



Department of Justice

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ADDRESS

BY

HONORABLE JOHN N. MITCHELL
ATTORNEY GENERAL OF THE UNITED STATES

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I. INTRODUCTION

It is a pleasure to address the more than 400 newspaper executives and guests of the Annual United Press International Editors and Publishers Conference.

As you probably know, my introduction to the world of the press was rather unusual. For many years, I maintained a quiet practice as a Wall Street lawyer. Then, suddenly, I became a Presidential campaign manager and found myself surrounded by reporters persistently probing and analyzing every aspect of the campaign.

I soon discovered that my ideas of the press were the victim of the generation gap and that the days of the "Front Page" were over. My experience in the campaign, and later in the Cabinet, has impressed me with the new generation of reporter -- well-educated, sophisticated about the working of government and particularly knowledgeable about economic and social philosophy.

For example, the UPI reporter at the Department of Justice, Mrs. Isabelle Hall, probably knows more about the activities of our Antitrust Division than I do. She has surprised me by quoting all of the latest statistics

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on economic concentration and by digesting the most complicated theories about conglomerate mergers.

The late A. J. Liebling wrote about the press as the necessary "slat under the bedspring of democracy." By that, he meant to say, I believe, that without our kind of press -- knowledgeable, independent and at times querulous -- our experiment in representative government might fail.

Of course, the classic function of the press has been to report what happens. But I also favor one new journalistic trend which is to devote increasing in-depth coverage as to why an event happens or doesn't happen. For it is here, in this process of extended news analysis, that the press tends to measure governmental action against certain acceptable moral standards of behavior.

In the old days of journalism, government was simple and the ethical standards for governmental action were also simple. The breaking point tended to be the commission of a crime as in the Teapot Dome scandal.

But government is a great deal more complex now than

in the days of President Harding and ethical standards have become more refined.

Today, government officials on the highest level are likely to ask -- not whether a certain decision is politically or legally feasible -- but whether it conforms to the morality of national leadership. This is particularly true in our Administration because we are extremely sensitive to the great divisions in our society and to the necessity to heal these wounds as quickly as possible.

In examining the changing standards of the press and the changing standards of government, I think one of the most important aspects should be a concentration on errors of omission rather than, as in the past, exclusively on the errors of commission.

Many of the worst mistakes committed by government are the errors of doing nothing at all; of passively watching problems and confusion over these problems mount on every side.

The first action that government is likely to take when a problem arises is to talk; and to hope that, if it talks

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enough, the problem will go away. That, of course, is substantially what occurred with the crime problem.

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."

The latest FBI Uniform Crime Reports shows 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.

Despite this Presidential report and the ever increasing crime rate, there had been a tendency by government to shrug

its shoulders and to talk and to hope that the problem would eventually disappear.

When the Federal Government did act, it tended to ignore practical and immediate solutions in favor of the approach 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.

Of course, I sympathize with physical conditions and emotional problems which may cause persons to commit crimes.

I recognize the need for and 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.

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

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.

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

The leadership of the nation was faced with two inter-related problems. The first, which I will discuss later, was to present an action program.

But the second problem, which was equally important, was to reverse the psychological demoralization and frustration that existed among the federal, state and local governments which look to the Department of Justice for leadership.

This demoralization was particularly acute in the law enforcement community which, in general, had been ignored.

I believe that the police are the first line of the defense and that they must be given every reasonable tool

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if they are to meet the challenge of crime in our society.

In order to demonstrate our support for law enforcement, I made several critical decisions affecting federal law enforcement agencies.

I reversed prior Administration policy by authorizing judicially supervised wiretapping on a limited basis; by authorizing the admission of voluntary confessions which may not strictly adhere to all the requirements of the Miranda warning; and by proposing a bill for the pre-trial detention of dangerous suspects.

We know these decisions have already had an enormous impact on the morale of the law enforcement community. I have recently met with several groups of high-ranking police officials who have told me that their previous pessimism is now replaced by optimism and enthusiasm in their efforts at the state and local level.

We have also acted on a much broader front. We have supported or proposed to Congress more than 20 bills including five major pieces of legislation: a model anticrime program for the District of Columbia with a \$22 million appropriation request to start the program; a massive program of federal aid to state and local

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law enforcement and administration of justice systems, with a \$296 million appropriation; an organized crime program with a \$61 million appropriation; proposals designed to keep salacious advertising from the mails and to protect minors from receiving indecent publications; and an omnibus narcotics bill designed to help us apprehend and prosecute large scale narcotics peddlers and to train state and local narcotics enforcement officers with appropriations of more than \$25 million.

The difficulty, ladies and gentlemen, is that the Congress has not passed a single, solitary bill of the more than 20 bills which this Administration has requested as part of this comprehensive anticrime program. Nor has the Congress approved a single dollar of our appropriation requests -- not even the requests made for fiscal 1970 which, as you know, started July 1, 1969.

As editors and working newspapermen, I think you ought to be concerned with a Congress that moves so slowly on one of our most critical domestic issues.

Every day that Congress delays passing anticrime legislation and appropriations only means that it will take longer to implement our anticrime program; and this delay,

in turn, means that more innocent citizens will lose their lives and their property to street criminals, narcotics traffickers and organized gangsters.

When the public elected this Administration, it wanted action against crime. We have done a great deal by executive action. But the monetary purse and the legislative sword are controlled by the Congress.

