



# Department of Justice

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ADDRESS

BY

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

BEFORE

THE WARDENS' CONFERENCE

12:00 Noon

CHULA VISTA HOTEL

WISCONSIN DELLS, WISCONSIN

IT IS A DISTINCT PLEASURE FOR ME TO BE HERE TODAY AND TO JOIN EVEN BRIEFLY IN THE IMPORTANT WORK OF THIS CONFERENCE.

I BELIEVE THAT THE TASKS CARRIED OUT BY THOSE INVOLVED IN CORRECTIONS ARE OF UNUSUAL SIGNIFICANCE TO THE PEOPLE OF THIS NATION -- WHETHER THEY REALIZE IT OR NOT.

BUT AS WE KNOW, MORE AND MORE PERSONS ARE COMING TO REALIZE IT VERY CLEARLY.

PUBLIC ATTENTION HAS BEEN FOCUSED ON CORRECTIONS IN A NUMBER OF WAYS IN RECENT YEARS. AND A NUMBER OF CRISES HAVE LED TO MANY SUGGESTIONS FOR CHANGE.

THROUGH ALL OF THIS FERMENT RUNS ONE COMMON THREAD: SOMEHOW, IN SOME FASHION, THERE MUST BE SUBSTANTIAL IMPROVEMENTS IN CORRECTIONS SYSTEMS THROUGHOUT THE NATION.

IT IS GENERALLY AGREED THAT ONE OF THE BRIGHT SPOTS IN THE NATIONAL CORRECTIONS PICTURE IS THE FEDERAL PRISON SYSTEM.

THERE ARE PROBLEMS TO BE SOLVED -- FOR THAT IS THE PURPOSE OF THIS CONFERENCE -- BUT THERE HAS BEEN A GREAT DEAL OF PROGRESS AS WELL.

THE PROGRESS IS DUE TO CONTRIBUTIONS FROM MANY SOURCES.

CONGRESS HAS SUPPLIED BADLY-NEEDED FUNDS

FOR NEW PROGRAMS AND NEW DIRECTIONS -- AND THE LEADERSHIP PROVIDED BY SENATOR QUENTIN BURDICK AND SENATOR ROMAN HRUSKA HAS BEEN PARTICULARLY VALUABLE.

THE BUREAU OF PRISONS ALSO HAS BEEN FORTUNATE IN THE HIGH QUALITY OF THE MEN WHO HAVE DIRECTED IT: JAMES BENNETT; MERLE ALEXANDER; AND, NOW, NORMAN CARLSON.

FINALLY, THERE ARE THOUSANDS OF MEN AND WOMEN WHO MAKE UP THE BUREAU'S STAFF, CARRYING OUT IMPORTANT AND SOMETIMES THANKLESS TASKS.

THE JOB YOU DO IS NOT A NEW ONE. NEITHER ARE THE PROBLEMS YOU FACE. FOR 2,500 YEARS -- AND LONGER -- CIVILIZED MAN HAS BEEN ATTEMPTING TO FASHION THE MOST EFFECTIVE AND HUMANE WAYS OF DEALING WITH THE ENEMIES OF SOCIETY.

DURING THE PAST 40 YEARS, COMMISSION AFTER COMMISSION HAS ISSUED REPORT AFTER REPORT SAYING THAT CORRECTIONS WAS FAILING -- AND OFFERING NEW APPROACHES THAT MIGHT BE PRODUCTIVE.

THE LATEST WAS ONLY A YEAR AGO, WHEN THE STANDARDS AND GOALS COMMISSION, FINANCED BY THE DEPARTMENT OF JUSTICE, OFFERED SCORES OF SPECIFIC PROGRAMS FOR STATES AND LOCALITIES.

ONE THING IS CERTAINLY CLEAR FROM ALL OF THIS: IF CORRECTIONS PROBLEMS HAVE NOT YET BEEN SOLVED, AT LEAST THE SUGGESTIONS FOR IMPROVEMENT ARE BEING MADE WITH INCREASING FREQUENCY.

