



# Department of Justice

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ADDRESS

BY

THE HONORABLE WILLIAM B. SAXBE  
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE NORTH CENTRAL REGION OF THE STATE AND PROVINCIAL DIVISION  
OF  
THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

7:00 P.M.

WEDNESDAY, JUNE 26, 1974

RODEWAY INN

INDIANAPOLIS, INDIANA

AT THE OUTSET, I WOULD LIKE TO THANK YOU VERY MUCH FOR THE INVITATION TO BE WITH YOU HERE TONIGHT.

I HAVE ALWAYS FOUND IT HELPFUL TO BE ABLE TO MEET WITH POLICEMEN FOR A FRANK EXCHANGE OF VIEWS. I PARTICULARLY LOOK FORWARD TO OPPORTUNITIES TO DISCUSS AREAS OF COMMON INTEREST WITH OFFICIALS OF THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE.

THIS MEETING IS ONE SUCH OPPORTUNITY AND I WAS ALSO GRATIFIED BY THE RECENT INVITATION TO SPEAK TO THE IACP'S NATIONAL CONFERENCE IN WASHINGTON, D.C., LATER THIS YEAR. I HOPE TO SEE MANY OF YOU AGAIN AT THAT CONVENTION.

MY INTEREST IN POLICE WORK GOES BACK MANY YEARS, BUT IT HAS BEEN RENEWED IN THE RECENT MONTHS AS I HAVE COME TO LEARN ABOUT A NUMBER OF PRIORITY PROGRAMS BEING CARRIED OUT BY THE DEPARTMENT OF JUSTICE.

A HIGH LEVEL OF EFFECTIVENESS IN MANY OF THE FEDERAL GOVERNMENT'S BASIC LAW ENFORCEMENT EFFORTS WOULD BE IMPOSSIBLE TO ATTAIN WITHOUT AN EQUALLY HIGH LEVEL OF COOPERATION WITH STATE AND LOCAL POLICE AGENCIES.

AND THAT IS TRUE WHETHER YOU ARE TALKING ABOUT ENFORCEMENT EFFORTS CARRIED OUT BY THE FEDERAL BUREAU OF INVESTIGATION OR THE NEW DRUG ENFORCEMENT ADMINISTRATION.

WE HOPE THAT THIS IS NOT A ONE-WAY STREET, WHERE WE ASK COOPERATION AND ASSISTANCE BUT GIVE LITTLE IN RETURN.

I AM SURE THAT MANY OF YOU ARE PERSONALLY ACQUAINTED WITH CLARENCE KELLEY, THE NEW DIRECTOR OF THE FBI, OR KNOW OF THE FINE RECORD AND REPUTATION HE BUILT AS CHIEF OF THE KANSAS CITY POLICE DEPARTMENT. I ALSO AM CERTAIN YOU ARE FAMILIAR WITH HIS DEEPLY-INGRAINED SENSE OF THE NEED FOR FULL COOPERATION AMONG ALL LEVELS OF LAW ENFORCEMENT.

THE SAME SORT OF VIEWS ON OUR INTER-DEPENDENCY ARE HELD BY JOHN BARTELS, THE ADMINISTRATOR OF DEA, WHO FORMERLY HEADED OUR ORGANIZED CRIME STRIKE FORCE IN NEW JERSEY.

IT IS VERY APPARENT, THOUGH SOMETIMES FORGOTTEN, THAT WE ALL NEED MUTUAL ASSISTANCE. WE HAVE COMMON GOALS -- THE REDUCTION OF CRIME, THE PROTECTION OF OUR CITIZENS -- AND WE CANNOT REACH THEM THROUGH FRAGMENTATION OR IF WE WEAR BLINDERS.

THE NEED FOR COOPERATION EXISTS WHETHER THE JOB IS WALKING A BEAT IN A CROWDED CITY, PATROLLING THE HIGHWAYS IN A SPARSELY-POPULATED STATE, OR TRYING TO INTERCEPT DRUGS BEING BROUGHT INTO THE COUNTRY ILLEGALLY.

FRAGMENTATION OF EFFORT MAY HAVE BEEN ONE OF THE REASONS WHY THE CRIMINAL JUSTICE SYSTEM WAS SLOW TO RESPOND TO SOME ASPECTS OF THE CRIME PROBLEM -- A PROBLEM THAT HAS REACHED EPIDEMIC PROPORTIONS IN PARTS OF THE NATION.

IT IS TIME TO CLOSE RANKS, RESOLVE DIFFERENCES, AND GET ON WITH OUR PRIMARY TASK OF PUBLIC PROTECTION.

