



Department of Justice

ADDRESS OF

THE HON. RICHARD G. KLEINDIENST

ATTORNEY GENERAL OF THE UNITED STATES

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In opening my remarks today I'd like to borrow a familiar phrase and announce that I've got some good news and some bad news. First, the good news.

The latest figures show substantial headway in the war against crime in the United States. The Uniform Crime Report published by the FBI shows that for the first half of 1972, serious crime increased by only one percent over the same period in 1971. This is the lowest percentage increase since 1959. It is also comparable to the one percent annual population growth in this country.

This means that in terms of the crime rate per population, we have brought to a standstill the crime wave that mounted so alarmingly in the 1960's.

Not only that, but this one percent increase reflects both violent and property crime. In fact, the particular violent crime which in the past has caused such fear and concern in our inner cities is robbery, and robbery is down four percent.

There is still more good news. Nearly half of the cities with more than 100,000 population show an actual decrease in crime. And

the number of such cities showing a crime decrease continues to grow with each reporting period.

Moreover, as you know, the crime problem was the most fearsome in the largest metropolitan cities, and they are bringing the crime wave under control. Total crime for the six cities of over one million in population was down seven percent in the first half of 1972.

While suburban crime increased by five percent, this increase continues to narrow with each reporting period, just as total crime did as it headed toward the present one percent increase that is parallel to the population rise.

So all of this is the good news. And I wish to say that at this moment I am looking at those who caused this good news. It is you and other law enforcement executives and the thousands of peace officers across this country who are winning this war against a dangerous wave of crime and lawlessness in the United States.

We in the Federal Government have helped, both in fighting crime within our jurisdiction and by providing financial support to your state and local agencies. But the front-line effort has been yours, and I offer you my warmest congratulations and deepest appreciation.

Now, the bad news. The Democratic nominee for President says

that these crime figures that I have just cited have been "sanitized." He says that "for every crime that is reported there are two that are not reported." Even before the figures came out, but at a time when the trend was apparent in the first -quarter figures, Senator McGovern claimed there were "indications that the Nixon Administration is putting pressure on city police departments to falsify their crime figures in order to make the Administration's crime reduction efforts appear successful." And he explained that this pressure was "to underreport the actual amount of crime in order to please the Administration and thereby get more federal money."

I don't like to see a United States Senator and a major party's Presidential candidate refusing to recognize your accomplishments in controlling the crime wave. I don't like to see a United States Senator insulting your honesty. I don't like to see a United States Senator accusing you of cheap trickery to fool the public. And I don't think you like it either.

You and I know that many crimes are unreported, but we also know that this has always been so. It is not something new invented by you, or the FBI, or the Nixon Administration.

You and I know that the FBI makes every effort to verify the crime figures that it receives from agencies throughout the country. In fact, the International Association of Chiefs of Police maintains a

special committee to help the FBI in checking on its figures and to arbitrate cases of disputed figures.

You and I know that if a police chief were inclined to falsify his crime figures in order to "get more federal money," he would tend to increase them to show that he needed more help.

You and I know that the whole trend toward standardization and electronic processing of crime reports is gradually shrinking the unreported crimes and increasing the proportion that are reported.

You and I know that the improvements in police-community relations that have been made and are being made in jurisdictions across the country are causing citizens to report more crimes, because they have confidence that the police will do something about them.

So, far from being falsified, the figures for each reporting period tend to be more accurate than ever before. But you can't get the Democratic nominee for President to believe that, because it doesn't suit him to believe it, and that is part of the bad news.

Let's turn to some more good news. The Federal financial support which has assisted so many of your departments in improving your effectiveness continues to grow very sharply. In this current 1973 Fiscal Year our Law Enforcement Assistance Administration is

budgeted for \$850 million. That is more than 10 times the budget four years ago.

For the last four years the Nixon Administration has provided this Federal help just as fast and as heavily as the manpower and experience of the State Planning Agencies could absorb and allocate it. And I would like to state that we will continue to do so because we are committed to a policy of maximum possible support to State and local agencies in their successful drive against crime.

Now, here again there is some bad news. The Democratic candidate for President says he is going to "reinvigorate the concept of LEAA." What this means I don't know. But I assume that it would be reinvigorated in the same way that the FBI would be reinvigorated if Senator McGovern gets his wish and appoints Ramsey Clark as its Director.

