

Ronald Reagan Presidential Library Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: Reagan, Ronald: 1980 Campaign Papers,
1965-1980

Series: XV: Speech Files (Robert Garrick and Bill Gavin)

Subseries: B: Bill Gavin File

Folder Title: Drafts and Back-up Documents –
Miami – Crime

Box: 437

To see more digitized collections visit:

<https://www.reaganlibrary.gov/archives/digitized-textual-material>

To see all Ronald Reagan Presidential Library Inventories, visit:

<https://www.reaganlibrary.gov/archives/white-house-inventories>

Contact a reference archivist at: **reagan.library@nara.gov**

Citation Guidelines: <https://reaganlibrary.gov/archives/research-support/citation-guide>

National Archives Catalogue: <https://catalog.archives.gov/>

(Carrington/Gavin - First Draft)

VICTIMS OF CRIME SPEECH

During the past four years much has been said and written about human rights. But when the Carter Administration discusses human rights, it seems to be exclusively in terms of the rights of those in other lands.

Tonight, I want to talk to you about a human rights problem right here in the United States.

If you have been a victim of crime; if one of your loved ones has been raped, robbed, assaulted, or murdered; if someone in your neighborhood has been victimized by criminal behavior, you have personal knowledge of this human rights problem.

The fundamental human rights of victims of crime is a subject that has received far too little attention. We talk and write about a criminal justice system, as if justice were only a matter of dealing with criminals. But what about the victims of crime? Where is justice for them?

We have plenty of victims. Far too many.

We have plenty of crime. Far too much: street crime, terroristic crime, organized crime, "white-collar" crime -- and every time some violent act is committed, we have another in a seemingly endless list of victims.

And, this is an increasing problem. The FBI's preliminary report on crime for 1979 indicates:

-- An 8 percent rise in crime overall;

-- An 11 percent increase in violent crime, with murder and aggregated assault each jumping up 9 percent; and forcible rape and robbery soaring at the rate of 12 percent.

This is shameful: But remember -- this is only reported crime. Some studies show that as much as half of the crimes committed in this country go unreported.

A few years ago, the Gallup Poll reported that 45 percent of all of our citizens, and a staggering 57 percent of non-whites, were afraid to walk the streets of their neighborhoods at night. Worse, 33 percent of non-whites were afraid even in their own homes.

And since the crime rate has risen in the last five years, we can safely assume that this "fear factor" has risen along with it.

As we all know, the problems of crime and victimization are primarily state and local problems. It would go against all I have ever stood for -- for me, as President, to attempt to dictate to the States or to municipalities, what they must do about crime; and I have NO intention of doing so.

The President of the United States, however, CAN have a tremendous impact on state and local governing bodies without in any way telling them what they must or must not do.

This can come about through example: action on the federal level which the States might be encouraged to follow. And it can also occur through the enormous resources of the Federal Government which can be placed at the disposal of states, cities, and counties, not to mention the numerous private agencies which are working very effectively to do something about the plight of crime victims.

If we are to change our criminal justice system to one that is geared to the rights of victims, it might be well for me to define just what I mean when I talk about "victims".

First, of course, we have the actual victims: those that we know have been murdered, robbed, assaulted, or otherwise ripped-off in recent years. We have the statistics of these victims -- hundreds of thousands of them -- and, unfortunately, the criminal justice system has often treated them as little more than statistics.

But we have another class of victims: the potential victims of crime. The class is easy enough to define -- it includes every one of us -- you, me, everybody.

No one can ever say with assurance that he or she will not momentarily become the victim of some lawless or violent act. This, in turn, leads to the climate of fear that I have described. We have become prisoners of fear of crime. This is an intolerable situation in a society that calls itself a "free" one.

Appallingly, those who need the system's protection the most -- minorities of every kind, those who dwell in our urban ghettos -- receive its protection the least.

Inner-city crime is as widespread as it is brutal. If, for example, a decent, hard-working couple happens to run a little "mom-and-pop" store in Bedford-Stuyvesant in New York, at 43rd and Prairie in Chicago, in Watts in Los Angeles, then the question is not if they are going to be robbed, but when?

Consider the following statements:

- "* Homicide is a major cause of death among young Black males, and most of these murder victims are killed not by racists -- but by other young Black males.
- "* Black communities are becoming locked and divided camps, beleaguered and fearful places of bars, guards, alarms, metal gates, and bolted doors.
- "* Crimes by BLACKS against BLACKS are costing Black American and BLACK American businesses and institutions billions of dollars."