AND WELL THEY MIGHT, FOR CORRECTIONS PROBLEMS ARE SERIOUS AND THEY CANNOT BE EXAMINED IN ISOLATION FROM THE REST OF THE CRIMINAL JUSTICE SYSTEM.

THE CENTRAL FACT FACING CRIMINAL JUSTICE TODAY IS THAT THERE IS TOO MUCH CRIME -- FAR TOO MUCH CRIME -- FOR ANY SOCIETY TO EITHER TOLERATE OR ENDURE.

THERE IS NO PRECISE WAY TO MEASURE THE IMPACT OF THE NATION'S CORRECTIONS SYSTEM ON THE CRIME RATE. THERE ARE NO RELIABLE NATIONAL STATISTICS ON RECIDIVISM. EXPERTS OFTEN CANNOT EVEN AGREE ON A DEFINITION FOR RECIDIVISM.

BUT FROM INFORMATION THAT IS AVAILABLE THERE IS EVERY REASON TO BELIEVE THAT FAR TOO MANY OFFENDERS ARE ARRESTED FOR NEW CRIMES AFTER THEIR RELEASE FROM CORRECTIONAL INSTITUTIONS.

IN A SENSE, ONE RECIDIVIST IS ONE TOO MANY.

WHEN THERE APPEAR TO BE THOUSANDS EACH YEAR IT FORMS A PROBLEM OF GRIM DIMENSIONS.

THE RATE OF SERIOUS CRIME REPORTED TO THE FBI INCREASED BY FIVE PERCENT IN THE NATION LAST YEAR. AS YET, WE DON'T KNOW WHAT CAUSED THIS INCREASE, BUT WE ARE TRYING TO FIND OUT.

AT THE SAME TIME, WE ALSO ARE GOING TO LEARN MORE ABOUT THE EXTENT OF RECIDIVISM THROUGH A SERIES OF NEW STATISTICAL PROGRAMS BEING CARRIED OUT COOPERATIVELY BY THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION AND THE STATES.

THIS INFORMATION WILL BE VERY USEFUL, BUT IT WILL ONLY REPRESENT A FIRST STEP. WE WILL THEN HAVE TO FASHION MORE EFFECTIVE WAYS OF REHABILITATING OFFENDERS.

AND THAT BRINGS ME TO THE MAIN POINT THAT I WANT TO DISCUSS WITH YOU HERE TODAY.

IN THE FEW MONTHS SINCE I BECAME ATTORNEY GENERAL, I HAVE BEEN DESCRIBED AS A HARD-LINER ON THE SUBJECT OF CORRECTIONS.

THE FACT IS THAT I TAKE NEITHER A HARD LINE NOR A SOFT LINE ON CORRECTIONS.

WHAT I SEEK TO FIND IS AN EFFECTIVE LINE, ONE WHICH WILL HELP US TO CARRY OUT OUR DUAL RESPONSIBILITIES TO PROTECT SOCIETY WHILE SALVAGING THE LIVES OF OFFENDERS.

A GREAT DEAL HINGES ON HOW WELL ALL OF US AT THE FEDERAL, STATE, AND LOCAL LEVELS MEET THOSE RESPONSIBILITIES.

THE PURPOSE OF LAW ENFORCEMENT IS TO PREVENT CRIME AND APPREHEND THOSE WHO BREAK THE LAW. AND I DON'T BELIEVE THAT THERE IS ANY MORE EFFECTIVE DETERRENT TO CRIME THAN SWIFT AND CERTAIN JUSTICE. THERE IS NO MORE EFFECTIVE DETERRENT THAN DEPRIVING AN OFFENDER OF HIS FREEDOM -- OF LOCKING HIM UP IN PRISON.

THE POINT HERE MAY BE AN OBVIOUS ONE, BUT IT IS ONE THAT IS CERTAINLY OVERLOOKED FAR TOO OFTEN IN ACTUAL PRACTICE: SOCIETY MUST BE PROTECTED FROM THOSE WHO ARE A DANGER TO IT.

