



Department of Justice

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ADDRESS

BY

HONORABLE JOHN N. MITCHELL
ATTORNEY GENERAL OF THE UNITED STATES

AT THE

ANNUAL CONVENTION

OF THE

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

HOTEL FONTAINEBLEAU
MIAMI BEACH, FLORIDA

SEPTEMBER 29, 1969
12:15 P.M.

I. INTRODUCTION

1. It is a pleasure to address the annual convention of the International Association of Chiefs of Police.

I understand that I am a last minute substitute for President Nixon. Unfortunately, the President is unable to be with you today. I know that he wanted to be here to assure you of his support of your efforts in the field of law enforcement.

During the past eight months, I have been in close communication with the IACP, especially with your most able Executive Director, Quinn Tamm.

Several months ago, I participated in your working seminars held in Washington. A major portion of these discussions concerned student violence and civil disorders. What particularly impressed me was the awareness, by the participating police officials, of the necessity for preventive law enforcement. These seminars emphasized that law enforcement is not merely the application of force. Enlightened police officials recognize that careful pre-planning, communication and negotiation can frequently avoid serious confrontations.

I was pleased that the IACP stressed that law enforcement officials should be flexible in order

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to solve new law enforcement problems within the currently prevailing social and legal philosophies of the nation. The American law enforcement community would do well to look to your leadership.

Your high standards of professionalism, your openness to new ideas, your desire to bridge the gap between law enforcement officials and certain alienated parts of our citizenry, have made you leaders in the administration of justice at the state and local level.

We, at the Justice Department, have called on you in the past for your help and advice. We will continue to call on you in the coming years.

We will continue to support this organization and its more than 7,000 members in every way possible, especially through the Law Enforcement Assistance Administration grant program. We hope that you will seek our counsel when you have problems to be solved.

2. I have come to Miami Beach today to speak to you about the single most pressing problem that I face as Attorney General and that you face as concerned and responsible police officials -- crime in America.

The latest FBI Uniform Crime Reports show that in 1968 there were 4.5 million serious crimes committed in the United States, a 17 percent increase over 1967.

There was a 30 percent increase in armed robbery; a 15 percent increase in rape; a 13 percent increase in murder and an 11 percent increase in aggravated assault.

From 1960 to 1968, the volume of serious crime has risen 122 percent, while the population has increased only 11 percent. The citizen risk of becoming a victim of a crime has nearly doubled from 1960 to 1968.

In February 1967, the President's Crime Commission reported: "There is much crime in America, more than ever is reported, far more than ever is solved, far too much for the health of the nation. Every American knows that. Every American is, in a sense, a victim of crime ... The most understandable mood into which many Americans have been plunged by crime is one of frustration and bewilderment."

Despite the Presidential report and the ever increasing crime rate, there has been a tendency in the past to shrug our shoulders and to hope that if we talk about crime it will eventually disappear.

There has been a tendency to ignore the law enforcement community in favor of the social scientists who can explain the motivations of the criminal, but who can do little to protect the innocent against the mugger or armed robber.

Let me tell you that, as Attorney General, I am first and foremost a law enforcement officer. I believe the Department of Justice is a law enforcement agency. I think that persons who break the law ought to be promptly arrested and tried today.

While I sympathize with physical conditions and emotional problems which may cause persons to commit crimes, I cannot sympathize with those who seek only to excuse criminals.

When this Administration took office eight months ago, we decided that the time had come to stop talking, to stop offering excuses and to start acting now. And we did act -- we have put forward a carefully-planned, well-financed, and aggressive action program to combat crime now.

Of course, we recognize the need for and we strongly support research and development projects which may help us solve crime tomorrow -- sometime in the future.

But tomorrow is too late for the ghetto housewife who is many times more likely to be mugged than the suburban

housewife. Tomorrow is too late for the small store owner who is killed in a holdup by a narcotics addict.