The words that I have just quoted to you were spoken by Mr. John H. Johnson, the respected publisher of EBONY MAGAZINE which is certainly the most influential and prestigious publication about Black concerns in this country today.

The August, 1979 edition of EBONY was a special issue entitled simply: "BLACK ON BLACK CRIME." It details the causes,

consequences and cures for such crime; and it is a stunning, incisive and compassionate look at the plight of Blacks as victims.

Obviously something must be done to assure victimized members of minority groups -- and all other victims-- that society and their government cares about their rights as much as it does about the rights of criminals.

Turning now to specifics, what can the President do for crime victims and their rights?

I have already established a national Committee to advise me about the rights of crime victims. This Committee will become the nucleus of a national Commission, in my Administration, to deal with the problems and plight of crime victims. I am as aware as any of you that, on occasion, such commissions have not produced much that is useful. The Victims Commission, however, will not be cast in the usual mold. It will be comprised primarily of people who have a direct stake in solving the problem -- CRIME VICTIMS THEMSELVES, and those who have a past record of working with and assisting the victims.

For the first time in our history, we will be looking at the criminal justice system for a perspective never taken before: that of the victims, who are, or should be, the ultimate clientele of any such system.

The Commission will, of course, be charged with the responsibility that it is not to ignore the fundamental rights of accused and convicted criminals, but, where this particular Commission will differ from any of its predecessors is that it will be giving "equal time" to victims in criminal justice matters.

The Commission will seek to determine if there cannot be a more proper balance between criminals' rights and victims' rights than now exists.

Next, in my Administration, the Federal Government will, through its resources, assist those at the state and local level -- in government and in the private sector -- who are rendering assistance to victims.

One example lies in the area of victim compensation. Some 29 states have laws providing for compensation for innocent victims of violent crimes who report the crimes and assist the police in their investigations.

The states are ahead of the Federal Government on this. A Federal Victim Compensation Statute which would compensate directly victims of federal crimes, and financially assist the states in their compensation programs, has been pending in the Congress for years.

The theory behind this compensation is relatively straight-forward: government has a duty to protect its citizens from criminal harm. When someone has been victimized, government has, by definition, failed in its duty. Therefore, government owes it to the victim to at least reimburse him for medical expenses, time lost from work, and other costs directly related to the crime.

I support, and will work for passage, of crime victims' compensation on the federal level.

In the early 1970's, under the able leadership of Mr. Donald E. Santarelli, the Law Enforcement Assistance Administration made grants amounting to millions of dollars to establish "victim-

witness" service units in prosecuting attorneys' offices across the country. The program was administered by the National District Attorneys' Association, and was extremely successful. It involved victim counseling at the "intake" stage; keeping victims and witnesses informed of developments in the criminal case; allowing the victim, in some circumstances, to be present and to speak at plea negotiations, and at the sentencing of the criminal; even such seemingly mundane, but highly important, factors as free parking, near the courthouse, for the victims and witnesses were provided.

Victims and witnesses began to feel that the system really cared about them; they were more willing to come forward to report crimes and to testify. In many cases, the conviction-ratio rose, and some of the programs even showed a saving of the tax-payers' dollar. The current Administration has seen fit to provisionally drastically reduce its support for such programs. I would increase it.

The private sector has also done wonders in the way of services for victims. Victim-resource centers, rape-crisis units, battered spouse and children centers, and others, have sprung up in every part of the country. Some of them are federally funded; some operate solely on private funds. The National Organization for Victim Assistance, an "umbrella" organization for victim-service programs, estimates that there are at least 2,200 victim-assistance organizations in existence today.

Indeed, the American Bar Association formed, in 1978, a specific committee to consider victims and their legal rights. I support each of these efforts; and, despite the fact that they are for the most part privately operated, I would make the government's research and coordination facilities available to them. In short, my Administration would actively work to assist all of these responsible victim-service programs, providing that they were well run, and were really being of assistance to victims.

Having expressed my complete admiration and support for such victim-service programs, I must point out the single obvious drawback to them: they operate after-the-fact. That is, a person must have already been victimized to "take advantage" of them. This brings me to the final point of my remarks: WHAT CAN GOVERNMENT DO TO PREVENT VICTIMIZATION? Obviously, not all crime is preventable. There is, however, one area in which government, working with its agencies and even with private groups and individuals, can do a lot to prevent a certain class of crimes.