I SUSPECT THAT THE OVERWHELMING BULK OF OUR POPULATION IS VERY, VERY TIRED OF READING ABOUT OFFENDERS RELEASED FROM PRISON ONLY TO COMMIT NEW CRIMES. ONE WAY TO ELIMINATE SUCH STORIES IS TO MAKE CERTAIN THAT WHEN AN OFFENDER DOES LEAVE PRISON, HE HAS A FIRM DETERMINATION TO NEVER COME BACK -- TO NEVER AGAIN ENTER UPON A LIFE OF CRIME.

IT MAY BE POINTLESS TO SPECULATE ON HOW MANY OFFENDERS CAN BE REHABILITATED, BUT I THINK OUR AIM SHOULD BE HIGH.

STATISTICS SHOW THAT ABOUT 98 PERCENT OF ALL PRISON INMATES WILL BE RELEASED AT SOME POINT. PERHAPS THAT IS WHAT WE SHOULD AIM FOR -- TO SALVAGE 100 PERCENT OF THE 98 PERCENT.

THERE ARE SOME INMATES, OF COURSE, WHO ARE LIKE HUMPTY DUMPTY. ALL OF THE PHYSICIANS, PSYCHIATRISTS, AND SOCIAL WORKERS IN THE WORLD CANNOT PUT THEM BACK TOGETHER AGAIN. BUT I THINK WE SHOULD AIM HIGH THERE, TOO.

ONE OF THE STAGGERING PROBLEMS FACED BY CORRECTIONS IS THAT IT MUST GRAPPLE WITH A SERIES OF CONDITIONS OVER WHICH IT HAS NO CONTROL.

CORRECTIONS CANNOT CORRECT THE SHORTCOMINGS OF SOCIETY ITSELF. IT CANNOT REQUIRE THE HOME OR THE SCHOOL OR OTHER INSTITUTIONS TO REPAIR THOSE DEFECTS WHICH MAY HAVE CONTRIBUTED IN SOME WAY TO CRIMINAL BEHAVIOR ON THE PART OF SOME OFFENDERS.

A WELL-STAFFED PRISON MAY BE ABLE TO TEACH AN INMATE A JOB SKILL AND MOTIVATE HIM TO USE IT ONCE HE IS RELEASED. BUT THE ACTUAL OFFER OF A JOB DEPENDS ON SOMEBODY ELSE.

THE ROLE OF CORRECTIONS IS A REASONABLY LIMITED ONE, AND THE CONSTRAINTS ARE SUBSTANTIAL. CORRECTIONS CAN NO MORE TRY TO CHANGE SOCIAL CONDITIONS THAN THE SECRETARY OF DEFENSE CAN TRY TO REDUCE UNEMPLOYMENT BY AWARDING CONTRACTS TO BUILD AIRPLANES.

BUT WITHIN THE CONSTRAINTS, I THINK IT IS POSSIBLE FOR CORRECTIONS TO DO A MUCH MORE EFFECTIVE JOB THAN IT IS DOING NOW.

ONLY A RELATIVELY SMALL PART OF THE CORRECTIONS BURDEN FALLS ON THE FEDERAL GOVERNMENT.

SOME MATERIAL I SAW RECENTLY SHOWED THAT THERE ARE MORE THAN 23,000 INMATES WITHIN THE FEDERAL PRISON SYSTEM.

BY CONTRAST, NEW FIGURES ABOUT TO BE RELEASED BY LEAA SHOW THAT STATE PRISONS HELD 177,000 PERSONS SERVING SENTENCES FOR FELONIES AT THE END OF 1972.

AND ONE STATE -- CALIFORNIA -- HAS NEARLY 24,000 OFFENDERS OF ALL CATEGORIES WITHIN ITS STATE CORRECTIONS SYSTEM.

WHILE THE BULK OF CORRECTIONS RESPONSIBILITIES RESTS WITH STATE AND LOCAL GOVERNMENTS, THERE IS STILL A GREAT DEAL THAT THE FEDERAL GOVERNMENT SHOULD AND MUST DO.

UNPRECEDENTED AMOUNTS OF FINANCIAL AND TECHNICAL ASSISTANCE HAVE BEEN PROVIDED TO STATES AND LOCALITIES BY THE LEAA PROGRAM.

