



# Department of Justice

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ADDRESS OF

THE HON. RICHARD G. KLEINDIENST

ATTORNEY GENERAL OF THE UNITED STATES

AT THE

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LEAGUE OF CALIFORNIA CITIES

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I believe that Robert Frost's famous saying, "Good fences make good neighbors," finds a happy application in the relation between cities, States, and the Federal Government.

For many years we have heard a lot about the Federal Government invading the territory of State and local sovereignty. I believe strongly, however, that the very structure of our unique American system of government depends upon maintaining strong fences between these jurisdictions. As President Nixon once put it, "a local commissioner, or a State governor, knows a lot better about what is best for his city or his State than somebody in Washington, D. C.."

At the same time, I also believe there is nothing wrong with neighbors putting their elbows on the fence and talking to each other, as we are doing here today. In fact, we have been proving in the most recent years that we can respect each other's territory while at the same time cooperating in areas of mutual interest. For example, the United States Department of Justice and its counterparts at the State and city levels have together developed such cooperation to a fine point in such

areas as extradition, criminal investigation, sharing information, apprehension of fugitives, and the creation of common standards and model laws.

At a time when the crime rate in the United States continues at a high level, such cooperation is not only desirable, it is essential. And because Federal taxation has preempted so much of the tax potential in this country, many State and local governments have had trouble finding the funds to strengthen their criminal justice systems. For this reason I believe the Federal Government has a special obligation to offer financial assistance. I would therefore like to concentrate on the cooperation that is possible through the agency designed for this purpose, the Law Enforcement Assistance Administration, and the results to be expected as we continue to use it wisely.

From its inception in 1968, LEAA has budgeted a total of well over one-and-a-half billion dollars for State and local criminal justice systems. Perhaps the most striking fact about LEAA has been its rapid expansion from a budget of \$68 million in fiscal 1969 to \$850 million in the current fiscal 1973--more than a tenfold increase in four years' time. Naturally it has had growing pains, and there have been criticisms. Most of them were recognized first by LEAA itself, and they have been corrected under

the able leadership of the Administrator of LEAA, Jerris Leonard. We believe it has made and is making a recognizable impact on the improvement of criminal justice in this country. We have received many expressions of appreciation and support from city officials across the country, including California.

Conversely, I also wish to say that nowhere have the State and local officials responded more enthusiastically to the LEAA program, and put its funds to better use, than in California. As you know, most of the LEAA funds are provided to the States in block grants, to be coordinated and distributed by the State Planning Agencies. The agency that performs this function in Sacramento, and throughout the State, is the California Council on Criminal Justice. Last November, when the United States Conference of Mayors was testifying before a House Committee on amendments to the act that created LEAA, it stated that some States were implementing those amendments properly and had thus improved the flow of funds to the cities. California was one of three States cited as "notable examples of positive action." I would like to confirm this judgment by the Conference of Mayors.

To show the scope of this LEAA effort, let me mention just a few examples of programs with proven results.

In San Diego a project for the treatment of uncontrollable children involved in the juvenile justice system has shown great success. Drug use has been significantly curtailed and of more than 40 residents released in the past year, none has since been arrested. This project was funded by LEAA.

In Santa Clara County, two related programs are showing marked success against drug abuse and drug trafficking. One is a Methadone Treatment and Rehabilitation Program which now treats about 750 patients and is considered a model program of its type for other Western communities. The other is a Narcotics Bureau project to intensify enforcement against drug traffickers through a cadre of specially trained officers. Among other benefits, this enforcement unit has successfully encouraged numerous addicts to participate in the Methadone Program.

These two projects have been funded by LEAA.

Another narcotics enforcement project in Compton has been able to minimize street trafficking of drugs and has contributed to enforcement against higher echelon traffickers throughout Southern California. There has been a corresponding reduction in burglary, robbery, shop-lifting and purse snatching within the past year in the city of Compton. This project was funded by LEAA.

In Los Angeles, the City Police Department and the County Sheriff's office have consolidated their criminal justice files and improved the data retrieval system, thus greatly upgrading criminal intelligence in these two jurisdictions. This project was funded by LEAA.

A Burglary Prevention and Control Program was instituted in six major jurisdictions including Los Angeles, San Francisco, Oakland, San Diego, and Orange County. Since it began last April, San Francisco has reduced burglary by 47 percent. As another example, the Los Angeles County Sheriff's target city under this program is Bellflower, and Bellflower has shown a 30 percent reduction in the burglary rate. This project was funded by an LEAA grant of one-and-a-half million dollars.

These are only a very few examples of the many successful LEAA-funded programs that I could mention if time allowed. But I think you would also be interested in some of the Federal enforcement efforts within our own jurisdiction that have an effect on street crime in the cities. I refer to our drive against organized crime and narcotics trafficking. 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 figure. 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.

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 2600 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.

We feel that this direct Federal enforcement against organized crime and drug trafficking, together with Federal financial assistance to State and local agencies, has made an important contribution to the war against crime. This in no way detracts from the major contribution by State and local agencies, which provide nine out of every ten dollars spent in this field. But I simply stress that this has been a very successful example of cooperation between all three levels within our American system of Government. I say successful, because we now have evidence that the crime wave which began in the 1960's has been brought under control.

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 increase.

