33 percent from the same month a year ago. Compared to the high month in 1969, the crime per month has been cut in half.

The success of this total systems approach in Washington, D. C., has shown what can be done nationwide. In cooperation with State and local authorities we are vigorously pursuing such a national program. Federal financial aid to assist the States and localities has increased more than tenfold within four years--from \$63 million in Fiscal 1969 to \$850 million in the current Fiscal 1973.

In the first four Fiscal years more than \$5 million was provided for some 48 projects in the cities of San Francisco and Oakland. One out of many examples is a high-speed computer system connecting Oakland patrol cars with police headquarters, enabling patrolmen to make checks on license numbers of suspicious vehicles within seconds. Another is a Burglary Prevention and Control Program for six major jurisdictions in California, including Oakland and San Francisco. Already we are seeing results in reduced burglary offenses. These are but two

examples of the large-scale Federal funding of local and State enforcement programs.

The result of the massive anticrime effort by local, State, and Federal authorities began to show in the statistics on serious crime gathered and reported each year by the FBI. Beginning in 1969, the rate of increase began to drop until, in the first half of 1972 compared to the same period a year ago, there was only a one percent crime increase, both in property and violent crime. This is the lowest percentage increase since 1959. It is also comparable to the current one percent increase per year of the United States population. So in terms of the amount of crime per population we have reached the point of no increase.

Furthermore, the figures for the first half of 1972 show an actual reduction of crime in nearly one-half of the cities with over 100,000 population. Oakland showed a drop of nearly 8 percent, and this followed a drop of 11 percent in 1971. In San Francisco crime went down by 20 percent during the first half of 1972. In fact, San Francisco showed a decrease in each of the seven categories of crime for which the FBI keeps records. Robbery, which has created the most fear on the streets of our inner cities, went down 38 percent in San Francisco, while going down four percent for the entire nation.

So I take special pleasure in offering heartfelt congratulations to Chief Donald M. Scott and the San Francisco Police Department, and to Chief Charles R. Gain and the Oakland Police Department.

Earlier I mentioned Federal enforcement, and I wish to point out that this has been a vital ingredient in the national war on crime. Organized crime and the narcotics traffic are both within the Federal jurisdiction, and both generate street crime by forcing their victims into robbery and theft to feed their habits and to pay off their illegal gambling debts and loan sharking extortion.

Time limits prevent me from detailing our drive against organized crime and the drug traffic since 1969, but I will say that they have been the most comprehensive and effective drives of this type ever mounted by the Federal Government. In Fiscal 1972 our Organized Crime and Racketeering Section secured indictments against more than 3000 defendants--nearly triple the figure for Fiscal 1968--and nearly 1000 convictions--almost double the 1968 figure. Considering only the top criminal figures who are members of organized crime syndicates, we have more than tripled the number of indictments against such persons in the same time period and nearly tripled the convictions.

In the war against narcotics, agents of the Bureau of Narcotics and Dangerous Drugs have removed six times more heroin and its

opium equivalents from the world market in Fiscal 1972 than in Fiscal 1969. Federal agents have arrested a record total of 16,000 narcotics suspects in Fiscal 1972.

To consolidate all the separate intelligence gathering efforts against the drug traffic in this country, the President created this year the Office of National Narcotics Intelligence, which will be a clearing-house of criminal drug information for all Federal, State, and local agencies. In January President Nixon created an Office for Drug Abuse Law Enforcement to coordinate all Federal activities with the work of State and local agencies. So far, this agency has initiated 2300 investigations involving 3500 suspects, of which 2600 have already been arrested. In the San Francisco area there have been 177 investigations involving 155 suspects, of whom 143 have been arrested.

Already we are beginning to see some tangible results. We know we are disrupting heroin trafficking in many urban areas. One measurement is the difficulty our undercover agents are having in some places making buys. We are witnessing growing numbers of addicts voluntarily turning up at treatment centers. We know that the price of heroin is going up in many of our target cities, while its purity is going down--a sure sign of traffic disruption. This has been detected over a number of months in New York and Washington, D. C., and is especially acute at this time in Boston, Baltimore, and Philadelphia.

Although our intelligence sources are not yet ready to report an actual shortage of heroin here in San Francisco, the price of heroin has gone up about 50 percent,

I do not want to give the impression that the war on organized crime and narcotics is close to being won, but for the first time we have these enemies of society on the defensive, and career officials in the Department of Justice say there has never been a time when we have made such inroads into these evil professions.

