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"Take-a-lifer-to-dinner" is the most "grabbing" case of them all - if, *if, time permitting, there is any way to insert it we should*

In Virginia, a young man had been convicted of abducting young girls, and received a 20-year sentence. The judge, however, suspended this sentence, at the request of the young man's psychiatrist and probation officer, provided that he was kept in secure psychiatric custody, and not released without order of the Court. He was released, however, in violation of the Court's order, and murdered a 14-year-old girl. Her parents sued the psychiatrist and the probation officer over this release, and won a large judgment.

(Semler v. Psychiatric Institute)

Put another way, law enforcement is never an end in itself;
it is the means to the end to prevent, where possible, victimi-
zation and, through the certainty of apprehension and punish-
ment, to vindicate the rights of those innocent persons who have
been victimized.

* * * * *

(Carrington/Gavin--First Draft)

Phrases indicate possible deletion to save time.

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 ~~is limited~~ *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 *been raped, robbed assaulted or murdered,* has had ~~this~~ misfortune; 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} ~~lawless~~ act is committed, we have another in a seemingly endless list of victims.

And, ~~although you don't hear much about it these days,~~ 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 aggravated 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. This 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 or ~~Hayes Valley~~ in ~~San Francisco~~, then the question is not if they are going to be robbed, but when?

Handwritten notes in blue ink:
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The words "Black" when used here should be used properly.

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Consider the following statements:

- "* Homicide is a major cause of death among young ^{LACK} BLACK males, and most of these murder victims are killed not by racists — but by other young ^{LACK} 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} BLACK Americans 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
 My first priority will be to establish a national *committee* commission *to advise me about*
 on the rights 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

~~This committee~~
 This Committee will become the nucleus of a national Commission, in my administration, to deal

with the problems and plight of crime victims.

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 from 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 Congress for years.

The theory behind this compensation is relatively straightforward: 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 to 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 get their start through government funds;~~ some operate solely on private funds. The National Organization for Victim Assistance, as "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 victims-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~~ 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:

Re-victimization

a large judgment. [~~Semler v. Psychiatric Institute~~].

* 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 a 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, ^{St. Peter} the principle of accountability was the ~~parents~~ ^{wife} ~~only reason~~ ^{primary reason} for suing. ~~They did not sue for the money; in fact,~~ they put all of it into a trust fund dedicated to their daughter's memory. ~~The Mother sued that they had~~ ^(She really sued) in the hope that such a tragedy could be prevented in the future by making people like the ~~warden~~ ^{twice} and the ~~probation officer~~ think ~~earnestly~~ before ever again releasing such dangerous people upon society.

The same is true in practically all revictimization 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 damaged caused to them.

Don't omit this boxed part

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 of 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 revictimization 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 revictimization, 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 revictimization.

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!

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for draft
#5

human rights of which they have been deprived.

Any administration must, of necessity, deal with national leaders who have crushed the rights and the hopes and the dreams of their people. But the next Republican administration will, as a matter of national purpose and national honor, refuse an easy camaraderie with them.

And I can tell you this -- Ronald Reagan will not go to Vienna and kiss the ruler of the Soviet Empire upon the cheek! Nor will he deliver the greatest national treasure of a proud and ancient people -- like the Crown of St. Stephen -- into the hands of a Red dictator who betrayed the bravery of his countrymen in their finest, tragic hour.

Consistent, principled opposition to tyranny and oppression abroad; sound policies to build an American economy that once again holds forth real opportunity to all; and a great national rededication to the eternal values that so inspired those who came to this entry port -- these things, on this Labor Day, I pledge to you.

On this ground, and on these principles, we take our stand. From here we will bring our message to all Americans, and they will recognize it as a message graven on their own hearts. Together we can make America great again.

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for draft #5

We must work to strengthen the small business sector, a vital entry point for the most productive newcomers into the American economy. Small business needs relief from paperwork, relief from over-regulation, relief from a host of governmentally-created problems that defeat the effort of the creative men and women upon whom society must count heavily for economic growth, job creation, and national renewal. A chance to invest, build and produce new wealth is part of the dream.

But restoring the American dream requires more than restoring a sound, productive economy, vitally important as that is. It requires a restoration of the preeminence of a set of spiritual and moral values, the values so deeply held by those who ~~passed~~ ^{came} through this ~~island~~ ^{land} to a new life in America. We need to restore those values in our national life, and to champion them in this country's dealings with the other nations of the world.