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. The number of cities with more than 100,000 population that show an actual decrease in crime continues

to grow. In the first half of 1972, nearly half of such cities showed an actual decrease in crime. Among them were Los Angeles, San Francisco, Oakland, and Torrance.

Moreover, as you know, the crime problem was the most fearsome in the largest metropolitan areas, 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.

So we have strong reason to be gratified at our combined offensive against what has been a dangerous crime wave in the United States. At the same time we know that street crime is still too high, and our successes so far simply tell us that we have the right formula for cooperation and we must continue to use it.

Now, I do not want to confine my remarks to street crime. In many cases so-called "white collar crimes" and corporate offenses have an even greater impact on society. I wish to say that the Nixon Administration has pursued this type of enforcement just as vigorously. It was this Administration that established new special sections within the Justice Department to step up actions against criminal violations in the consumer, securities, and pollution areas.

In cooperation with the Internal Revenue Service and the Depart-

ment of Housing and Urban Development, we have launched a vigorous program against housing frauds with 151 defendants currently under indictment in different parts of the country.

At the same time, we have filed more criminal tax cases and obtained more criminal tax convictions in Fiscal 1972 than in any year since 1959.

In the Antitrust field, we filed more cases in Fiscal 1972 than in any year since World War II. In the pollution control field, we filed a record number of criminal cases in each of the past three Fiscal years, and we were the first to use the still more effective device of the civil injunction suit under the Refuse Act of 1899, with 128 such cases filed by the end of Fiscal 1972.

In my remarks I have tried to outline some of the results of Federal, State, and local cooperation in law enforcement. In doing so I have not hesitated to mention the Nixon Administration's record of accomplishment in this field. Before I close I would like to contrast this with another record--that of the candidate who seeks to unseat President Nixon. As you know, Senator McGovern has had a lot to say about crime and law enforcement. We in the Nixon Administration are happy to stand on our record, and I would like to examine for a moment Mr. McGovern's

record. As you know, the LEAA program that we have discussed was created by Congress in 1968 with the Omnibus Crime Control and Safe Streets Act. Senator McGovern missed 21 out of 29 votes on this bill and did not even bother to show up to vote on final passage.

Senator McGovern missed all six votes on the Organized Crime Control Act of 1970, and yet earlier this week was very earnest in his proposals to curb organized crime.

The truth is that only one of the six law enforcement bills Senator McGovern has sponsored during 14 years in Congress has ever passed, and that bill authorized the United States District Court to hold session in Deadwood, South Dakota.

Again, we all hear of Senator McGovern traveling the country deploring lawlessness and proclaiming his own honesty and forthrightness. Yet he has a peculiar record with reference to the so-called "Pentagon Papers."

Daniel Ellsberg, a former Defense Department employee, is charged with stealing Government property and unauthorized disclosure of national defense information. As Attorney General I cannot comment on proceedings before the court. However, I can and will comment on Senator McGovern's conduct in this affair.

Here are the Senator's own words from the October issue of Intellectual Digest:

"Ellsberg asked me whether I would release the (Pentagon) papers. I felt since I was in the business of making laws, not breaking them, it wouldn't be a good idea for me. I urged him to go to the New York Times... I'm glad he did, and I think he performed a tremendous service."

Senator McGovern has also become very concerned about drug abuse. Yet he suggested in a Senate speech on February 15, 1972, that marihuana might be regulated along the "same lines as alcohol." Now Mr. McGovern says that he never advocated legalizing marihuana, so according to this interpretation alcohol isn't legal either. What we have here is another example of the language of Newspeak, as described by George Orwell in his novel 1984, in which political propagandists use words that mean exactly the opposite.

On the subject of pornography, when this Administration took office in January 1969 we found that eight indictments had been secured against pornographers and only five investigations were under way. Today we are acting on 46 indictments and are pursuing 97 additional investigations. By the end of Fiscal 1972 we had secured 58 obscenity convictions. You will recall the Report of the Commission on Obscenity

and Pornography, which found no social harm in pornography. On October 13, 1971, Senator McGovern's colleagues in the Senate overwhelmingly passed a Resolution rejecting the permissive findings of this Commission. Only five Senators voted against that Resolution, and Senator McGovern was one of them.

Again, how do we reconcile the law-and-order McGovern with the McGovern who is proposing unconditional, blanket amnesty for draft dodgers? Those who evaded the draft broke the law. They are either incarcerated or in foreign exile. Senator McGovern has promised that those who evaded their responsibility will not have to pay any penalty. They will be freed from prisons and allowed to come home from Canada without any penalty whatsoever; without any alternative service requirement; without so much as a slap on the wrist for their dereliction of duty and refusal to obey the law.

I believe it is fairly easy to tell from this record what may be expected in the nation's campaign of law enforcement if Senator McGovern succeeds in his campaign for the Presidency. In my opinion, Senator McGovern's election would be a disaster for this country's drive against crime--a drive that has been built up with such effort and dedication by America's peace officers at all levels, and which has now hit its full and successful stride.

Let me not end by giving the impression that this Administration has all the answers, or that the war on crime has been won. We all know that it will continue to require the unflagging work and close cooperation of Federal, State and city authorities. But we can begin to say with more assurance that the wave of crime that shocked America in the 1960's is not the wave of the future, and that America is once again becoming a safe and lawful society.