ONE IMPORTANT TOOL IN THE DEPARTMENT OF JUSTICE IS THE PROGRAM OF FINANCIAL AND TECHNICAL ASSISTANCE CARRIED OUT BY THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

FRANKLY, IT IS NO SECRET TO EITHER YOU OR TO ME THAT THERE HAVE BEEN SOME SHARP DIFFERENCES OF OPINION BETWEEN THE IACP AND LEAA IN RECENT MONTHS.

IN MY SHORT TIME AS ATTORNEY GENERAL, I HAVE BEEN IMPRESSED BY MANY OF THE EFFORTS THAT HAVE BEEN CARRIED OUT BY LEAA. BUT AT THE SAME TIME I WOULD BE LESS THAN CANDID WITH YOU IF I DID NOT ALSO MENTION MY CONCERN THAT LEAA HAS NOT ACCOMPLISHED ALL THAT IT SHOULD HAVE.

WITH A BUDGET OF NEARLY \$900 MILLION DOLLARS A YEAR, MORE RESULTS SHOULD BE APPARENT. I AM DETERMINED THAT THE LEVEL OF EFFECTIVENESS WILL BE INCREASED, THAT WE WILL FIND WAYS TO FASHION MEASURES FOR PUBLIC PROTECTION THAT WORK BETTER.

LEAA CANNOT DO THIS IN A VACUUM. WHILE HONORABLE MEN WILL ALWAYS DISAGREE ON THE SUBSTANCE OF CERTAIN PROGRAMS, WE HAVE AS OUR COMMON STARTING POINT THE DEEP CONVICTION THAT THE INCIDENCE OF CRIME MUST BE REDUCED IN MAJOR AND PERMANENT WAYS.

I WANT TO HAVE THE BENEFIT OF YOUR THINKING. THE POLICE COMMUNITY MUST HAVE A VOICE, AND A CONTINUING ONE, AS WE SHAKE OUT THE BUGS IN THE LEAA PROGRAM.

BY THE SAME TOKEN, WE WILL NOT HESITATE TO GIVE YOU OUR VIEWS. AND WHERE OPINIONS CONFLICT, THEY CAN BE RESOLVED IN POSITIVE WAYS FOR THE BENEFIT OF OUR ULTIMATE CLIENT -- THE PEOPLE.

SO DON'T BE HESITANT TO MAKE YOUR VIEWS KNOWN. WE'RE NOT AFRAID OF DISSENT OR OF CRITICISM. IT IS ONLY IN THIS WAY THAT WE CAN FIND NEW METHODS TO RESOLVE THE PROBLEMS THAT HAVE PLAGUED THE NATION FOR DECADES.

EXCELLENCE IN POLICE WORK IS VITAL IN THIS BUSINESS OF REDUCING CRIME. YOU ARE NOT ONLY THE CUTTING EDGE OF CRIMINAL JUSTICE, BUT COMPRISE BY FAR THE LARGEST COMPONENT OF THE CRIMINAL JUSTICE SYSTEM.

THE AVERAGE POLICEMAN IS CALLED UPON EVERY DAY TO MAKE THOUGHTFUL, INTELLIGENT DECISIONS IN A SPLIT SECOND AS HE CARRIES OUT HIS JOB OF PROTECTING THE COMMUNITY. SOMETIMES HIS FELLOW CITIZENS, OR AT LEAST SOME OF THEM, FORGET WHAT THE POLICEMAN IS THERE TO DO. AS A RESULT, THE POLICEMAN'S JOB NOT ONLY HAS BUILT-IN DANGERS THAT WOULD MAKE MOST OF US CRINGE, BUT THE JOB OFTEN IS A DAMN THANKLESS ONE IN THE BARGAIN.

SOMEHOW, HIGHER LEVELS OF PUBLIC SUPPORT MUST BE FOSTERED.

GOVERNMENT AT THE CITY, COUNTY, STATE, AND FEDERAL LEVELS MUST DO MORE TO GIVE POLICE THE RESPONSIBLE TOOLS THEY NEED TO CARRY OUT THEIR TASKS.

AMONG THE DIFFICULTIES FOR POLICE IS THE VIOLENCE THAT THEY MUST FACE. IT IS NOT ONLY THE MORE OR LESS TRADITIONAL VIOLENCE OF THE ROBBER, THE MURDERER, THE RAPIST, AND THE BURGLAR -- AS BAD AS THAT IS. IN ADDITION, THERE ALSO HAVE BEEN CHILLING OUTBURSTS OF TERRORISM WHICH POSE A WHOLE NEW SERIES OF COMPLEX AND DEADLY PROBLEMS. ONE THREAD RUNNING THROUGH THIS KIND OF TERRORISM IS THE VIOLENCE AIMED AGAINST POLICEMEN THEMSELVES.