ESTIMATES SHOW THAT SOME \$800 MILLION IN LEAA FUNDS HAVE BEEN USED FOR CORRECTIONS PROJECTS IN THE LAST SIX YEARS, OR IN PROJECTS RELATED TO CORRECTIONS AND OTHER CRIMINAL JUSTICE COMPONENTS. AND THAT ESTIMATE DOES NOT INCLUDE THE FUNDING FOR THE CURRENT FISCAL YEAR.

ONE OF THE MAJOR INITIATIVES DEVELOPED IN THE LEAA PROGRAM HAS BEEN TO EARMARK CERTAIN FUNDS WHICH CAN ONLY BE USED BY STATES AND LOCALITIES FOR CORRECTIONS. THIS FIGURE TOTALS SOME \$371 MILLION THUS FAR.

SUBSTANTIAL REFORMS AND IMPROVEMENTS HAVE BEEN CARRIED OUT UNDER THIS PROGRAM. THEY INCLUDE EFFORTS TO IMPROVE PRISONS, JAILS, AND INSTITUTIONS FOR YOUTHFUL OFFENDERS. A GREAT DEAL OF EFFORT ALSO HAS BEEN PLACED ON THE TRAINING OF CORRECTIONS STAFFS.

THERE HAS BEEN A LARGE GROWTH IN THE FUNDING FOR THE FEDERAL PRISON SYSTEM ITSELF. IN FISCAL 1969, THE BUREAU OF PRISONS BUDGET WAS \$69 MILLION. BY FISCAL 1973, IT HAD GROWN TO \$179 MILLION.

NOW THESE ARE A LOT OF TAX DOLLARS GOING TO THE CORRECTIONS AREA. WE HAVE ACCOMPLISHED A LOT, BUT I BELIEVE THAT MORE CAN BE ACCOMPLISHED WITH THIS MONEY THAN WE HAVE SEEN TO THIS POINT.

THERE MUST BE A WHOLE NEW LOOK AT CORRECTIONS -- TO FIND THAT EFFECTIVE LINE I MENTIONED EARLIER.

IN THIS EFFORT, I THINK THE FEDERAL BUREAU OF PRISONS CAN BE OF GREAT ASSISTANCE.

SOME OBSERVERS OF CORRECTIONS FEEL THAT NOTHING HAS REALLY WORKED VERY WELL. THE FEDERAL PRISON SYSTEM, HOWEVER, IS SHOWING THAT SOME OF ITS APPROACHES ARE PAYING SUBSTANTIAL DIVIDENDS.

AS YOU ALL KNOW, THE BUREAU RELEASED LAST MONTH A STUDY SHOWING THAT TWO OUT OF THREE OFFENDERS RELEASED FROM FEDERAL PRISONS DID NOT RETURN FOR A SERIOUS OFFENSE WITHIN A TWO-YEAR PERIOD.

THAT MUST BE TAKEN AS A HOPEFUL SIGN THAT IN THE FEDERAL SYSTEM, AT LEAST, SOME NEW AND BETTER WAYS OF DEALING WITH OFFENDERS HAVE BEEN DISCOVERED AND PUT INTO PRACTICE.

BUREAU OFFICIALS HAVE TOLD ME THEY FEEL THERE ARE THREE KEYS TO THEIR SUCCESS.

THE FIRST IS THAT AN EXTREMELY HIGH LEVEL OF TRAINING HAS BEEN DEVELOPED FOR ITS STAFF.



AT THE SAME TIME, NEW TREATMENT PROGRAMS FOR OFFENDERS HAVE BEEN DEVISED -- INCLUDING EDUCATIONAL AND VOCATIONAL TRAINING THAT WORKS.

FINALLY, THE FEDERAL SYSTEM HAS A BALANCED APPROACH -- EMBRACING INSTITUTIONS, COMMUNITY-BASED PROGRAMS, AND GREATER INVOLVEMENT WITH THE COMMUNITY.

THE FEDERAL SYSTEM SHOULD HAVE AS ITS GOAL MAKING FURTHER INROADS INTO ITS RECIDIVISM RATE, SO THAT WE CANNOT ONLY CARRY OUT OUR RESPONSIBILITIES BUT ASSIST STATES AND LOCALITIES AS WELL.