~~In particular, we must vigorously reject the notion that the nations forcibly incorporated into the Soviet Empire must live under Communist domination until the end of time. That notion is rejected by the brave shipyard workers of Gdansk, as it was by the heroes of Budapest and Prague and by the dissidents within Russia itself. Communist domination.~~

These values are even now inspiring
they have inspired
under

A Reagan administration will, through its actions in the international arena, let millions of people beyond the Iron Curtain know that there burns yet, in the night that surrounds them, a shining beacon called America. We will put forth a ^{strong} message of hope in tongues they understand, through the Voice of America, Radio Free Europe, and Radio Liberty. ~~We will speak out for the~~

OK

LABOR DAY SPEECH
NEW YORK HARBOR EVENT

9/1/80

It is a fitting thing, on this Labor Day to meet beside the waters of New York Harbor.

For through this Golden Door have come millions of men and women from the Old World to contribute their brains and their muscles and their faith to the building of this great country.

Those immigrants had a dream - to live at peace in a land of freedom, where hard work could bring rewards; where their children could go to schools and learn what their parents had been denied; where they could bring with them their native culture, but and yet mingle with the new; where they could build their covenant house, their synagogue, their cathedral, or their mosque, and bow in homage to their God without fear of the stones and jeers and torments of religious persecution.

They didn't come here for a welfare check. They came to work and to make America work. They didn't ask what this country could do for them, but what they could do to make this country stronger, freer, and more prosperous.

But today a President of the United States tells us that that dream is fading Jimmy Carter's Administration tells us that the descendants of those who sacrificed to start again in this land of freedom may have to abandon the dream that drew their fathers and mothers across the Atlantic to a new life in a new land. Jimmy Carter - at a time when his approval rating was well into its long slide - said that we - not his administration,

mind you, but the rest of us who are paying for it - are suffering gfrom what he calls "malaise". To put it bluntly, Mr. Carter is saying "I'm unpopular, so you're sick."

Thanks to Jimmy Carter's no-win economic policies, 8.2 million Americans are out of work. Unemployment is expected to climb to as much as 9.4% by the end of the year, and remain there through 1981.

Thanks to Jimmy Carter's mismanagement of the economy, we had a 13.2% inflation rate in 1979. In the first six months of 1980 that rate rose to 15%. Those figures change from month to month, but the underlying trend does not. Every day our dollars are worth less - and less - and less: and working Americans are falling futher - and further - and further behind.

Thanks to Jimmy Carter, inflation is constantly pushing workers into ever-higher tax brackets. Social security taxes are going up again. And Jimmy Carter got a Democratic Congress to pass a new excise tax on deomstic oil production - You're already paying that one at the gas pump.

And despite an expected \$80 billion increase tax revenues, the fiscal 1981 budget will still be an estimated \$30 billion in the red. To cover that deficit, the Carter Administration is forced in effect to print new money - and there goes the value of your savings. Jimmy Carter's gifts to the American people on this Labor Day: The gifts of unemployment and inflation, misery and despair.

And what does Mr. Carter say about all this? Precious little. In his acceptance speech just three weeks ago he gabe us the good news: "I am wiser tonight that I was fourt years ago." It's time to give him the bad news: so is everyone else.

While Jimmy Carter is painfully accumulating wisdom at every one

else's expense, millions of Americans are trying to make ends meet without paychecks. These people know that their economic survival depends on replacing Jimmy Carter's Administration with an Administration that knows how to put America back to work and will get the job done!

The young couples that cannot afford to buy a home because of soaring interest rates want an Administration that will once again bring home ownership within their reach.

Older Americans whose savings and pensions are evaporating desperately need a new Administration that can bring back a stable price level and make it worthwhile to invest and save once again.

Teen agers and minority Americans need an Administration that will stimulate the sound economic growth that will give them the chance to get started up the job ladder to economic security.

Believe me, all of these people have a real choice in November. They can choose more taxes, more inflation, more unemployment -- more of everything this country needs less of. That is the Carter policy. Or they can choose lower taxes, lower inflation, lower unemployment. That's the Reagan policy.

They can choose a Republican President guided by the spirit of excitement and achievement that characterized those who came from abroad to make America strong and prosperous -- or they can vote for the Democratic President who put more Americans out of work than anyone in the past 47 years.

Jimmy Carter has turned this Labor Day into Unemployment Day for millions of Americans. Does he admit this? No. In his acceptance speech he accepted everything but the blame for the problems he has caused. Listening to his acceptance speech, you'd never know about soaring inflation, unemployment, and interest rates. He wants to keep all that a secret. Well; I've got news for Jimmy Carter: his secret is out. He has to own up to the American people.