But let's turn again to some good news. We are all aware that organized crime and narcotics trafficking are two big factors in stimulating street crime across the country. Not only hard drug addicts, but also victims of gambling and loan sharking debts, are driven to

street crime in their desperate quest for money. I am pleased to report that as your partners in the offensive against crime,, we in the Federal jurisdiction have made substantial progress against organized crime and the drug traffic.

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 number. For the first time, in major cities throughout the country, we have been able to put the arm of the law on many of the top gangland bosses. Officials who have been in our Criminal Division for many years say they cannot remember a time when such inroads have been made into the underworld.

That's the good news. Now for the bad news. Senator McGovern has suddenly become an instant expert on organized crime. This is the Senator who missed all six votes on the Organized Crime Control Act of 1970. For that matter, he missed 21 out of 29 votes, including the vote on final passage, on the Omnibus Crime Control and Safe Streets Act of 1968, which among other things created the Law Enforcement Assistance Administration which he now wants to "reinvigorate". So this instant expert brings to the subject of law enforcement in the United

States a special advantage--that of being a disinterested party up to now.

In Fiscal 1972, ending last June 30th, the Bureau of Narcotics and Dangerous Drugs alone seized six times more heroin than in Fiscal 1969.

Federal agents made more than 16,000 narcotics arrests in Fiscal 1972, nearly double the number in Fiscal 1969.

Since it was launched in January, the Office for Drug Abuse Law Enforcement--working with State and local authorities--has initiated more than 2300 investigations, involving more than 3500 suspects. Of these, approximately 2,600 have already been arrested.

Again, long-time narcotics officials say there has never been a time when Federal efforts have been so effective against the drug traffic. In several Eastern cities the price of heroin has gone up, the quality has gone down, and addicts are lining up at the drug treatment centers.

So there is no question where President Nixon stands on the dope traffic. He has been appalled at some of the lenient sentences which various courts have given to hardened drug traffickers. He has asked the Justice Department to study this situation and we are doing just that.

He has made it clear that he is absolutely against legalizing any illicit drug, including marihuana. And he has some solid results to show for this tough policy.

All that is good news, but I must also mention the bad news. Senator McGovern claims that he never advocated legalizing marihuana, but the truth is that in his only comprehensive Senate speech on narcotics control, given on February 15, 1972, he suggested that "a more promising route might be to regulate marihuana along the same lines as alcohol..."

While the Senator may think there is no inconsistency here, I'm afraid I must tell him that, with some local exceptions, selling alcohol has been legal in the United States for nearly 40 years.

Let me go back to some good news in the field of air security. Since last Christmas, 20 persons have attempted the extortionate type of hijacking and every one of them has failed. Already, eight of them have been convicted and are receiving very stiff sentences, including two life terms. The deterrent effect is already showing up, with no hijacking attempts on American aircraft last month.

I also wish to point out that President Nixon has asked the Secretary of Transportation to make a major effort to obtain local law enforcement support at airports. Last July I sent a telegram to each

of the 94 United States Attorneys across the country asking that they use their good offices to help the Federal Aviation Administration in urging state and local law enforcement authorities to provide uniformed police to supplement the efforts of airline personnel and our United States Marshals in screening passengers for weapons. The United States Attorneys will be working closely with local police units in this whole effort. You can certainly render a vital service to your local community by seeing to it that the airlines operating in and out of your cities have this kind of backup assistance by your police units.

Up to now I have been talking about past and current accomplishments, and taken together they show that the wave of crime and violence which mounted during the 1960's has been brought under control. This is good news, but none of us here would maintain that the war on crime has been won. Crime is far higher than it should be, and our respective enforcement agencies across the country will continue to do everything possible to reduce it.

For one thing, we are recognizing that the crime problem can not be solved by enforcement alone, but must be approached with a total program that includes the courts and corrections. No one knows better than you that crime cannot be reduced in the long run by simply arresting defendants.

We in the Nixon Administration believe that Federal leadership can mobilize a national reform of both courts and corrections. Within the Federal prison system and also through massive financial aid to the states, we have launched a major drive to bring American corrections into the 20th Century. Total Federal assistance in corrections reached a quarter of a billion dollars in Fiscal 1972, and will be even larger this year.

