



Department of Justice

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ADDRESS

BY

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BEFORE

THE OHIO REALTORS' ASSOCIATION

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Let me thank you at the outset for the invitation to be here today.

It is always a pleasure to come home to Ohio. And I have looked forward to this opportunity to discuss with you a matter of great concern to us all.

The subject is crime -- and in one way or another crime has an impact on every American.

As reported crime increases -- and it is rising again -- the number of victims grows to levels that most would have thought impossible a decade or two ago. At the same time, the chances of becoming a victim grow correspondingly.

Even if we are fortunate enough to avoid falling prey to criminals, crime can still affect us -- for as a people we are being gripped increasingly by the fear of crime. And if we are honest about it, we have to admit there is a substantial basis for that fear.

Last year, serious reported crime increased by six per cent. The increase would have been dismaying under any circumstances. But it was doubly so because it followed a four per cent decline in 1972 -- the first such reduction in 17 years.

Our concern also has been heightened by other statistics which reflect a worsening picture. Crime rose 16 per cent during the last quarter of 1973 and 15 per cent during the first quarter of 1974.

There is no way to predict the crime rate for the remainder of the year. But I doubt that many in the criminal justice system are particularly optimistic.

The public must be even more dismayed at government's failure to reduce crime -- let alone to stem the tide.

The question before us then is how we can set about to reduce crime so as to loosen both its real grip and the real fear produced in ever-widening circles.

Some may wonder whether it really is possible to reduce crime in any major and lasting way. My personal belief is that it is possible.

But each year of failure makes the job that much more difficult. In addition to all of the suffering and loss, crime's steady growth could become so commonplace that the Nation would eventually become partially inured to its horrors.

There also is the possibility that some might advocate at some hazy point in the future a series of crime control measures that are repressive and run directly against the grain of our system of justice.

We must reject any hint or suggestion of repressive measures -- now or in the future -- just as we must firmly reject any effort to centralize in Washington the quest to control crime.

Efforts to reduce crime must be carried out through our system of laws. The basic responsibilities rest not in Washington but with our states and localities, and it is the job of each of us to help support and improve their criminal justice systems.

Crime stems from a large number of causes -- some very apparent, others still dimly understood. And to combat crime effectively, we must develop an over-all effort composed of many facets.

There is no touchstone in crime control, no magic formula that will somehow eliminate it overnight. It seems apparent that it will be a struggle of substantial duration. The beneficiaries may not be ourselves. In devising a time-table for success, we may be forced to think in terms of posterity.

But new beginnings must be made -- and made now.

The social and economic causes of crime must be attacked relentlessly. This is not the sole answer to crime control, but it certainly represents one integral factor.

A substantial amount of crime appears to spring from poverty and unemployment among the young. This has special importance when we consider statistics showing that three out of every four persons arrested for serious crime are 25 years of age and younger.

The criminal justice system at all levels of government must become more effective. Crime prevention -- especially among the young -- holds great promise but the surface has barely been scratched.

In addition, the odds against the criminal have to be increased. Where prevention fails, the offender must know that he faces the certain prospect of swift apprehension and prompt justice.

Some offenders commit crime because they want to. They know the odds against being caught may often be low. And they know that the chances of escaping punishment, even if they are charged, are even better.

But the criminal justice system cannot do the job of reducing crime by itself. Certainly it should do more. And the Federal government itself has hardly turned in an award-winning performance in its efforts to help states and localities combat crime.

At some point, however, the entire society must become more involved in supporting responsible programs and even in helping to fashion them.

The cries for help are all around us. They are heard by day and by night, in the city and the suburb.

Basic decency dictates those cries cannot be ignored. Beyond that, even a cursory examination shows they are symptoms of a very real, deeply-rooted malady that poses an insidious threat to this country's future.

Should we achieve lasting peace and general prosperity, even they would not mean much in the long run if a solution to crime eludes us.

If present trends continue, the prospect of where America may be a decade from now -- and what it may be like to live in -- is enough to evoke a shudder from even the most optimistic. There could no longer be any place to hide, no safe zones -- not for anybody. In fact, we may be near that point already.

Crime may be the most grim fact of life in America today. Something must be done about it. We are in its tentacles -- but we can tolerate it no longer.

Government at all levels simply must do more, must become more effective. We need performance -- not promises. But the best efforts of government will prove inadequate unless the public also begins to shoulder new responsibilities.

It is not the public's fault that crime has risen to such proportions. But without enlightened public support, government can no more solve this problem than it can solve any other.