STATISTICS RELEASED RECENTLY BY THE FBI SHOW THAT 49 POLICEMEN WERE KILLED IN THE LINE OF DUTY DURING THE FIRST FIVE MONTHS OF THIS YEAR. ALL BUT ONE WAS SLAIN WITH A FIREARM. THIS IS A PROBLEM FOR WHICH OUR RESPONSES ARE STILL NOT GOOD ENOUGH.

I DO NOT BELIEVE THAT NEW GUN CONTROL LAWS ARE THE ANSWER. PRESENT GUN CONTROL LAWS ARE NOT EVEN BEING ENFORCED, AND MERELY PUTTING A NEW STATUTE ON THE BOOKS BY ITSELF WON'T ACCOMPLISH MUCH. MY VIEW IS THAT WE NEED VERY TOUGH PROSECUTION OF FIREARMS VIOLATIONS AND FELONIES IN WHICH A FIREARM IS USED.

SIMPLY ENFORCING THE LAWS NOW IN EXISTENCE COULD HAVE A TREMENDOUS IMPACT ON THIS PROBLEM. THE DEPARTMENT OF JUSTICE NOW HAS UNDER STUDY A NUMBER OF WAYS IN WHICH THIS MIGHT BE ACCOMPLISHED. I HOPE TO BE ABLE TO REPORT ON POSITIVE DEVELOPMENTS IN THIS AREA FAIRLY SOON.

ASIDE FROM THE CONSTANT DANGER, ANOTHER MAJOR OBSTACLE CONFRONTING POLICEMEN IS THE PUBLIC'S CONCEPTION OF THEIR ROLE. THERE ARE A GREAT MANY MISTAKEN NOTIONS ABOUT WHAT THE POLICE CAN AND CANNOT DO.

PERHAPS THE MOST FLAGRANT MISCONCEPTION IS THAT LAW ENFORCEMENT CAN OR SHOULD COPE WITH THE SOCIAL AND ECONOMIC CONDITIONS WHICH CAUSE SO MUCH OF THE CRIME IN THE NATION TODAY.

THERE ARE TWO BASIC AND INTER-RELATED APPROACHES TO FIGHTING CRIME. ONE INVOLVES THE PREVENTION OF CRIME AND, WHEN PREVENTION FAILS, THE SWIFT APPREHENSION OF OFFENDERS. THAT IS WHAT POLICE CAN DO SOMETHING ABOUT.

THE OTHER ASPECT INVOLVES REDUCING THE POVERTY AND DISCRIMINATION THAT EXISTS IN FAR TOO MUCH OF OUR SOCIETY. AND ABOUT THOSE THINGS, THE POLICEMAN CAN DO VERY LITTLE.

ALL OF CRIMINAL JUSTICE SHOULD STRIVE TO IMPROVE COMMUNITY RELATIONS, JUVENILE DELINQUENCY PROGRAMS, AND EFFORTS TO REHABILITATE OFFENDERS.

BUT THE POLICE ARE NOT ABLE TO MAKE UP FOR THE FAILURES OF THE REST OF SOCIETY. THEY CANNOT GO INTO MILLIONS OF HOMES AND RECONSTRUCT LIVES.

MORAL CONCEPTS CAN BE FASHIONED ONLY BY THE COMMUNITY AT LARGE. THEY CANNOT BE IMPOSED BY THE POLICE.

BUT AS I'M CERTAIN YOUR OWN EXPERIENCE SHOWS, THE COMMUNITY OFTEN EXPECTS YOU TO DO THAT -- AND MUCH MORE.

I BELIEVE A GREAT DEAL OF CRIME CAN BE AVERTED IF CRIMINALS KNOW THERE IS A HIGH RISK -- A CERTAINTY THAT THEY WILL BE CAUGHT AND PUNISHED.

THERE IS NO WAY, HOWEVER, THAT THE POLICE CAN MAKE UP FOR THE FAILURES OF THE HOME, OF RELIGION, OF THE SCHOOLS. AND THERE IS NO WAY THAT THE POLICE CAN ASSUME THESE ROLES.

NOR IS THERE ANY WAY THAT POLICE CAN CREATE JOB OPPORTUNITIES OR PROVIDE JOB TRAINING OR WIPE AWAY THE STAINS OF DISCRIMINATION OF ALL SORTS THAT HAVE EXISTED FOR GENERATIONS.

THE RESPONSIBILITIES FOR ALL OF THOSE THINGS FALL ON OTHERS. ON GOVERNMENT. ON OUR INSTITUTIONS. ON OUR BUSINESS COMMUNITY. ON EACH AND EVERY PARENT. ON THE TEACHERS. ON OUR SOCIAL SERVICE AGENCIES. AND, ULTIMATELY, ON EVERY CITIZEN.