Now let me say a few words about another aspect of crime in America. In many cases so-called "white collar crimes" and corporate offenses have an even greater impact on society. I wish to say that the Nixon Administration has pursued this type of enforcement just as vigorously. It was this Administration that established new special sections within the Justice Department to step up actions against criminal violations in the consumer, securities, and pollution areas.

In cooperation with the Internal Revenue Service and the Department of Housing and Urban Development, we have launched a vigorous program against housing frauds with 264 defendants currently under indictment in different parts of the country.

At the same time, we have filed more criminal tax cases and obtained more criminal tax convictions in Fiscal 1972 than in any year

since 1959.

In the Antitrust field, we filed more cases in Fiscal 1972 than in any year since World War II. In the pollution control field, we filed a record number of criminal cases in each of the past three Fiscal years, and we were the first to use the still more effective device of the civil injunction suit under the Refuse Act of 1899, with 128 such cases filed by the end of Fiscal 1972.

So all together, I have no hesitation in saying that the Nixon Administration has given a resounding answer to the President's resolve that "the wave of crime and violence will not be the wave of the future in America."

Up to now I have talked mainly about our work in enforcement, but the other two links in the chain--courts and corrections--are just as important. Progress has already been made in both these areas, but in my opinion they provide the best opportunity for further breakthroughs in crime reduction.

Since 1969 the Nixon Administration has pushed reforms in corrections, both in the Federal system and in State and local institutions. In the Federal Bureau of Prisons the emphasis has been on job-training and education and both these programs have been greatly expanded in the last four years. Special programs in these areas are directed to women and youthful offenders. Construction of three inter-related youth facilities

at a cost of \$21 million is starting in this Fiscal year in California, including one site at Camp Parks near San Francisco.

For the first time, massive funding is available to promote reform in corrections at the State and local level. In Fiscal 1972 our Law Enforcement Assistance Administration made approximately \$240 million available for this purpose, and in the current 1973 Fiscal year the amount will be approximately \$280 million. Thus the one ingredient previously missing--adequate funding--is being injected into the crusade to bring American corrections into the 20th Century. These funds are being channeled into State and local programs such as halfway houses, work-release projects, job training, education, treatment of drug addicts, special juvenile corrections, training for prison personnel, and construction of new institutions--all directed away from the old fortress concept and toward the reconstruction of the ex-offender as a useful member of society.

In the area of court reform we are also providing national leadership. LEAA has funded projects to establish standards of court administration, training in prosecution and in court management and many others to speed the trial process. As a result of a proposal by Chief Justice Warren E. Burger, LEAA is funding a National Center for State Courts, whose purpose is to improve the operation of such courts.

Already nearly all of the States have used at least some of its many facilities. One of its largest projects, funded at \$1.2 million, is to provide manpower and procedures to speed the handling of criminal appellate cases in Virginia, New Jersey, Nebraska, Missouri, and the Chicago area.

In this connection I want to make special mention of our present concern over lenient sentences that in many cases have been given for drug trafficking. Recently, President Nixon called attention to this and asked the Department of Justice to survey the drug sentencing picture. As a result we will propose new Federal legislation prohibiting probation and requiring mandatory sentences for drug traffickers.

There are those who claim that punishment does not deter crime, but recently we have added evidence that it does. Last March, after a rash of extortion-type hijackings, I sent telegrams to all 94 U. S. Attorneys across the country asking that the Justice Department be notified if defendants in aircraft hijackings or related cases were not brought to trial within 60 days. As a result justice has been swift for this new breed of sky pirates. Since last Christmas 20 persons have attempted the extortionate type of hijacking and every one of them has failed. Eight of the 20 have already been convicted--all within one to six months of the offense. Several received sentences between 20 and

45 years, and three have been given life terms.

The deterrent effect of this kind of justice is seen in the fact that we have not had a hijacking attempt against American commercial aircraft since August 18--the longest such period since early 1968.

So it is my conviction that as we further strengthen all three links in the chain of criminal justice, we will make still more decisive inroads against crime in this country. Criminal justice is not only a matter of apprehending a suspect and giving him a fair trial. It is also a matter of deterring others by the promise of swift court action and of genuinely correcting those who are convicted. As we give new strength to these links in our total system, we can give a modern answer to the apologist for the mining camp lynching whom I quoted. We can say, "We have lawyers, judges, sheriffs, prisons, and we do have justice."