And he has to face me. I tell you now that I look forward with great anticipation to meeting Mr. Carter in the televised debates because I am going to air out the whole sorry record of the Carter administration -- the record Jimmy Carter dared not mention in Madison Square Garden.

I am convinced that the spirit of those who came here through the Golden Door is so strong, so resilient, so deeply embedded in the American character that it has survived even four years of a Carter administration. But I am worried whether that spirit, however strong, can survive four more years of the same -- or worse.

This country needs a new administration, with a renewed dedication to the dream of America -- an administration that will give that dream new life and make America great again!

Restoring and revitalizing that dream will take bold action.

We must protect the human right to acquire and own private property, and make sure that that right is extended to as many Americans as possible. A home is part of that dream.

We must roll back the crushing burden of taxation that inhibits investment, production and the generation of real wealth for our people. A job is part of that dream.

We must end foolish government intervention that undermines our urban neighborhoods, especially those with a strong social, economic, cultural, or religious tradition, and find ways to restore to the people of those neighborhoods the responsibility and the resources to preserve and upgrade their quality of life. A decent neighborhood is part of the dream.

We must work to strengthen the small business sector, a vital entry point for the most productive newcomers into the American economy. Small business needs relief from paperwork, relief from over-regulation, relief from a host of governmentally-created problems that defeat the effort of the creative men and women upon whom society must count heavily for economic growth, job creation, and national renewal. A change to invest, build and produce new wealth is part of the dream.

But restoring the American dream requires more than restoring a sound, productive economy, vitally important as that is. It requires a restoration of the preeminence of a set of spiritual and moral values, the values so deeply held by those who passed through this island to a new life in America. We need to restore those values in our national life, and to champion them in this country's dealings with the other nations of the world.

In particular, we must vigorously reject the notion that the nations forcibly incorporated into the Soviet Empire must live under Communist domination until the end of time. That notion is rejected by the brave shipyard workers of Gdansk, as it was by the heroes of Budapest and Prague and by the dissidents within Russia itself.

A Reagan administration will, through its actions in the international arena, let millions of people beyond the Iron Curtain know that there burns yet, in the night that surrounds them, a shining beacon called America. We will put forth a message of hope in tongues they understand, through the Voice of America, Radio Free Europe, and Radio Liberty. We will speak out for the

human rights of which they have been deprived.

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And I can tell you this -- Ronald Reagan will not go to Vienna and kiss the ruler of the Soviet Empire upon the cheek! Nor will he deliver the greatest national treasure of a proud and ancient people -- like the Crown of St. Stephen -- into the hands of a Red dictator who betrayed the bravery of his countrymen in their finest, tragic hour.

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On this ground, and on these principles, we take our stand. From here we will bring our message to all Americans, and they will recognize it as a message graven on their own hearts. Together we can make America great again.

LABOR DAY SPEECH - PITTSBURGH VERSION
(amendments to NY Harbor Speech, Draft #4)

The first 4 Ps of
Replace page 1 with the following :

Labor Day in Pittsburgh - what better place and time to honor the men and women who stoke the furnaces, roll out the glass, and produce the chemicals essential to the nation's industrial machine. Their brains, their skills, their dedication to the American dream have done much to make this country the freest, most prosperous nation on earth.

Their ancestors came here, in many cases, from the Old World, from Germany, from Italy, from the Slavic nations, men and women of a hundred nationalities, sharing a common dream.

They dreamed of living at peace in a land of freedom, where hard work could bring rewards; where their children could go to schools and learn what their parents had been denied; where they could bring with them their native culture, but yet mingle with the new; where they could build their cathedral, their synagogue, their meeting house, and bow in homage to their God without fear of the stones and jeers and torments of religious persecution.

The North Woods gave America the legend of Paul Bunyan the logger; the Ohio River, the mighty Mike Fink; Texas, the great cowboy Pecos Bill. Pittsburgh gave American folklore the heroic figure of Joe Magarac, the Magyar steel maker who squeezed out rails between his giant fingers, and laughing in delight, leaped into the glowing ladle and had himself made into the steel that built the bridges and skyscrapers and battleships of his adopted land. The Joe Magaracs of Pittsburgh did not come to America to draw unemployment. They came here to make steel. They did not ask what America could do for them, but what they could do to make this country stronger, freer, and more prosperous .

