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ADDRESS OF

THE HONORABLE RICHARD G. KLEINDIENST
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE THE

SCOTTSDALE DINNER CLUB

SCOTTSDALE, ARIZONA

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Some of you may remember, in the Golden Age of radio the equally golden voice of newscaster, Gabriel Heatter, who often started a broadcast with the familiar words, "Ah, there's good news tonight."

In our time, so much of the news has been bad news that I take special pleasure in bringing to you the kind of good news that Gabriel Heatter would have relished.

For many years serious crime in the United States, as shown in figures gathered throughout the country by the FBI, has been on the increase. It accelerated in a veritable crime wave during the 1960's, increasing by 17 percent in 1968 alone. In the next four years it continued to increase, but at a sharply decreasing rate. In 1971 it increased by seven percent. I am now extremely pleased to announce that in 1972, the preliminary figures show that serious crime did not increase at all. Instead it decreased by three percent. I would point out that this is the first year in which crime has decreased since 1955.

When you consider that the prevalence of crime has affected the way of life of many if not most Americans, that surveys have indicated about one-third of our citizens are afraid to go out of their homes at night, that at one point most Americans believed the rule of law was breaking

down in this country, I think you will agree with me that this is not only good news, but great news.

Now, I would be the last to say that crime has been defeated and that all our streets and highways are safe and secure. Crime is still too high, and just one crime is too much so far as the victim is concerned. Yet I believe we are entitled to a moment of thanksgiving, and most certainly we are morally compelled to find renewed strength and determination in our war on crime.

At this point I am reminded of the familiar vaudeville routine in which the first comedian enthusiastically imparts some new information, and the second comedian responds, "That's good!" But the first comic then says, "No, that's bad," and turns the story around with a negative twist. In one of the classic examples, the first comic announces:

"The snow blockade has finally been lifted, and the first relief train is coming into town."

"That's good!"

"No, that's bad--my mother-in-law is on it."

For a number of years this is the kind of dialogue that has taken place between this Administration and its critics whenever new announcements were made about progress against crime. It is almost as though

the two sides were speaking different languages. Certainly the difference represents two distinct sets of values in our approaches to the crime problem.

Let me review some of these peculiar dialogues in the light of the news that I bring you tonight.

In 1968 Richard Nixon made crime control one of the chief issues in his campaign for President. His program to reform the criminal justice system was based on the principle that the law-abiding public deserved as much protection under the law as the criminal suspect.

"We cannot permit the wave of crime," he said, "to be the wave of the future."

To most Americans, this approach was good. But to some of Mr. Nixon's critics, it was bad. Cracking down on criminals, they said, is not the way to fight crime. Society is to blame for breeding crime, and the way to fight crime is to reform society.

In the last four years the Nixon Administration has devoted a very large part of its budget and its efforts to the improvement of social conditions--not just to fight crime, but because improvement is a good end in itself. But at the same time we have done everything in our power to attack crime through law enforcement.

Since 1969 we have increased the annual Federal financial aid to State and local authorities by more than tenfold.

We expanded the manpower of all Federal enforcement agencies.

We asked for and won from Congress new laws with teeth in them to help control organized crime, drug trafficking, and crime in the District of Columbia.

And we did something else which was another subject of sharp disagreement with our opponents. In 1968 Congress had provided for court-authorized wiretapping as an evidence-gathering tool against organized crime. Richard Nixon, who was then a Presidential candidate, said, "That's good." But the opposition said, "No, that's bad," and the Attorney General who preceded John Mitchell refused to use this weapon that Congress had provided.

As soon as the Nixon Administration took office we began using court-authorized wiretapping in a controlled manner against organized crime and drug traffic activities. The evidence gathered has enabled us to make approximately four arrests for every wiretap. We have done so with almost no complaints that we have invaded anybody's privacy. We have been able to penetrate much higher in the echelons of the underworld, and we have secured hundreds of convictions, including some top gangland figures. And we think that's good.

Now, the Federal Government was not alone in its attack on crime. State and local police agencies also rose to the challenge. And the result of this combined effort also became the subject of disagreement between the Nixon Administration and its critics.

In 1969, 1970, and 1971, the figures reported by the FBI announced that while crime had increased during the year, the percentage of increase had dropped. We in the Administration said, "That's good--the momentum of the crime wave is slowing down." But our critics said, "No, that's bad. Crime is still going up."

Tonight we can say that crime is no longer going up--it is going down. And I will add that this is the end result of those years in which we first had to slow down the increase and turn it around before we could hope to get a decrease.

Beginning with the quarterly reports of the FBI in 1972, the increase in crime fell to only one percent per year--an increase no greater than the annual increase in the overall population. We said, "That's good--we're really stopping the momentum of the crime wave...we're beginning to turn it around." But--you guessed it--our critics said, "No, that's bad. Property crime may be leveling off, but violent crime is still going up."

They didn't point out that violent crime as shown in the Uniform Crime Reports is a small part of total serious crime--about fourteen percent. The fact is that, turning again to the 1972 results just reported by the FBI, violent crime increased only one percent--comparable to the annual increase in population. More important, robbery is by far the largest category of violent crime, and the one that has contributed the most to the fear that has gripped the streets of our inner cities. I am happy to announce that robbery showed an actual decrease of four percent in 1972. Moreover, let's take a look at the last quarter of 1972 to see how the trend is taking shape. In the last quarter, all violent crime was down three percent. No question about it, that's good.