WE CERTAINLY DO NOT HAVE ALL OF THE ANSWERS TO THE CORRECTIONS PROBLEMS TODAY. BUT I AM EQUALLY CONVINCED THAT WE CAN AND MUST OBTAIN THEM.

AFTER ALL OF THE TIME AND MONEY THAT HAVE BEEN EXPENDED, WE SHOULD NOT ALLOW OURSELVES TO BE IN A POSITION OF HAVING ANOTHER COMMISSION ISSUE ANOTHER REPORT FIVE YEARS FROM NOW SAYING CORRECTIONS IS STILL FAILING AT ITS GREAT TASKS.

AND WE SHOULD NOT ALLOW OURSELVES TO BE IN THE POSITION FIVE YEARS FROM NOW OF HAVING CRIME CONTINUING TO RISE -- AND HAVING RECIDIVISM BEING A MAJOR FACTOR IN SUCH INCREASES.

THAT IS WHY I SEEK WHAT I TERM AN EFFECTIVE LINE ON CORRECTIONS -- TAKING A COMPLETELY NEW LOOK AT WHAT IS BEING DONE AND THEN FINDING BETTER WAYS TO REHABILITATE THE OFFENDERS.

THERE MUST BE BETTER WAYS OF DOING THINGS, BETTER WAYS TO PROTECT THE PUBLIC FROM CRIME.

ONE OF THE CONCEPTS WE HEAR A GREAT DEAL ABOUT TODAY IS CALLED BEHAVIOR MODIFICATION.

IT IS A CONCEPT THAT IS DIFFICULT TO DEFINE AND EVEN A MENTION OF THE PHRASE TRIGGERS STRONG REACTIONS -- BOTH FOR AND AGAINST.

IN A LARGE SENSE, BEHAVIOR MODIFICATION IS THE GOAL OF EVERY CORRECTIONAL PROGRAM. WAYS ARE SOUGHT TO CHANGE ILLEGAL AND VIOLENT BEHAVIOR -- TO MAKE THE OFFENDER LAW-ABIDING ONCE AGAIN.

THERE IS NOTHING SINISTER ABOUT THAT, FOR THAT IS WHAT INCARCERATION IS ALL ABOUT.

BUT OTHER THINGS ALSO ARE LUMPED UNDER THE BEHAVIOR MODIFICATION HEADING, AND IN THOSE AREAS GREAT CARE IS NEEDED TO AVOID DOING THINGS WHICH MAY BE ILLEGAL, INHUMANE, OR UNETHICAL.

I AM OPPOSED TO EXPERIMENTS ON PRISONERS WITH DRUGS. PROGRAMS TO ALTER THE BEHAVIOR OF OFFENDERS THROUGH NEW PSYCHOLOGICAL APPROACHES OR WITH A REGIMEN OF DRUG THERAPY SHOULD BE UNDERTAKEN ONLY AFTER THE WIDEST AND MOST CAREFUL STUDY POSSIBLE.

AGREEMENT ON THE VALIDITY OF SUCH STEPS CERTAINLY MUST BE OBTAINED FROM THE NATIONAL INSTITUTES OF HEALTH -- AND THEN ONLY AFTER CAREFUL STUDY BY NIH ITSELF. WE MUST ALSO HAVE FURTHER SAFEGUARDS.

THESE SHOULD INCLUDE STUDY BY SUCH EMINENT GROUPS AS THE AMERICAN MEDICAL ASSOCIATION.

AND BOTH THE CONGRESS AND THE PUBLIC MUST BE KEPT FULLY INFORMED -- AND IN ADVANCE -- ABOUT ANY NEW EFFORTS THAT ARE BEING CONTEMPLATED. IN ADDITION, OF COURSE, THE RIGHTS OF PRISONERS MUST BE GUARANTEED AT ALL TIMES.

THERE ARE MANY OTHER AREAS OF CONTROVERSY THAT ALSO INVOLVE CORRECTIONS TODAY. ONE IS THE ALLEGATION THAT PRISONS ARE BEING USED FOR POLITICAL PURPOSES, THAT EVERYONE WHO GOES TO PRISON IS A POLITICAL PRISONER.