Indeed, tomorrow may be too late for all of us. That is why we have launched a comprehensive anticrime campaign as a first priority in our domestic program.

As President Nixon has said: "The public climate with regard to law is a function of national leadership."

The leadership of this nation believes that any effective anticrime campaign must rely primarily on law enforcement officials. The police are the first line of defense, and they must be given every reasonable tool if they are to meet the challenge of crime in an increasingly complex society. For this reason, the Administration's executive, legislative and budgetary proposals to combat crime concentrate strongly on the law enforcement function.

I think that you will find that this Administration is sympathetic to law enforcement and that, in areas of doubt, we tend to put our faith in the good intentions of the police, rather than to rely on the bad intentions of criminals.

Let me give you some examples of how we have exercised our federal leadership -- how we have resolved areas of doubt in favor of law enforcement.

The previous Administration refused to use Congressional authority -- Title III of the Omnibus Crime Bill -- to wiretap except in national security cases. We have reversed that policy. We have authorized wiretapping for organized crime and narcotics crimes on a highly selective basis. So far, we have found court-approved wiretapping to be extremely productive and a major aid to law enforcement.

The prior Administration failed to suggest any method for detaining criminal suspects prior to their trial even if these suspects showed a substantial likelihood of committing another crime. We have proposed a pre-trial detention bill which would, on a rational basis, deny freedom to those who appear likely to commit another crime pending their trial.

The prior Administration declined to utilize Congressional authorization in Title II of the Omnibus Crime Bill for the admission of voluntary confessions which did not strictly adhere to the Miranda warning requirements. We have reversed that policy.

While we still require federal law enforcement officers to give the complete Miranda warning, we will not automatically concede a case if, by inadvertence, the complete warning has not been given in obtaining a voluntary confession.

We hope that these actions will aid our federal efforts against crime. We also hope that these actions will say to state and local law enforcement officers: "The Justice Department is with you. We want to help you whenever and wherever possible."

As further evidence of our commitment to law enforcement, I would like to outline for you briefly some highlights of the federal government's anticrime program in terms of Executive action, legislative proposals and fiscal appropriation requests.

II. WASHINGTON MODEL PROGRAM

By far the most serious aspect of crime we face as a nation is crime in the streets. I have told you of the latest FBI Uniform Crime Reports which show a 17 percent increase in serious crime.

What the FBI reports do not show is the increase in fear and national anxiety. For every law-abiding citizen who is the victim of a crime, there are dozens of friends, relatives, business associates and neighbors, who fear that they may be next.

Basically, the federal government has very limited jurisdiction over street crime. We can set the tone for

leadership. We can initiate pilot projects. We can offer financial and technical assistance. But the primary responsibility is still with the state and local governments.

One place where the federal government does have substantial jurisdiction over street crime is in the District of Columbia. In the first six months of this year, the District of Columbia crime rate increase has exceeded the national average.

In many ways Washington is a microcosm of the national crime problem. It has had a major racial disorder. It has a high welfare and unemployment rate. Some of its downtown area suffers from economic blight. Many of its citizens are afraid to walk alone in the evening.

Very early in his Administration, on January 31st, President Nixon launched an ambitious program to combat crime in the District of Columbia. It was generally designed to be a model program for other cities.

As the President said: "By searching for new ways of applying the resources of the federal government in the war against crime here (in Washington), we may discover new ways of advancing the war against crime elsewhere."

A critical part of the model anticrime program for Washington is massive aids to law enforcement.

We believe that the well-trained beat patrolman is our most effective single weapon against the street criminal.

Therefore, we asked for the addition of 1,000 policemen to the authorized force and for more effective recruiting methods to fill the existing vacancies.

As a result, the Metropolitan Police Department is now recruiting about 115 officers per month as opposed to 18 per month in 1967. We have agreed with the Department of Defense to participate in a pilot project which would permit a six-month early release from military service of individuals who qualify and agree to become police officers.