It is apparent that special responsibilities must rest with the general business community. At present, there is a phrase in vogue about what the bottom line shows. For the businessman, the bottom line has traditionally been profits, but some others should now be added. One is morality, another is responsibility. And they do not cancel out the concept of

profits.

The businessman has two basic responsibilities in the support of crime control efforts. One is to see that he neither breaks nor bends the law. A variety of white collar crime, including violation of the antitrust laws, robs its victims as surely as those robbed at the point of a gun.

Conduct which does not involve outright violation of the law can sometimes prove nearly as corrosive to the ethics and morality which hold our society together.

Entire professions have been tarnished by the conduct of a relatively few persons -- and by the lack of self-policing by business and professional groups.

A host of things relating to the business community have entered our folklore: The shyster lawyer, the butcher with his thumb on the scales, the shady used-car salesman, the real estate man selling lots in a swamp, the financier who fleeces thousands in a single undertaking.

Consumer complaints indicate that public confidence in the integrity of the business community has waned sharply. It is up to businessmen and their organizations to see that things change.

The second major role for businessmen is to support responsible state and local efforts to improve their crime control and criminal justice programs. And I don't mean putting a bumper sticker on the family car.

With their vast reservoirs of skills, businessmen in any community could work with local criminal justice agencies to determine their real needs. And then they could work with local government leaders to make certain those needs were met and priority programs developed.

Instead of complaining about every proposed new expenditure, support could be given to reasonable requests for additional funds that could make an impact on crime. This holds true whether we consider police, courts, corrections, prosecution, or juvenile delinquency.

Let me give you an example: I wonder how many businessmen ever take the time to work with their district attorneys to find out how many additional prosecutors and investigators are needed.

Let me assure you that the prosecution segment of criminal justice is woefully undermanned.

Efforts to enhance the effectiveness and fairness of criminal justice agencies would not be all that expensive -- not when we consider the results that might be obtained.

As a society, we pride ourselves on our concern for human life, as well as our concern for property. And yet there were an estimated 8.6 million serious reported crimes last year. That figure does not include a host of lesser reported crimes. And it does not include what may be a substantial number of crimes that are never reported to police at all.

One of my concerns is to help develop new programs which will make a greater impact on the crimes of violence and those which contain the potential for violence.

In this regard, the Federal role is somewhat limited. Aside from enforcement of Federal statutes, our main tool is the grant-in-aid program of the Law Enforcement Assistance Administration, which is now approaching nearly \$900 million a year.

Since becoming Attorney General, I have consistently said I expect more results for this money -- which is given to state and local governments for a variety of criminal justice programs.

One of the promising new efforts for which plans are now being drafted calls for the award of about \$3 million to prosecutors' offices in some 10 large cities for creation of Major Violations Bureaus.

These bureaus would make certain that priority was given to the prosecution of persons charged with major offenses -- as well as the prosecution of major and repeated offenders.

This may sound like a tentative first step in the long-neglected area of greater assistance for prosecutions -- and it is. But at the same time it holds the potential for making new inroads against the worst kinds of street crime and violent crime.

We must bring every possible resource to bear on the violent offender, the serious offender, the repeated offender. Crime control is and must remain the basic responsibility of states and localities. But there is much the Federal government can do in terms of funding and leadership -- and I intend to see that our programs are as effective as they can possibly be.

There is no simple, single solution for crime control. Rather, there is room and there is need for a variety of approaches. However, I want to stress that not enough emphasis has been placed on the problem of the repeated offenders -- or, as some prefer to call them, the career criminals.

So there is no misunderstanding, I again emphasize that there are social and economic causes of crime that must be solved. Mental illness may also cause a substantial amount of crime. And I reiterate that neither government nor the

public has done enough to devise and support adequate crime control programs.

But when every other factor is checked off, one significant cause of crime still remains. And it is simply this: Some persons commit crime because they want to.

Contrary to the common wisdom, they feel that crime does pay. They consider it glamorous, exciting, and rewarding. And to our chagrin, these career criminals often find it is not terribly risky.

A study paper recently prepared in the Department of Justice shows that in one major city a man was arrested 57 times in a five-year period before finally being convicted and sent to prison. It also showed that in one city fully 30 per cent of all police arrests presented to the prosecutor's office never reached trial.

According to the study by LEAA, there is information which indicates that in some areas up to 35 per cent of the persons awaiting trial may be re-arrested while they are free on bail. And it goes on to say that other studies indicate that perhaps as much as 50 per cent of the Nation's street crime is probably committed by as little as 15 per cent of the offenders.

