



# Department of Justice

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FRIDAY, NOVEMBER 15, 1974

ADDRESS

BY

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

BEFORE

THE DEDICATION CEREMONIES

OF

THE SAN DIEGO METROPOLITAN CORRECTIONAL CENTER

10:00 A.M.

FRIDAY, NOVEMBER 15, 1974

808 UNION STREET

SAN DIEGO, CALIFORNIA

I am very pleased to be able to join with you today in the dedication of this new corrections facility.

The first Metropolitan Correctional Center of the Federal government -- and two more under construction -- represents a significant new approach to the age-old dilemma of how to most effectively deal with many of those who have broken society's laws.

For one thing, as its name suggests, this new Center is built in a large city -- and not in some isolated and remote rural area far from resources so badly needed for modern correctional programs.

In addition, this facility is designed to provide a setting as beneficial as we can make it for all of those offenders who wish to take a meaningful part in rehabilitation.

And that design ranges from the locale to the architecture to the room and dormitory arrangements to the actual programs that will be carried on here.

For certain types of offenders -- the youthful offender, the short-term offender, the offender nearing release from a longer term -- this facility represents the best thinking and the best hope yet embraced by the Federal government in the corrections field.

There are a great many persons to whom credit should be given for this forward-looking program -- which will also include new correctional Centers in New York City and in Chicago.

Time limitations preclude naming them all -- but a special note of appreciation should go to Norm Carlson, director of the Bureau of Prisons. To his predecessors, Jim Bennett and Myrl Alexander. And finally to the Congress, which has been far-sighted and progressive in supporting innovative corrections programs.

The Congressional intent is to help develop corrections programs that work -- that succeed on as large a scale as possible.

Every objective measure indicates that the Federal system is working well. Earlier this year, a study showed that two of every three released Federal offenders did not return to prison for a serious offense within a two-year period.

I am certain that all of us would like to see an even lower recidivism rate. But when we consider some estimates that up to 80 per cent of state and local offenders return to prison, it is apparent that the Federal system is fashioning successful programs.

Corrections cannot be considered in isolation from the rest of the criminal justice system. And we should remember that the bulk of the law enforcement responsibilities of all sorts -- including corrections -- rests with state and local governments and not with the Federal government.

At the same time, crime is not a local or regional problem alone. It is also a national problem. And one of the grim facts of life in the United States today is that it has reached appalling national proportions.

During the first six months of this year, serious reported crime increased 16 per cent over a comparable period of 1973. It is apparent we are not winning the struggle against crime. If anything, we are losing ground.

To be effective, the attack on crime must be a coordinated effort among all parts of the criminal justice system -- police, courts, and corrections. And it is the particularly important role of corrections that I would like to discuss with you today.

All of us with criminal justice responsibilities -- and the general public as well -- must take a more realistic and in-depth look at corrections.

For I believe that, in most cases, vast improvements are needed. And without those improvements in corrections, we have no real hope of any major or lasting reductions in crime.

Corrections is the final component in the criminal justice system. But at the same time, it is sometimes inadvertently the catalyst for fresh problems. And the reason is that too often it simply fails to reform the offender.

In recent months, I have said on several occasions that I believed that rehabilitation of career criminals or of offenders bent on violence was a myth -- or at least a myth in substantial measure.

Some have interpreted that comment to mean that I do not believe in the value of rehabilitating offenders. Nothing could be further from the truth.

I would like to explain my views on rehabilitation in some detail -- and tell you what I believe in and what I do not believe in.

Let me start by saying that I do not believe in locking up offenders and throwing away the key.

I do not believe in putting all offenders in prison.

And I certainly do not believe that efforts to rehabilitate offenders should be abandoned.

At the same time, I have hope -- substantial hope -- that the Nation can find ways to make the corrections system work much more effectively. And much more humanely.

In one sense, the Nation has no choice. For corrections cannot continue to fail nationally in the two great goals that have been carved out for it -- protection of the public and salvaging far more offenders than are now turned from lives of crime.

When I say that I believe in the concept of rehabilitation, I would like to make it clear where I personally feel the top priorities should be placed.

Rehabilitation efforts should be most intense, most concentrated, for the youthful offender and the first offender.

It is with these categories of offenders -- particularly if their crimes have not been crimes of violence -- that we have the greatest chance of success.

A youth who has committed one offense is generally easier to deal with than a 30-year-old who has committed dozens.

One promising technique that should be tried in more places under carefully-controlled circumstances is pre-trial diversion. Under this approach, juveniles or first offenders or others who pose reasonably low risks may by common agreement be treated in rehabilitation or social service programs without going to trial.

This method obviously will not work for every offender, but it merits all the support that can be mustered to see if it won't provide one of the answers we are seeking. And we are currently operating a promising pilot diversion program in Chicago.

For those offenders who are convicted, some can be placed in well-supervised community-based treatment programs -- but I stress that those programs must have real substance and not be merely a false-front of glowing promises with shadowy substance.

The youthful or first offenders who do go to institutions should receive a great deal more in the way of rehabilitation than they do now.

The bulk of serious crimes is committed by the young. As they grow older, many become more willing to turn away from a life of crime. The reasons may be many: Some social scientists say the criminal urge may sometimes tend to "burn out" with advancing years; some contend, in less elegant language, that older criminals just can't run as fast any more; it may also be that beneficial influences from family and law-abiding friends begin to have a stronger tug. And so I feel that we must make the youthful offender our priority.

I do not believe the criminal justice system pays enough attention to the first offender and the youthful offender. Sometimes they are given no treatment at all. At other times they are sent to institutions that, as generations of corrections officials have testified, are only finishing schools for crime. Probation which consists of one 15-minute meeting a month helps no one.