THE POLICE CANNOT STRIVE TO CHANGE SOCIAL CONDITIONS -- NO MORE THAN THE DEPARTMENT OF DEFENSE SHOULD TRY TO CURE UNEMPLOYMENT BY WAGING WAR.

AT THE SAME TIME, HOWEVER, THERE IS SOMETHING THAT THE CRIMINAL JUSTICE SYSTEM MUST BEGIN TO DO IN A MUCH MORE COMPREHENSIVE WAY.

AND THAT IS, VERY SIMPLY, TO SEE THAT THE CONCEPT OF JUSTICE IS FOLLOWED 101 PER CENT OF THE TIME.

BY NO MEANS AM I SUGGESTING THAT THIS IS ONLY THE RESPONSIBILITY OF POLICE -- AS IMPORTANT AS IT IS THAT THEY BE FAIR.

DEVOTION TO FAIRNESS ALSO MUST BE DEEPLY FELT -- AND ACTED UPON -- BY PROSECUTORS AND JUDGES AS WELL. IT DOESN'T NECESSARILY FOLLOW THAT A MAN IS AUTOMATICALLY WISE OR ETERNALLY JUST BECAUSE HE RECEIVES A LAW DEGREE OR DONS BLACK ROBES.

THE ENTIRE CRIMINAL JUSTICE SYSTEM HAS AN ENDURING OBLIGATION TO EXAMINE AND THEN RE-EXAMINE EVERY ASPECT OF ITS WORK.

THE BASIC JOB OF CRIMINAL JUSTICE IS THE PROTECTION OF SOCIETY. BUT CRIMINAL JUSTICE CANNOT SUPPORT OUR BASIC CONSTITUTIONAL SYSTEM IF IT ENGAGES IN PRACTICES WHICH ARE DETRIMENTAL TO OUR SYSTEM OF LAWS.

ILLEGALITY CARRIED OUT BY THOSE WHO SWEAR TO UPHOLD THE CONSTITUTION CAN BE AMONG THE WORST OF CRIME. WE HAVE ALL SEEN AMPLE EVIDENCE OF THAT IN WASHINGTON IN RECENT MONTHS.

BUT THE QUESTION THAT THOSE OF US IN THE CRIMINAL JUSTICE SYSTEM MUST ASK IS: ARE WE FAIR IN OUR OFFICIAL CONDUCT?

THE EVIDENCE ACCUMULATED SO FAR SAYS THAT WE ARE NOT. THERE ARE DOCUMENTED INSTANCES OF PERSONS BEING NOT ONLY PROSECUTED BUT IN A SENSE, OFFICIALLY PERSECUTED BECAUSE THEY WERE HELPLESS OR DESPISED OR HELD UNPOPULAR VIEWS. THEY BECOME SCAPEGOATS FOR NO OTHER REASON THAN THE COLOR OF THEIR SKIN OR THE BELIEFS THEY HOLD.

AND THERE ARE ALSO INSTANCES OF MEN ESCAPING FROM THE IMPOSITION OF EQUAL JUSTICE BECAUSE OF THEIR POSITIONS OR POWER OR INFLUENCE.

IF PROSECUTORS OR JUDGES IN POSITIONS OF GREAT RESPONSIBILITY ARE THOUGHT TO HAVE CONCOCTED REASONS FOR LETTING THEIR CULTURAL OR ECONOMIC PEERS RECEIVE SPECIAL TREATMENT, THEN THEY DESERVE THE DISDAIN OF THE PUBLIC. AND THEY WILL CERTAINLY RECEIVE IT.

ANOTHER QUESTION WE HAVE TO ASK OURSELVES IS WHETHER WE ARE PETTY IN THE IMPOSITION OF THE SANCTION OF JUSTICE. WE HAVE ALL SEEN CASES WHERE ANY LEGAL TECHNICALITY THAT CAN BE FOUND IS USED TO SEND THE HELPLESS MAN TO PRISON.

IT IS NO WONDER THE PUBLIC IS CYNICAL ABOUT THE DEGREE TO WHICH FAIRNESS EXISTS IN OUR SOCIETY. AND WHO CAN BLAME THEM? JUSTICE IS A QUALITY TO BE DISPENSED EQUALLY AND IN FULL MEASURE. SHORTCUTS OR FAVORS ONLY SERVE TO FURTHER UNDERMINE THE PUBLIC'S CONFIDENCE.

ALL OF US IN THE CRIMINAL JUSTICE SYSTEM SHOULD FEEL OBLIGED TO TRY TO REDUCE THIS PUBLIC SKEPTICISM ABOUT THE FAIRNESS IN THE ENFORCEMENT OF OUR LAWS AND IT IS EQUALLY IMPORTANT TO REMEMBER THAT THE APPEARANCE OF FAIRNESS IS JUST AS IMPORTANT AS FAIRNESS ITSELF.

THANK YOU.