In addition to the small pilot project to be funded by LEAA, I believe state and local authorities should on their own initiative fashion more effective programs to deal with the violent and repeated offender.

The first step is to identify the career criminal and to make certain that apprehension is rapid. Consistent with all legal safeguards, there should be special prosecution units which would give these cases top priority -- and make certain they are handled by the most skilled prosecutors.

Upon conviction, the prosecutors should inform the judge of all the facts -- impressing upon the court the serious nature of the offense and urging that the sentence fully protect the rights of society.

If the offender is sent to prison, corrections authorities should also be informed of all the facts -- so that they know the kind of person with whom they are dealing.

I do not suggest that rehabilitation does not have a large and meaningful role in criminal justice. It does -- particularly with youthful offenders and first offenders. But rehabilitation programs must become more productive -- and less of a gamble.

Nor do I mean to suggest there is no place in criminal justice for probation and community-based corrections programs. They also can contribute to crime reduction.

But it seems to me that too often a grave error is committed by releasing certain offenders back into society prematurely.

Too many persons today are released who should be kept in custody. Too many persons are released when reasonable men would judge them to be dangerous to society.

And then the pattern too often seems to be that these offenders claim new victims and the process begins all over again.

The career criminal, the habitual offender, the professional criminal -- they do not want to be convicted and sent to prison. If our criminal justice system functioned as it should, more of them would be imprisoned. And that in turn would serve as a deterrent to others.

But at least those in prison could be kept there -- consistent with their sentence and all legal safeguards -- if the careful judgment is made that it would not be safe to release them.

Law-abiding citizens also have rights. And one of them is the right to be free from harm. The premature release from prison of dangerous offenders makes as little sense as health authorities releasing into the general public a man with bubonic plague. That simply would be unthinkable in the public health field. But the criminal justice system releases dangerous men all the time. We simply must devise humane and reasonable means of protecting the public from those who murder, maim, rape, and rob.

I cannot state too strongly that those who wish to divert all offenders from jail and prison are making a serious mistake.

In considering some convicted offenders, the only answer is to have them to continue to serve their terms until

those terms expire or until authorities know beyond a shadow of a doubt that they no longer represent a danger to the public.

The incarceration should be humane and the efforts at rehabilitation and job training should be incense.

Not all crime will be prevented in this fashion. But I believe a great deal could be. And coupled with other programs I have described, together they might comprise a new beginning in this problem that has haunted the Nation for so long.

The point of the criminal justice machinery, the criminal laws, is to protect the people. Too often the Nation seems to have become so fascinated with the subtle intricacies of how the machine works that its basic purpose is forgotten.

Let me say it again: The purpose of the criminal law is to deal with what might be described as outlawry -- conduct of any sort which sets individuals out beyond the boundaries of legal behavior.

This kind of outlawry is so widespread today that even our art forms glorify and glamorize criminals of all sorts -- appealing to bestial instincts that Western Civilization through the course of thousands of years has sought to transform.

The matter is no longer remote from the life of any American. The terror of crime is with us -- and it will get worse unless our resolve to combat it grows stonger.

I believe that crime can be reduced -- and that the way to reduce it is through our traditional system of laws and criminal justice. While we have to be firm, we must also be exceedingly fair.

Unless we can accomplish our task in that way, we may sometime have to face the dreadful, alien prospect of a centralized approach to reducing crime. I oppose that -- as you do. But some otherwise reasonable men already discuss it in private.

If the terror of crime becomes too great, we also could be faced with the prospect of people beginning to take the law into their own hands through vigilante groups. In some parts of the country we already have seen the first faint inklings of such action.

We should not be so naive to believe that such horrors could not happen here. They have in the past, and in one large nation today in Latin America there are recurring reports of police vigilante squads executing suspects.

Outlaws are outlaws -- whether they break the law for personal gain or whether they use illegal means to fight crime. One is no better than the other.

Many currents are at work in our land. And some bode ill for the future. Movie audiences that one year applaud the moral decay in "The Godfather" settle down the next year to cheer a vigilante who kills muggers in a film called "Death Wish." Both spectacles are chilling.

Somehow, as far as crime control is concerned, we have to bring the forces of reason -- effective reason -- to bear as never before.

And somehow, as a people, we have to shed false notions and non-productive behavior which so far have conspired to help keep us from our goal.

Thank you.