



Department of Justice

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Address by

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to the

NATIONAL SYMPOSIUM ON SCIENCE AND CRIMINAL JUSTICE

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Wednesday, June 22, 1966

Dr. Fubini, ladies and gentlemen:

Few conferences--in Washington at least--are called to herald revolution. Yet this meeting is unashamedly inciting revolution--a "knowledge revolution," a revolution of light. This is a frontal assault on hardened preconceptions, on submerged questions, on untested assumptions about the sources and preventives of crime.

We begin with an immense handicap. We are at a stage in this gathering revolution when each question exposed gives birth to a whole medley of further questions which challenge both the wisdom of the expert and the common beliefs we all share in a democracy. The explosion of knowledge is a difficult force to bring under control.

Such breakthroughs in research and understanding have already occurred in other realms during our lifetimes.

In the 1930's, for example, we experienced a revolution of knowledge in agriculture in which the skills of the farmer, the geneticist, the economist, and the farm machinery expert, and the soil scientist combined to create a wholly new farm economy.

During the next decade we saw a revolution in fuels and energy--in electric power, natural gas, atomic energy. Research and knowledge in many fields were brought to bear to create a striking change in the quality of American life and in our capacities for economic and industrial growth.

More recently still, there has been the mobilization period in a revolution of knowledge about space communications and a communications utility.

The businessman, the engineer, the scientist, the newsman and the broadcaster, are all caught up in a new technology with the power to remake the world society.

Out of full awareness of the need to assemble forces for a similar mobilization in law enforcement, the President last year called together his Commission on Law Enforcement and Administration of Justice.

The Commission is now deeply engrossed both in defining the areas of ignorance and in developing effective responses to crime.

Similarly, the new Office of Law Enforcement Assistance is already well along in its work of encouraging and supporting local programs of value to the entire criminal justice establishment.

This mobilization could not be more necessary. Few vital 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 entire policeman is the only buffer.

All sides to social controversies blame the cop, because he is the sole insulator and because he stands at the vortex of change. Only spasmodically does he receive sustained assistance from the forces of knowledge--the bar, the business community, the university.

It is high time that we enlarge the capacities of the police. He deserves better tools and training. He also deserves the shared participation of other professions and communal forces.

As Attorney General of the United States in an age of space, I have been amazed by the fact that we only dimly know even the extent of crime in America.

The FBI has long been the world leader in the compilation of crime statistics and Mr. Hoover has worked unrelentingly to improve both the sources of information and the training of all law enforcement officers along the same superior and professional standards of the FBI.

But Mr. Hoover and all those associated in the tasks of law enforcement have long recognized that there are serious vacuums. Unreported crimes are widespread. The margin of error in local crime reporting systems may even be great enough as to raise fundamental questions about how we allocate resources to the whole criminal enforcement machinery. Nor are police really able to measure their effectiveness without a fuller and more accurate range of data.

The courts and correctional institutions are scarcely more fortunate. It is difficult to determine how many defendants have been processed by the courts. We do not get the full benefit of programs like those of the new federal Prisoner Rehabilitation Act because it is difficult to know,

with any precision, which of the many programs in use actually achieve rehabilitation.

We badly need a strong dose of operations research and other tools of scientific management which have served the military, the Space Administration, and the more progressive corporations so well in the past two decades.

Law enforcement must engage in a vigorous program of field and laboratory research. Does the uniformed man driving through the city in a marked car effectively suppress crime? Are we using the latest tools of trace analysis chemistry to milk every bit of information out of the crime scene? Do we use the information of the past to help us solve tomorrow's crimes to the extent possible with modern computer technology? Can we not discover ways of tailoring a man's correctional program to his personality and experience so as to make the word "corrections" a reality rather than a euphemism for prison.

To ask these questions is to stir a rather stagnant pool of information. It invites and opens up a whole new field for industry and science. For science and industry have powerful and relevant contributions to make in this search for enlightenment--in the development of facts and in the transmission of facts where and when they are most needed.

We would delude ourselves if we supposed that the spillover effect from a systems analysis program in space vehicles or in defense missiles or in agricultural storage were neatly transferable to the work of criminal justice and corrections.

But we ought to be able to devise better means, drawing from our experience in other fields, to make more competent decisions and to better allocate our resources.

Such options as putting more money into police pay, or juvenile court reform, or high speed communications, or better detention systems ought to be more clearly understood in all their consequences. I am confident that new approaches are possible by skillful use of system analysis and computerization.

In the prevention of crime we are aware of the uses to which closed circuit TV systems and teletype can be put; of the possible adoption of automatic, low-cost and universally available alarm and surveillance systems.