I DO NOT SUBSCRIBE TO THAT CRITICISM.

LEADERS OF ORGANIZED CRIME, BANK ROBBERS, AND WHITE COLLAR CRIMINALS ARE SENT TO PRISON BECAUSE THEY HAVE BEEN CONVICTED OF BREAKING THE LAW. AND SO ARE OFFENDERS IN OTHER CATEGORIES.

PRISONS HAVE PROBABLY NEVER BEEN POPULAR IN SOCIETY, BUT I BELIEVE THEY ARE A NECESSITY. PUNISHMENT BY IMPRISONMENT DOES HAVE A PLACE IN OUR SYSTEM OF JUSTICE.

SOCIETY MUST BE PROTECTED FROM THOSE WHO WOULD HARM ITS MEMBERS. THERE IS NOTHING IN THE CONSTITUTION WHICH GIVES ANYBODY A LICENSE TO KILL OR TO ROB OR TO MURN OR TO RAPE.

THE POSSIBILITY OF PUNISHMENT MAY ALSO DETER CRIME. IF THE POTENTIAL OFFENDER KNOWS THAT THE ODDS ARE AGAINST HIM, HE MAY NOT COMMIT A CRIME. ONE OF OUR JOBS IS TO INCREASE THOSE ODDS.

THERE ARE OBVIOUSLY SOME OFFENDERS WHO ARE JUDGED BY COMPETENT PHYSICIANS TO BE OF UNSOUND MIND. BUT I BELIEVE THAT MOST OFFENDERS ARE NOT DRIVEN TO CRIME BY INGRAINED DEFECTS OR THEIR SOCIAL BACKGROUNDS. MOST OFFENDERS, I BELIEVE, KNOW WHAT THEY ARE DOING AND DO IT BECAUSE THEY THINK THEY CAN GET AWAY WITH IT.

MOST CRIMINALS GO INTO CRIME ON THE BASIS OF A CALCULATED RISK. AND IF WE NEED ANY PROOF, IT MIGHT BE INSTRUCTIVE TO LOOK AT THE CASES OF THOSE WHO HAVE PLEADED GUILTY TO CHARGES STEMMING FROM WATERGATE.

AS ATTORNEY GENERAL, MY JOB IS TO SEE THAT THE LAWS OF THIS NATION ARE UPHELD, AND THAT THE SANCTIONS OF THE LAWS ARE APPLIED UNIFORMLY AND WITHOUT BIAS.

AS UNPLEASANT AS IT MAY BE, CRIME IS A FACT OF LIFE TODAY. AS UNPLEASANT AS IT MAY BE, THOSE WHO BREAK THE LAW AND ARE CONVICTED MUST BE PUNISHED.

THERE MUST BE A MIX IN CORRECTIONS. INSTITUTIONS AND COMMUNITY-BASED PROGRAMS BOTH HAVE A PROPER ROLE. BUT WHATEVER THE PARTICULAR VEHICLE MAY BE, SOCIETY MUST BE PROTECTED. AND THE OFFENDER MUST BE REHABILITATED. FRESH EMPHASIS ALSO SHOULD BE GIVEN TO THE YOUNG OFFENDER, FOR IT IS WITH THE YOUNG THAT OUR GREATEST HOPE FOR REHABILITATION RESTS.

WHATEVER WE DO IN CORRECTIONS, WE MUST SEEK THE EFFECTIVE LINE. WE MUST SEEK THE APPROACHES THAT ARE FAIR, THAT ARE JUST, AND THAT ARE HUMANE, IN SHORT, THE APPROACHES THAT WORK.

WE ARE CERTAINLY NOT DOING THE OFFENDER ANY FAVOR  
IF WE FAIL TO TAKE EVERY REASONABLE STEP TO REFORM HIM. AND  
WITH SOME SIX MILLION SERIOUS CRIMES REPORTED EACH YEAR, WE  
AREN'T DOING SOCIETY ANY FAVOR, EITHER.

THANK YOU.