



Department of Justice

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REMARKS OF
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ATTORNEY GENERAL OF
THE UNITED STATES

BEFORE THE
FLORIDA SHERIFFS' ASSOCIATION
MIAMI BEACH, FLORIDA

JULY 27, 1971

It is a pleasure to be with you at a time when we have recently announced some gratifying news on crime figures in the United States. In the first three months of 1971 the number of serious offenses shown in the FBI's Uniform Crime Report increased at the lowest rate in five years--six percent, compared to 13 percent in the same quarter of 1970. It is true that in this period those crimes classified as violent increased at a slightly higher rate than in 1970. But on the other hand, in the same period of 1971, sixty of the cities with a population of 100,000 or more showed an actual decrease in crime, not just a reduced rate of increase. This compares with only 20 cities in the same period of 1970.

I might add that two of the cities showing an actual crime decrease for those months in 1971 are in Florida--Jacksonville, down seven percent, and Tampa, down nine percent.

You as sheriffs, perhaps more than any other group, are aware of these accomplishments. As elected law enforcement officials, you are doubly attuned to citizen concern about crime. You and I are aware that there is still a long way to go. These figures show that the nation's alarming crime rate, which increased by 120 percent in the 1960s, is slowing down. In certain categories it is actually decreasing. But none of us will feel much relief until the overall crime rate not only stops rising, but turns decisively downward. I know that the peace officers of this country are dedicated to doing just that, and I can assure you that you are joined in this commitment by the Federal Administration,

starting with the President of the United States.

Still, the significance of these latest figures gives us an opportunity to assess our drive against crime. Is our strategy valid? Or should we be taking other steps, such as Federal investigation of local crime?

First let me point out that the seven categories of crime covered in the FBI's Uniform Crime Report are local and state offenses-- murder, robbery, burglary, and so forth. I wish to emphasize that they are not Federal crimes.

If there is credit to be gained from the latest figures, the primary credit must go to the local and state peace officers. It has been said of them that they are the nation's first line of defense against crime. I want to add that they are also the principal line of defense against crime.

At the Federal level, law enforcement agencies are concerned only with a limited number of crimes over which the Federal government has jurisdiction. These agencies generally are part of various cabinet departments, and each of them is empowered only to deal with criminal offenses pertaining to its own department or service. The FBI is strictly limited in its responsibilities, and even though some of the offenses within its jurisdiction are violent and personal crimes, they are set apart from those within local jurisdiction by such factors as interstate commerce or the crossing of state lines.

Unlike many other countries, the United States has no national police force concerned with general crimes. It does not need a national police. Contrary to the critics of the grass roots peace officers, the figures I have cited show they are coming to grips with the crime crisis. They are doing so by strengthening their personnel and equipment. They are doing so both with time-tested enforcement techniques and with improved systems. They are doing so with the old-fashioned virtues of hard work, high professional standards, and dedication.

At the same time, gentlemen, it would be too much to expect that the Attorney General of the United States--talking to local peace officers--would not call attention to Federal assistance and support.

For instance, I could call attention to the FBI laboratory for testing and evaluating evidence that continues to be available without charge to local and state enforcement agencies.

I could call attention to the FBI Academy, which each year provides an intensive course in investigative techniques to 200 selected officers from state and local agencies. Next year the new FBI Academy facility in Quantico, Virginia, will accommodate annual graduating classes of 2000--a quantum jump in its effectiveness.

I could also mention the special training in drug enforcement provided to selected state and local officers by our Bureau of Narcotics and Dangerous Drugs.

I could call attention to the Federal leadership provided in the one area of Federal jurisdiction over general law enforcement-- Washington, D. C. Due to a number of factors--stronger enforcement legislation, a drug treatment program, an expanded police force, as well as the efficient operation of that force--the crime rate dropped 18.7 percent in fiscal 1971 in Washington, D. C. This is the first fiscal year in which the crime rate has dropped since such records have been kept beginning in 1956. We believe the methods and the results in the nation's capital are a valuable example for the rest of the nation.

I could also call attention to the greatly expanded work of the Law Enforcement Assistance Administration since its inception in fiscal 1969. In this connection I am happy to announce that LEAA has today approved five new grants to sheriff's offices in Florida. One, totalling \$225,000, is granted to Broward County for a narcotics intelligence and enforcement unit. Another, also of \$225,000, goes to Pinellas County to establish a comprehensive mobile communications system. And three grants totalling \$86,000 go to the sheriff's office at Jacksonville for a case study of the consolidation of police services and for other purposes. These examples give a good cross-section, I believe, of the kind of financial support LEAA is giving to local enforcement agencies across the country.