Our plan also calls for improved management and manpower utilization. For example, we have asked for an increase in police cadet and civilian positions which will hopefully release professional policemen for patrol and law enforcement functions.

We have asked for an expansion of the police Legal Advisor Office. These Legal Advisors are available to advise police officers on the street about complex legal requirements which arise during investigations.

We have proposed or supported legislation which would aid the police in apprehending criminals -- by authorizing police to wiretap under judicial supervision, by making it illegal to resist an unlawful arrest, by permitting police to stop and frisk criminal suspects and by eliminating the "no-knock" bar to searches where the evidence is in danger of being destroyed.

As part of the model District of Columbia plan, we have also placed great emphasis on criminal trial and court procedure. We have proposed a complete reorganization of the local court system where, unfortunately at present, the median time from indictment to disposition of a criminal case is now 10 months.

We have asked for more judges so that the guilty may be convicted quickly and the innocent may be cleared.

We have asked for more prosecutors in the United States Attorney's office. We have established a Major Crimes Unit which will handle serious criminal problems such as professional narcotics traffickers and organized gangsters. We have set up two and three-man Crime Teams who will be able to devote enough time to difficult and important prosecutions.

We have proposed legislation which would correct some of the technical barriers that now unnecessarily tie up criminal trials and exclude otherwise reliable evidence of guilt.

Justice must be evenhanded to be effective. Therefore, we have proposed legislation which would establish a full-fledged Public Defender Service, capable of offering free lawyers for about 60 percent of the indigent persons who appear in most criminal, juvenile and civil commitment proceedings.

We have also supported legislation which would increase payments to private lawyers who represent indigents and which would permit these payments in a wide variety of cases in Washington and in other federal jurisdictions.

We have proposed legislation which would expand the District of Columbia Bail Agency to permit more effective investigation of the background and personality of an arrested suspect in order to determine whether he should be released pending his trial.

We have made special provisions for the juvenile who now accounts for 38 percent of our crime index arrests.

We are asking for the establishment of a combined Juvenile-Family Court which can more sensibly handle many of the problems of juvenile offenders and intra-family offenses. We have asked for an expansion of a juvenile group rehabilitation project and for a well-staffed psychiatric-care residential facility for delinquents.

We have also requested major reforms in the local corrections system with new physical facilities, more use of halfway houses and expanded rehabilitation counseling. About 46 percent of arrested suspects have previously been in prison.

This is just a brief summary of our model anticrime package. The federal government and the District of Columbia government have implemented much of the Washington plan by Executive action.

But the Congress has not approved a single legislative proposal. Nor has the Congress approved a single dollar of the \$22 million in additional monies which was requested for fiscal 1970, which commenced on July 1, 1969. Without the money, the District of Columbia anticrime program will be paralyzed. Without court reorganization and the other legislation we have requested, our anticrime efforts may fail.

Crime continues to rise in the District of Columbia.

The citizens of Washington -- and the people of this country who look to Congress for leadership -- should not be forced to wait longer.

III. LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

The other major area where the federal government can lead the way to combat street crime is through the Law Enforcement Assistance Administration of the Department of Justice. The LEAA is the federal government's major commitment to help states and local communities improve their police and criminal justice systems.

In its first year of operation in 1968-1969, it expended most of its \$63 million budget -- \$19 million in planning grants to states and local communities; \$29 million in action grants, including special funds for 11 major cities; \$3 million for research and development into crime problems; and perhaps most promising was \$6.5 million to finance college studies for law enforcement personnel.

For the current fiscal year, we have asked for \$296 million for the Law Enforcement Assistance Administration. If appropriated, \$250 million of this is scheduled to go to the states for action programs.

The greatest single emphasis in the LEAA program has been the funding of police efforts to decrease street crime.

For example, one large midwestern state received \$1.3 million last year. Of this amount, \$236 thousand was awarded

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for police civilian disorder control; \$120 thousand for the development of police training programs; \$30 thousand for a study of how to use civilians in police departments; \$48 thousand for a special program to train promising young police officers; \$180 thousand for management studies of the efficiency of local police departments; and \$60 thousand to establish model community relations units.