In the area of court reform I want to make special mention of our work concerning lenient sentences that have been given for drug trafficking. You and I know that it does little good for narcotics officers to risk their lives in arresting dope traffickers if a court lets a convicted violator back on the streets to pursue his evil trade. Recently President Nixon called attention to the lenient sentences given to some drug peddlers, and he asked the Department of Justice to survey this situation looking toward possible legislation. We have surveyed sentencing in Federal courts and are now surveying the subject in state courts. Of 955 heroin and cocaine defendants convicted in U.S. District Courts during fiscal 1972, 27 percent were not sent to prison. Most of these--75 percent--were originally charged with trafficking, not just possession. We have reason to think that some state courts may be more lenient. Police Commissioner Patrick Murphy has cited a study showing that of more than 1,000 defendants arrested for narcotic felony sales in New York last year,

nearly all were convicted but well over half of them never went to prison.

Almost all of those convicted are back on the sidewalks of New York.

Many courts do have a strong sense of public responsibility in deterring heroin traffickers, and I have the greatest respect for them. But even a small proportion of unrealistic and permissive sentences by other courts, such as I have mentioned, can undo the courageous work of our enforcement officers and can keep the contagion of drug abuse circulating on our streets.

President Nixon and I have had discussions on this matter, both together and with our staff experts in this type of criminology. We are now drawing up the proposed Federal legislation that President Nixon referred to in his radio address last Sunday.

First, under existing Federal law a defendant arrested for trafficking in heroin or cocaine can be released on bail pending trial. Many such defendants have long criminal histories of narcotics trafficking, and because of the fat profits in their evil business some of them are able to put up almost any size bail, up to and including one million dollars. They are then free to pursue this diabolical trade pending trial.

Our records show that 71 percent of heroin and cocaine defendants are freed pending trial for at least three months, and 36 percent are free in this way for six months or longer. This means that they can be out on the street continuing to spread their dread contagion even after the police have done their job in bringing them to justice.

We propose to interrupt this vicious cycle by putting upon such defendants in Federal cases the burden of convincing the court that their release on bail would not pose a danger to another person, to the community or to the property of others.

Second, under the present Federal law it is possible for a convicted heroin or cocaine trafficker to be released on bail while awaiting sentence or appeal of his case to a higher court. Our study shows that 13 percent of such convicted offenders have been freed pending appeal. We believe this makes even less sense than freeing anyone charged with heroin trafficking on bail, because in this instance his culpability has been proven in court and the chances are overwhelming that he will spread his terrible infection while he is out on bail. We propose to prohibit Federal courts from releasing a convicted heroin or cocaine trafficker while awaiting sentence or appeal.

Third, under existing Federal law, convicted heroin or cocaine traffickers may be put on probation unless they are proven to have engaged in a continuing criminal enterprise. I have already shown how probation can be abused at the expense of the public safety. We propose to prohibit probation in Federal courts for convicted heroin or cocaine traffickers. Instead we propose strict minimum mandatory sentences for first-time traffickers, and still tougher minimum mandatory sentences for second offenses, and we would include felony convictions under state as well as Federal narcotics laws in counting prior offenses.

Fourth, under present Federal law simple possession of heroin or cocaine is a misdemeanor. We believe the virus of hard drug addiction is so dangerous to the public safety that a strong deterrent is needed against possession. We therefore propose making this a felony offense.

Finally, I wish to say that this proposed legislation which will be sent to Congress at its next session is realistic in meeting the threat of hard drug contagion. It proposes to quarantine the carriers of this fearsome disease so that it may be contained and then controlled. It is not punitive for punishment's sake.

The long-recognized and successful practice of parole would still be exercised if the convict shows by his behavior that he is ready for parole. But it should be clear that when such parole is granted the offender is under the strictest kind of supervision by his parole officer and he is subject to reincarceration for violating any of his parole restrictions.

And again, the type of institution to which the convicted offender would be sent will vary with the case. The simple addict convicted of possession could be sentenced under the Narcotic Addict Rehabilitation Act or treated with a possibility of parole to an outpatient treatment program. The trafficker who is also an addict could receive the same length of detention as a non-addict trafficker, but he could spend this time under a treatment institution. The objective is to use the justice process to curb the narcotics menace, rather than to encourage that menace through

misplaced sympathy that cares more for the trafficker than for the public.

I believe this proposed legislation would help greatly in closing perhaps the most serious gap in our offensive armament against the scourge of narcotics. And we would hope that such a Federal law can become a model for the states to follow, so that the men and women in all levels of narcotics enforcement can have the same complete support from the halls of justice.

It is our hope that through such means the entire criminal justice system can be enlisted far more effectively against the forces of crime in this country. And when this is accomplished in actual practice throughout the land, that will be the greatest news of all.