I would strongly suggest that the press study the proposals of this Administration and report to the American public the failure of Congress to act.

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 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. Its crime rate continues to rise.

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."

As a symbol of national leadership, the Administration realized that a crime program must be comprehensive to be effective.

It is useless to have more police when the courts are so overcrowded that cases cannot be tried. It is useless to improve your juvenile court system and then have no adequate counseling service for delinquents. It is useless to obtain convictions if your prisons are such a disgrace that they are merely schools for criminals.

Therefore, the President's program was carefully designed to improve the administration of justice on every level; and most importantly to provide the financial muscle to implement the program by asking for \$22 million in additional funds.

There is a substantial emphasis on law enforcement because we still believe that the well-trained beat policeman is our most effective single weapon against the street criminal. He is on the scene. He knows the neighborhood and the neighborhood leaders.

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.

We asked for improved management and manpower utilization: for example, for an increase in civilian positions in order to release professional policemen for law enforcement functions.

We have proposed or supported legislation which would aid in apprehending criminals -- 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 placed great emphasis on the courts. 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, with more than 1,000 pending felony criminal cases.

I do not believe that the public and the presumably innocent accused can have much confidence in a criminal justice system which is so overcrowded that the guilty walk the streets for months flouting their contempt for the law while the innocent live under a cloud of suspicion.

I do not believe that the public can have much confidence in a system where prosecutors are so overworked that they cannot intelligently try their cases and indigent defense counsel are so overworked that they may not be able to put forth their best efforts on behalf of their clients.

Thus, we have asked for more judges, more prosecutors and more defense counsel for our courts. We have proposed a full-fledged Public Defender Service capable of offering free lawyers for about 60 percent of the indigent persons who appear in most civil, juvenile and criminal proceedings.

We have asked for increased payments for private attorneys who represent indigents. We have asked for a pretrial detention bill which would permit us to keep potentially dangerous suspects off the streets until their trial; and we have asked for an expansion of the local bail agency to permit more effective investigation of the background and personality of an arrested suspect.

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

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halfway houses and expanded rehabilitation counseling.

Prison reform is an absolute necessity. The FBI reports show that 46 percent of persons arrested for serious crimes have been previously convicted. Improved rehabilitation services and psychological counseling could solve the recidivism problem in our prisons and could represent the single most effective step toward reducing serious crime.

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 it approved a single dollar of the \$22 million in additional monies which were requested for fiscal 1970 for the Washington program. 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.

It seems to me that the members of the press would do well to tell the people of this nation how the Administration has put forth a program for the nation's capital --- and how this program is being stymied by inaction on Capitol Hill.

III. LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

The other major area where the Federal Government can lead the way to combat street crime throughout the nation 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.

The Law Enforcement Assistance Administration is a funding program by which the Federal Government gives block grants to states for anticrime programs. The states are required to give at least 75 percent of these funds to local communities.

In its first year of operation, it expended \$63 million and all fifty states participated.

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.

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While the greatest single emphasis in the LEAA program has been the funding of police efforts to decrease crime, there have also been substantial grants made for the improvement of juvenile delinquency projects; for pilot work in correctional institutions; for studies on court reorganization; for community relations programs, and for improved probation and parole services.

All over the nation states and cities have drawn up promising and imaginative programs to improve the administration of justice. What they need is the money and they need it now. Continued delay will not only result in more crime but it will lower the morale of local and state officials who have worked so assiduously to draw up plans based on the federal funding effort.

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 some

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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 a substantial proportion of violent crimes are committed by narcotics addicts.

The New York Times recently ran a commendable series of articles on the narcotics problem. These articles pointed out that persons who live in ghetto areas, which have substantial numbers of narcotics addicts, literally bar the doors of their apartments at night. They are attacked in broad daylight on the streets. They are terrorized by the knowledge that the heroin addict who needs a fix will commit the most vicious crime in order to obtain a TV set for resale or a few dollars. Even our high school children are beginning to use hard narcotics.

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 our 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 authority to administratively control the production and distribution of narcotics, barbiturates, amphetamines and hallucogenics such as marihuana and LSD.

The proposed bill would also offer several significant aids to law enforcement by expanding the existing powers of federal agents to search suspected premises and to arrest suspected violators.

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. Three 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 has deterred many smugglers and has not resulted in many large scale seizures. But if we can keep marihuana and other drugs out of the United States by whatever means possible, then

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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 a substantial increase in its appropriation and in its personnel.

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 this year 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. CONCLUSION

If I had more time I would outline to you in greater detail the other Administration anticrime proposals and appropriations which we have either introduced or supported since January 20th. For example, these include comprehensive action against organized crime which, as you know, directly affects street crime, especially through its control of narcotics and its network for receiving stolen property. Here we have asked for a \$61 million appropriation so that we will have 20 specially trained Strike Forces in operation throughout the nation by the end of fiscal 1971.

We have also asked for legislation aimed at stopping the corruption of police and local governmental officials by racketeers and aimed at forfeiting property involved in organized crime operations. There are proposals to broaden the scope of grand jury investigations against organized crime and to offer sweeping immunity to persons who will testify against the organized criminal syndicate.

Effective anticrime programs are a moral, legal and economic necessity. This Administration wants it and our

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citizens want it. But Congress is stalling the Administration's efforts to implement a national anticrime campaign by its failure to act.

I sincerely hope ladies and gentlemen that you report to our citizens about this distressing situation.