I will define this class as RE-victimization. How many times have you picked up the paper to learn that someone has been killed, raped, robbed, beaten, or otherwise victimized, by dangerous individuals who had already been arrested or convicted for serious crimes, but who had negligently been permitted to escape or had negligently been released on probation, parole, or, sometimes, "community release" programs.

There have been a number of such cases, and they are particularly outrageous because, in most of the cases, society has already determined that the individual was dangerous by convicting him of a crime -- yet, he is negligently set at liberty, only to victimize again.

I could tell you about many examples, in order to demonstrate just how outrageous some of these cases can be -- but let me limit it to just one:

* In Washington State, the warden of the maximum security penitentiary devised an ill-conceived "take-a-lifer-to-dinner" program. A convict, improbably named Arthur St. Peter, who had a record of some 40 felony convictions and 17 escape attempts was allowed to go outside the walls with an unarmed prison baker.

St. Peter promptly escaped and a week later murdered Mr. Taylor in the course of an armed robbery. Mrs. Taylor sued the warden and the State of Washington, and she too recovered.

Taylor v. State of Washington

In this case, the principle of accountability was the wife's primary reason for suing. She really sued in the hope that such a tragedy could be prevented in the future by making people like the warden think twice before ever again releasing such dangerous people upon society.

The same is true in practically all RE-victimization cases. If the errant wardens, parole boards, probation officers, and so on, know that they can be held accountable, they too may "think twice" before they trifle with the safety of society by prematurely releasing dangerous prisoners.

As President, I would address the problem of establishing accountability for the negligent release of prisoners, by permitting innocent crime victims (or their survivors) who have been injured by the negligence -- or gross negligence of government officials in the release, or in the handling of dangerous prisoners, to sue the government for the damage caused to them.

Senator Paul Laxalt of Nevada has already introduced a Bill, S. 2273, "The Crime Victims Reparations Act" to this effect: Federal correctional officials may be sued if their negligence causes injury. I will support this Bill with all the resources of the Executive Office.

Of course, Senator Laxalt's Bill would only cover federal crimes; but, while I would not attempt to impose a federal statutory scheme to permit lawsuits against negligent custodial officials upon the states, I would nevertheless hope that it could serve as a model for the states to follow. It seems to me to be unconscionable that a citizen who has had his arm broken through the negligent operation of a government motor vehicle can recover from the government, while someone whose daughter has been raped and murdered by a prisoner, negligently released, might not be able to do so.

There are always those who will say that a plan such as I have presented will destroy the concept of "rehabilitation" because the releasing authorities will be afraid to make "courageous" decisions to release bad risks into the community in hopes of rehabilitating them.

I disagree on two counts: first, the number of RE-victimization cases casts doubt on the whole rehabilitation theory, and the numbers of deaths and injuries at the hands of released criminals is simply too high a price to pay in order that those who wish to tinker about with theory can do so with no accountability at all. Second, since all of the rest of us, in government or out, are accountable for our actions; those who make decisions which, if taken wrongly, as they so often are, and which result in RE-victimization, should also be held accountable.

All that my proposal would do is to mandate that those who make such decisions be more careful to consider the rights of potential victims as well as the rights of offenders to be rehabilitated through the releasing process.

I am aware of, and sympathetic to, the problems faced by corrections officials, who have one of the most difficult jobs in the criminal justice system. I am definitely not suggesting that every time a parole, probation, or other kind of release decision goes wrong, that the decision-making authority be held liable. It is only in cases such as I have used to demonstrate the problem, those where the negligence is so obvious that

reasonable minds could not differ about it, that the "accountability principle" comes into effect.

Nor do I believe that correctional officials should be held personally liable in most cases. The end purpose of the plan which I propose is to put governmental agencies on notice that they will be held liable for the negligence of their agents; wardens, probation and parole officers, and so on. In our current "financial crunch", I believe that the mere threat of governmental liability will cause the various agencies to tighten up their release procedures, in order to avoid liability, so that we will prevent a great deal of RE-victimization.

There are other approaches that can be initiated, including cooperation between government and private groups for educational programs dealing with victims' rights. But the important thing is that we begin. The current Administration has been silent on the matter.

In closing, let me repeat that, while the direct solutions to crime and victimization are primarily the responsibility of state and local government; nevertheless, the President, through leadership, example, encouragement, and a commitment to utilizing the resources of the Federal Government toward solving a problem, can have a dramatic impact on it.

My Administration will be dedicated to identifying and doing something about the plight of victims.

My human rights program is going to begin at home!