Not enough resources have been made available to corrections -- to either develop promising programs and resources or to replace facilities that are sinkholes of degradation and suffering.

In all too many instances, our eyes have been diverted from the problems -- but those problems will not go away.

At the same time, I believe with equal firmness that a series of substantive and costly mistakes has been made in the Nation's corrections systems. These mistakes have, in my view, made rehabilitation largely a myth.

Three major Federal commissions -- the Wickersham Commission in 1931, the President's Crime Commission in 1967, and the Standards and Goals Commission last year -- all said basically the same thing: Corrections was failing to correct those in its care, failing to protect the public.

Part of the reason for failure has been the assumption that all offenders were equally amenable to rehabilitation.

That is obviously not the case -- and to act on that assumption courts the disasters we have seen unfold time and time again.

Another reason for failure has been the assumption that there are firmly known causes and firmly known cures for criminal behavior -- and that all that is necessary for rehabilitation is to apply the right formula in a medical or therapeutic setting.

But that assumption is also wrong. The causes of criminal behavior are as yet imperfectly understood by science -- and science has yet to devise cures that are certain.

And still another reason for the failure of the correctional programs in so much of the country is the belief that criminals are motivated by forces beyond their control.



The fact is that a great many criminals commit crimes because they want to -- because they find it rewarding and exciting. They find, contrary to the common wisdom, that crime really does pay.

Swift and certain prosecution and imprisonment for the serious offender will not only prevent him from claiming new victims. It also will have a deterrent effect on others.

At the same time, we must realize that there is no way to compel a man to be rehabilitated if he does not want to change. All the king's horses and all the king's men cannot drag him from criminality if he wants to be a criminal. As history shows, there will always be some who are violent.

The decision to change must come from the offender himself. It cannot be forced on him from outside. The realization that he has erred -- has made a mistake, has done something wrong -- must come from the offender himself. Until the offender arrives at that moment, rehabilitation efforts are doomed to failure.

I do not suggest that we should not have a setting conducive to rehabilitation. We should. And it should include a wide range of programs in which the offender could become involved if he chose -- education, job training, counseling, medical treatment, psychiatric treatment if desired.

All of those things and more. But nothing will work until the offender himself decides he wants to change.

And I believe the final mistake that has been made is to overlook the harsh fact that a large number of offenders are clear and present dangers to society and to law-abiding citizens.

These are the offenders who commit violent crimes, offenders who commit crimes repeatedly -- the offender I call the "violent stranger," who commits murders, rapes, robberies, muggings, assaults, burglaries, and similar cases.

These are the worst crimes -- the crimes our citizens fear the most. And they are the very crimes that criminal justice has done far too little about.

The violent crimes should receive top priority by police and prosecutors in every part of the country. When convicted, these offenders should be given sentences which will protect society. And once they are in prison, they should not be released prematurely.

But what in fact happens far too often is that many of these violent offenders are released on little or no bond prior to trial -- and thus commit fresh crimes while at liberty.

Many of them are never convicted because of a lack of diligence or skill by prosecutors. Many are permitted to engage in plea-bargaining, and the result is a slap on the wrist -- if that.

If convicted, a great many are placed on probation. Others are put into faulty community-based corrections programs. And even of those who go to prison, many are released too soon, while they still are a danger to society.

It is time that the criminal justice system takes prudent steps to stop the dangerous and violent offender from preying on the public. Better prosecution programs need to be devised. Better corrections programs need to be devised. And much better sentencing procedures must be devised.

I appeal to the 23,000 judges in this country to be more alert to the violent criminals who come before them, and to carefully weigh each case before allowing a violence-prone person to plead to a non-violent, lesser crime.

I ask the judges to think not only of the welfare of the accused but to consider society and the dangers posed to it if dangerous persons are turned loose.

Judges should also remember that the laws and the courts are primarily here to protect society -- and that rehabilitation is a hopeful dream that fails more often than it succeeds. Humane incarceration, it should be stressed, is the only deterrent available in a civilized society, and at least protects people from the violent while they are locked up.

And last but not least, I implore the judges of this country to vigorously resist efforts to take control of the prisoners from them and put it solely with the jailers.

And now I come back again to the point I made earlier:  

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Rehabilitation is the goal -- but it is not the reality around us.

We should do everything possible to rehabilitate those who want to change. For the dangerous, career criminal there must be humane incarceration. The concept of punishment may be repugnant, but society must be protected from dangerous offenders. But even for the career criminal, we must give him the chance to reform himself in prison, even if the odds are staggering.

For its part, I believe that society itself can do more to assist in the process of making life safer for all of us.

It can be informed of the nature of the real corrections problems. It can make certain that states and localities provide adequate funding for needed programs. It can make certain that there really is a community which can receive the offender placed in a community-based program. In all too many instances, a community-based program consists of a full-time cook and a part-time preacher, along with a license to commit more crimes in the old environment with the same old associates.

Society must begin rebuilding the institutions necessary for common progress -- the family, the church, the school.

Society cannot blame the criminal justice system for society's own failures that may have triggered the first steps toward crime.

It must want to help the rehabilitated offender by offering an easier transition back to a law-abiding life -- especially through employment programs and easing licensing requirements which now bar jobs to many ex-convicts. The man who is redeemed should not be forced to wear a scarlet letter the rest of his life.

In sum, what I am suggesting is a series of prudent humane steps to protect society from the dangerous offender while making every possible effort to rehabilitate those who can change and want to turn away from a life of crime.

These steps offer the hope of protecting millions against crime -- while salvaging thousands of lives which otherwise might be forever twisted.

Again I say that rehabilitation today is a myth -- or a myth far too much of the time.

But maybe it doesn't have to be.

Thank you.