In other states, we have funded experiments in using helicopter patrols; in setting up new electronic alarm systems in high burglarly rate areas; in establishing special teams to deal with youth gangs; and in funding statewide criminal teletype networks.

Our studies of plans submitted by all 50 states show a most promising and continued emphasis on law enforcement, with 77 percent of the funds going to the police and to anti-street crime programs. The larger breakdowns show 18 percent for police training, salary increases and career development; 22 percent for police civil disorder control programs, and 11 percent for detection and apprehension techniques.

Unfortunately, I must tell you that not only has the Congress failed to pass this \$296 million appropriation request, but it appears to be headed toward a substantial decrease.

Law enforcement agencies all over the nation will suffer if the full appropriation is not passed promptly.

IV. NARCOTICS

Another area in which the federal government has substantial jurisdiction involving street crime is the battle against illegal narcotics and dangerous drugs. Between 1967 and 1968, there was a 64 percent increase in arrests for narcotics and marihuana. Half of those now being arrested for drug abuse are under 21 years of age.

The battle against narcotics is an integral part of the Administration's anti-street crime program. A narcotics addict may need \$70 or \$80 a day to satisfy his habit. Thus, he turns to robbery, mugging and burglary in order to obtain money. It was recently estimated that in New York City alone \$2 billion a year is stolen by narcotics addicts and that about 11 percent of those arrested for violent crimes have a history of narcotics addiction.

Last July 14, President Nixon delivered a statement on the problem of drug abuse and promised that action would be taken by this Administration now. The President said:

"A national awareness of the gravity of the situation is needed; a new urgency and concerted national policy is needed at the federal level to begin to cope with this growing menace . . ."

One of the most significant parts of the program so far has been a landmark proposal called the Controlled Dangerous Substances Act of 1969. It would consolidate and reorganize all

the existing drug laws -- some of which date back to 1914. It would substantially expand federal law enforcement authority to control narcotics, barbiturates, amphetamines and marihuana.

For example, it would authorize agents of the Bureau of Narcotics and Dangerous Drugs to arrest persons for violations of any federal law and not just for violations of the federal narcotics statute. It would permit agents to break into suspected premises without knocking and would also permit them to conduct administrative searches for illegal drugs and marihuana.

I know there is a great deal of controversy surrounding the use of marihuana. But marihuana is an illegal substance. Most medical authorities have stated that it is at least a hallucinogenic with no known medical purpose. If used excessively, it can be dangerous. Furthermore, current statistics indicate that many hard narcotics users started off on marihuana.

Under these circumstances, we decided to stop closing our eyes to the marihuana problem in this country. Two weeks ago, we launched the first major search and seizure border operation in history aimed at stopping the importation of illegal drugs from Mexico.

It is estimated that the Mexican border traffic accounts for 80 percent of the illegal marihuana in this country, 20 percent of the heroin and large amounts of barbiturates, amphetamines and other dangerous drugs.

By utilizing the resources of the Department of Justice, Bureau of Customs, the Department of Defense, and other agencies,

we have started a coordinated and intensive land, sea and air operation against border smuggling.

We realize that the wide publicity given to this operation will probably deter many smugglers and may not result in large scale seizures. But if we can keep marihuana and other drugs out of the United States by whatever means possible, then I think we will have succeeded. Our goal is not the occasional user. It is the large scale professional trafficker who makes a living out of smuggling illegal narcotics.

The Bureau of Narcotics and Dangerous Drugs in the Department of Justice is our main agency concerned with the enforcement of federal drug laws. We have asked for an increase in its appropriation from \$17 million in fiscal 1969 to \$25 million in fiscal 1970, and an increase in its personnel from about 1300 to almost 1500.