Finally, I would like to point out that in the past two-and-a-half years the grass roots peace officers of this country have had more than technical and financial help from Washington. They have had leadership and outspoken public support from the President of the United States. In 1969 Richard Nixon told the officers graduating from the FBI Academy:

Unless we have not only respect for our laws, but for the men and women who are doing their very best to carry them out fairly and equitably, we are not going to survive as a free country.

In 1971--less than a month ago--he told the graduating class from the same academy:

When you go home, tell your colleagues that the era of permissiveness with regard to law enforcement is at an end in the United States of America. Tell your colleagues that...in terms of support of the President of the United States and the Attorney General, we back law enforcement officials in their attempts to reestablish respect for law, in their attempts to enforce the law with justice.

Gentlemen, that is what I call moral support. You can't measure that kind of support as you can the dollars in an LEAA grant or the number

of officers receiving specialized training. But I believe it has a strong impact in fostering the climate of public confidence and respect that the local peace officer needs and deserves.

Having said this, however, I want to add that Federal involvement in general crime control should not extend beyond such legitimate functions as research, training, financial help for improvement of methods, and leadership in assuring public support.

The reason for this is deeprooted in American political ideology, and inherent in our system of separate Federal, state and local jurisdictions. To inject the Federal Government too far into general crime control is to take dangerous steps toward a national police force. It is not only that we do not need such a Federal force, since the other jurisdictions are doing the job well. It is also that, since the beginning of the republic, a national police force has been considered a threat to the very liberties we so highly prize. A free people look upon the police power as a necessity in maintaining an ordered society. They become uneasy if this power is centralized in hands that could abuse it. They feel that such abuse is least likely to occur when the police are close to the people and responsible to them through local governmental processes.

Further, a national police concerned with general crime would create a jurisdictional clash between Federal and state authorities which could only reduce the effectiveness of both, and would leave the whole American Federal-state relationship in a shambles.

Most dangerous of all, a national police force with general criminal jurisdiction would concentrate too much power in the central authority, and could be used as a political weapon. Nowhere is there better application of Lord Acton's warning: "Power corrupts. Absolute power corrupts absolutely."

These potential evils should certainly be enough to warn us effectively against a national police. No one to my knowledge has advocated such a force as I have described it. But often freedoms are lost by inches, rather than by miles. In my opinion we must guard against moving toward a national police, or Federal control of police, even while we do not mean to move in that direction. Yet this is exactly the direction we would be heading if we followed the many suggestions for expanding Federal jurisdiction.

In the past there have been proposals to use the FBI for functions other than those strictly concerned with Federal offenses. It is to the credit of the FBI Director, J. Edgar Hoover, that he has resisted those proposals on the ground that they would take us in the direction of a national police.

As a result of the growing number of police killings, President Nixon has taken what steps he felt were proper for the Federal Government to combat this trend. He has directed the FBI to join in the investigation of a police killing, but only when asked to do so by the local authority. He has asked Congress to authorize a Federal grant of \$50,000 to the survivors of any policeman killed in the line of duty.

In his opinion, and in my opinion as his chief law enforcement officer, these steps are as far as the Federal Government should go in injecting itself into such cases that are not Federal offenses.

There are those who have said this is not far enough. One has suggested that the FBI take over the investigation of police killings as a matter of course, without waiting for an invitation. Another has criticized the President's proposal to provide the \$50,000 no-cost death benefit, which will be over and above all local benefits, and wants instead to substitute a complex insurance program.

However well intentioned, these proposals constitute, in my view, the kind of step toward a national police, or Federal control of police, that American citizens, including their police, do not want. Federal

intervention except where requested is unnecessary; local peace officers are doing an excellent job of bringing to justice the killers of policemen. Over the past 10 years, 96.6 percent of cases involving the murder of policemen have been solved--usually within one month. This worthy achievement by local officers could be hampered, and their ability impaired, by the uninvited intrusion of Federal investigators. And the situation would be subject to the same dangers I have previously cited--conflict of jurisdiction, erosion of state and local authority, and undue flow of power to Washington.

The Nixon Administration is opposed to any of these possibilities. We believe strongly in maintaining the power of the states and localities as one of the vital guarantees of American freedom and popular government. We believe strongly in the separation of responsibilities. We like to think we are living up to ours, and we believe the record shows that you in local enforcement are certainly living up to yours.