Again, as the quarterly figures began to come in for 1972, they showed that crime was down in the largest cities. In fact, it was down in a majority of all cities over 100,000 in population. We said, "That's good. Crime and fear of crime were worst in the inner cities." But our critics said, "No, that's bad. Crime is going up in the suburbs." I'm sure they will say that again, because for the full 1972 figures there is still a small percentage increase in the suburbs. But again, let's look at the last quarter. It shows crime down three percent in the suburbs. It also shows that crime is down by one percent in the rural areas.

And we say that's good.

You might think that nothing which could come out of the FBI reports would be considered "good" by our critics and you would be right. Since early 1972, when the quarterly figures began to show unmistakably that the national crackdown on crime was getting results, the critics began saying that the figures themselves were bad. The statistics have been tampered with--falsified if you please.

At first the charge was that the police departments were not reporting all crimes in order to curry favor with the Nixon Administration and get more Federal funds.

We do not believe that the American people can possibly fall for this kind of a libel against dedicated and hard-working police forces all across the country. Actually, if a police chief were inclined to falsify his crime report in order to gain more funds he would increase the figures to show more need for help. But this is not my main point. I believe that the police chiefs and their officers are honest and honorable professionals. To slur their integrity is not only an outrage against them, but an insult to the intelligence of all Americans.

Now, we were told only a few days ago by a spokesman for our critics that "Statistics of the FBI, the great law enforcement agency

for many years impregably non-political but now politicized by this Administration, are used to support Mr. Nixon's claims of progress."

The truth is that, year in and year out, the FBI makes every effort to verify the reports that it receives from jurisdictions around the country. As it states in its annual crime report, there is a voluminous correspondence--22,000 separate communications for the 1971 annual report--challenging or verifying State and local statistics. Both the International Association of Chiefs of Police and the National Sheriffs Association have maintained special committees to advise the FBI on crime reports and to serve as final arbiters in case of disputed figures. In short, every human effort is made to make these reports as accurate as possible.

Of course the rise of data processing has greatly aided this effort. The FBI has helped individual States to adopt standard requirements for crime reporting, and the number of such States continues to increase. This means that control factors are being applied to reduce human error or bias. For example, in the jurisdictions that have adopted these standards, a crime is recorded as soon as the citizen sends in a complaint, and the officers sent to the scene must provide a corresponding report.

So the truth is that the proportion of crimes reported continues to increase--a trend which makes the latest figures showing a crime

reduction even more remarkable.

I have gone into some detail on this subject of statistics because you can be sure that our critics will not find them to their liking. They will most certainly find something they claim is "bad" about the same numbers that are obviously "good" to everyone else.

Now, what should be our reaction to this evidence of success? I firmly believe that the last thing we should do would be to relax our attack on crime. On the contrary, we should capitalize on the present downward trend and take major new initiatives. President Nixon is doing just that, and as you might expect, some of his critics are saying that these initiatives are "bad".

We have found by experience that the greatest remaining gap in our offensive against crime is the permissive approach in some of our courts. It does little good for policemen and investigative agents to risk their lives in gathering evidence and making arrests when felony defendants with long criminal records are given light sentences or suspended sentences, or when suspected drug pushers are released on bail and may then practice this evil business for long periods of time before coming to trial. This approach has the effect of encouraging crime and helping to spread the drug contagion.

President Nixon has therefore submitted to Congress proposals for new laws and for revamping old Federal laws to close up this large remaining gap in our anti-crime campaign.

These proposals would provide a definite scale of standardized sentences for the spectrum of Federal crimes.

They would greatly increase the upper limits of fines imposed for various Federal offenses.

They would reform the use in Federal courts of the insanity plea, so that it would be used primarily to determine the type of sentence or treatment to be imposed, rather than being used primarily to escape conviction.

They would require Federal judges to take into account the danger to society before letting a defendant charged with heroin trafficking out on bail.

They would require for convicted heroin traffickers a range of minimum mandatory sentences, depending on the magnitude of their crime or their prior conviction record, of from five years to life imprisonment without parole.

Finally, they would provide for a possible death penalty, to be determined by the jury in a separate trial after conviction, for certain

specified Federal offenses. These would include treason, sabotage, and espionage when these were related to a war in which the United States was engaged, and such offenses as skyjacking, kidnapping, and assaulting a Federal official where death is a result.

You and I, and most Americans, tend to think that such reforms are long overdue to restore some reasonable protection for society. We think these reforms are good.

However, some of our critics are quick to say that they are bad. Generally speaking, their arguments show a primary and sometimes exclusive concern for the rights or welfare of defendants in criminal cases, and a minimum of concern for the right that you and I and the law-abiding community have to the protection of the law.

I certainly believe that we must be concerned about the treatment of offenders. Yet much of the current practice simply makes the criminal and the potential criminal believe that the law is something to laugh at and walk over. This, I submit, does not benefit anyone, neither law-abiding citizens, nor law-breakers, nor potential law-breakers.

This is why we have proposed these new reforms and why we believe they deserve prompt action by Congress.

Tonight we have been able to take encouragement from some good news on a subject which, for too long, has yielded little but bad news. It is a remarkable fact that our peace officers have been able to bring about

this crime reduction when, in so many instances, there is little reason for potential criminals to think they will have to face the consequences of their misdeeds, even if they are caught. If we can add an element of certainty to those consequences, we can give our police the consistent support they should expect from the courts.

We can make the control of crime not just good news, but a good and permanent condition. Not a wave of crime, but a wave of progress under law, can be the wave of the future.