These increased appropriations and manpower will permit the Bureau to step up its enforcement program in our cities, to implement its plan to train 22,000 state and local law enforcement officers and to expand its international operations.

Our goal is not long jail sentences for the average narcotics addict who must sell a bag or two of heroin in order to sustain himself. He should be the object of research and rehabilitation. I am interested in prosecuting those who make their living by dealing in substances which ruin men's mental and physical health, and which pose a danger to our general welfare.

V. ORGANIZED CRIME

Another aspect of crime where the federal government has broad jurisdiction is organized crime.

Relying on the hopelessness of ghetto residents, organized criminals sell heroin and cocaine; playing on insecure credit, they loanshark the honest working man; recognizing elector indifference, they corrupt labor unions and political leaders.

Here again, President Nixon proposed an aggressive program to combat this interstate network of criminal syndicates. He said that "the moral and legal subversion of our society is a life-long and lucrative profession" for the organized racketeer.

The core of the federal effort against organized crime has been to reorganize the Strike Forces. They are interagency teams designed to throw a whole net of federal law enforcement over an organized crime family in a particular city. We have expanded these teams from four to seven, and we plan to reach 20 by the end of fiscal 1971.

In addition, we have set up a federal-state racket squad in New York City. If this joint venture proves to be successful, we plan to organize others in an effort to cooperate with state and local authorities in our Strike Force assault.

The LEAA has also made several initial grants to states and cities to aid them in establishing organized crime units. If their appropriation is approved, we hope that more localities will apply for funds to combat organized crime.

We have also asked for additional legislation to help us in the battle against the organized gangster. Among the bills we have proposed or supported are a general witness immunity law which would have a broad scope for many potential witnesses against organized crime; an amendment to the Wagering Tax Act which would expand our current ability to prosecute gambling; and a law designed to make it a federal crime to corrupt local police and other public officials.

While we have had only limited experience with judicially approved wiretapping authorizations, this experience has proved to be very successful in combating organized racketeers, especially in the field of narcotics.

In New York City, 124 pounds of heroin was seized as a result of a wiretap. In Washington, 41 persons involved in

an alleged narcotics trafficking ring were apprehended as the result of one wiretap. Some of them reportedly had organized crime connections. In Ohio, a wiretap led to the seizure of \$100,000 in counterfeit bills and the arrest of seven persons; and in Buffalo, 23 persons were arrested on a charge of being involved in a United States-Canadian gambling organization.

In order to mount this broad attack on organized crime, the Administration has asked for a \$25 million increase in funds for all government agencies involved in this effort -- a 40 percent increase over the previous Administration request. About \$16 million of this will go for more FBI and IRS personnel, to work with the Strike Forces. Almost \$3 million will go to the Criminal Division of the Justice Department and the remainder of the money will be spread among the Secret Service, the Department of Labor, and other government agencies.

The result of our activities so far has been promising. In fiscal 1969, 44 indictments were returned against 59 suspected organized crime figures (38 more than in 1968) and 29 suspected organized crime figures were convicted. In total, 71 organized crime figures were either indicted or convicted in this fiscal year as compared with only 48 the previous year.

Furthermore, we have arrested a number of crime figures who are members of the ruling commission of the organized crime

syndicate in Buffalo, in Newark, in New Orleans, in Rhode Island and in Chicago. We think that this new assault shows great hope of success against this difficult problem.

VI. CONCLUSION

A model program for the District of Columbia, direct federal grants to states and local communities, and aggressive new programs against narcotics crimes and organized crime -- these are some of the highlights of this Administration's action plan to reverse the flood of crime now.

In each one of these programs, there has been special emphasis on law enforcement. I want criminals off the streets and there is no better way to get them off the streets than by relying upon you -- the law enforcement community in this country.

You can be sure that this Administration will, to the best of its abilities, marshal all of its moral, political and economic power to support law enforcement officers in our battle to defeat crime.

We all know that with your help we will succeed and without your help we will only face a national disaster.