In the detection and solution of crime, we have prospects for the matching of chemical substances from common and related sources, for the matching of physical configurations by voice, fingerprints, and photographs, and for the matching of behavioral characteristics and data. There may be better techniques to check information on unsolved cases. And we know for sure--and have already begun to make sure--that there is better communication and information-sharing among agencies and jurisdictions.

In pre-trial processing investigations for determining bail or remand can be much facilitated by information-sharing on the background of suspects. Perhaps, more important, initial pre-trial aspects such as confessions and interrogations can be made fully visible to the court by techniques of sight and sound recording, and could be indexed for retrieval.

In the trial itself, we might well have machines which automatically record, transmit and duplicate court proceedings. Court records could quickly be part of the public domain and assure each defendant an accurate transcript--an important protection against trial injustices.

It should also be possible to devise proper techniques to assist in speeding and clearing court dockets without impairing the proper role of the deliberative and interrogative processes.

In sentencing and corrections, we may well be able to develop information to enable judges and corrections officials to tailor sentence and corrections alternatives to the particular defendant's vocational and emotional needs.

Again, I would not this evening suggest categorically those avenues of research and suggested techniques which seem most worthy of general adoption. It is too early for us to make final or authoritative answers. Indeed, as Dr. Fubini suggested earlier today, our first task is to insure that we are asking the right questions.

We must be clear at the outset that special problems are raised. This field of innovation also brings to the foreground a number of institutional and civil liberties issues with which science and technology often do not deal.

It is not enough to say that scientific inquiry and the appreciation of constitutional constraints are two wholly separate realms.

It is not enough for men of science to say: I leave this to judges and lawyers.

It is not enough for men of law to be transfixed by the marvels of science.

These truths find fresh confirmation in the confession decision of the Supreme Court last week.

It is to the credit of police forces generally that they are promptly taking steps to implement the decision.

At the same time, there has been much fretting about what this decision might do to law enforcement. There is little question that it will have some impact; how much cannot yet be known. But it cannot, in any event, be constructive to dissipate our energies in fuming against the unknown when the issue of confessions is only one of a series of factors affecting crime and law enforcement.

We mistake badly the real character of the crime problem if this one thread, even if substantial, is taken as the whole cloth of criminal justice. Even sweeping advances in police technology, however much they may ease the job of future police, must be balanced by the protection of individual freedom.

For example, a television system permitting police to scan suspects on the street and secure immediate identification probably would be a significant crime detection device and might greatly confine the stop and frisk issue. But would it protect the individual citizen from unwarranted police snooping?

By TV cameras and floodlights one could make a park safe. Would, however, the quality of life in that park be so changed as to make safety alone an inadequate basis for public policy?

We could equip parolees with electronic bracelets that sounded alarms at headquarters when they transgressed the conditions of their parole. But would the price be too high in terms of individual restraint?

A systematic computerized information system could well help judges pronounce more constructive sentences. But it could also permit the state to develop complete dossiers on countless Americans.

Many such possibilities have no simple, neutral, antiseptic meaning for the law.

The very nature of scientific progress creates dilemmas for the maker of policy and for the community at large. But it is also in the nature of our democratic process to find ways of adjusting the competing claims of individual freedom and public order.

That is why we are here to forge a new partnership. That is why our university faculties, police administrators, lawyers, criminologists, and penologists must be trained in the new technologies.

That is why industries will find this area attractive and challenging and vie creatively to advance the effectiveness in criminal justice of such technologies as communications, alarms, information processing, non-lethal weaponry and scientific management.

Most important, this scientific revolution must take place within the criminal justice system. Police will come to view their information specialists as fondly as their fingerprint technician. Judges will look on their operations research specialist as a strong arm to help keep the caseload moving effortlessly and swiftly through. It is only when criminal justice has acquired its own expertise that it can seek intelligently the most sophisticated and exciting tools which science and technology have to offer.

Today science and criminal justice are worlds apart, as they have been since the days of ancient Greece when Aristotle placed law and

politics into the realms of the practical and science into the realm of the theoretical. We can no longer afford this separation, for it stands in the way of achieving major successes in the war against crime.

As the President said in his message on crime to Congress earlier this year:

"Even as we join in common action, we know there can be no instant victory. We face an immense journey. Ancient evils do not yield to easy conquest. Modern criminology has yet to light many corridors.

"We cannot limit our efforts to enemies we can see. We must, with equal resolve, seek out new knowledge, new techniques, and new understanding."

In this effort, we look to you as builders.