LABOR DAY SPEECH PITTSBURGH VERSION
(Amendment to NY Harbor speech, draft #4)

In place of the final paragraph on page 5, insert:

We must put an end to foolish intervention that undermines our urban neighborhoods, especially those with a strong social, economic, cultural and religious tradition. We must support ways - like the successful Neighborhood Housing Services program that began here on the Central North Side - to restore to the people of those neighborhoods ., working with their local governments and their lending institutions, the resources they need to preserve and upgrade the place their families live. A decent neighborhood is part of the dream.

Bill Gavin -

↓ also gave John
M^d Blaughey a copy
of speech. Copy went
to E. Crispan.

Lo Anne

(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!

SPEECH FOR GOVERNOR REAGAN

ON

VICTIMS OF CRIME

WRITTEN BY

FRANK CARRINGTON

AUGUST 13, 1980

During my political career I have been characterized by my supporters, and my detractors, as being an advocate of "law and order."

I do not reject this, nor do I make any apologies for my stance. To me, "law" and "order" are not dirty words.

The opposite of order is chaos, and when we are dealing with a problem that touches all of our lives so closely--the problem of crime--we simply cannot afford to continue the current chaotic state in which we find our criminal justice system.

And the only way that we can ensure order--the right of our citizens to go about their business in reasonable freedom from criminal harm--is through the fair, responsible and effective enforcement of the law.

I become outraged when I hear, over and over, the glib pronouncement that the words "law" and "order" are merely code-words for "racism" and "repression." I disagree totally with the notion that those of us who want to lift today's intolerable

burden of lawlessness and violence from the shoulders of our people--particularly our minorities, the poor and the powerless who dwell in our inner cities--somehow immediately become neo-facists.

This label is both unfair and untrue.

But you don't have to take my word for it. Listen to what another American, a man who knew something about crime and criminal and about the rights of citizens, had to say about the matter:

...it frequently happens that wicked and dissolute men, resigning themselves to the dominion of inordinate passions, commit violations on the lives, liberties and properties of others, and the secure enjoyment of these having induced men to enter into society, government would be defective in its purpose were it not to restrain such criminal acts, by inflicting due punishments on those who perpetrate them...

This is a fairly "hard-line", "law and order" position.

The words are those of Thomas Jefferson, the architect to the Bill of Rights to our Constitution, the father of our civil

liberties.

What Mr. Jefferson had to say only underscores my contention that there is no inconsistency in preserving the Constitutional rights of all of our citizens, and in doing what we can to assure that those who violate other's rights through criminal actions are swiftly and surely apprehended and punished.

Thomas Jefferson's comments summarize the basic rationale for any criminal justice system. First, that we "entered into society" in the first place in order that the government may assume the duty of protecting us from those "wicked and dissolute" persons who prey upon us.

We have delegated this function to our law enforcement agencies and prosecutors on the federal, state and local levels. Any other alternative would be unthinkable. Without the law enforcement function which government, and only government, can provide, we would be reduced to the levels of vengeance by the victim or his family, as in days of old, or to vigilantism--the

collective expression of the community's outrage.

Neither alternative is acceptable to me, or to most of our citizens.

Mr. Jefferson's second point is equally important: government "...would be defective in its purpose"... if it did not make every effort to assure in all of us a sense of security by shielding us from criminal harm, at least to an extent that is consistent with the restraints that we have wisely placed on certain law enforcement practices in order to guarantee our fundamental freedoms.

There is, however, one final step that we must take, one that goes ever farther than Thomas Jefferson's eloquence.

It can be summed up very simply: if there were not patients, with various ailments and afflictions, we would not need doctors; if there were no VICTIMS of murderers, rapists, robbers, thieves and other assorted criminals we would not need the protection of our law enforcement agencies.

cally affected by the problem to deal with black concerns. I can assure you that no one is going to be given a position in criminal justice policy and management in my administration until he has read and has thoroughly digested this document.

The message in this special issue is a hard one. No punches were pulled. In its editorial closing the following conclusions were reached:

* There can be no solution to Black on Black crime without a program of full employment and social and economic justice.

* We must, as a community, stop accepting unacceptably high rates of crime in silence.

And, most significantly:

* We must mobilize our power and hold federal, state and municipal officials responsible for high crime rates in our communities.

I was extremely impressed with this edition of Ebony and, quite frankly, I wondered what the responses of its readers might be. I was eager to read the "Letters to the Editor" in the next issue.

They were almost uniformly favorable; however, one letter from Ms. Fern Porter of Brooklyn, New York particularly impressed me. She said:

I have just finished reading from cover to cover the special issue. I must say it has grieved me to the bottom of my soul to learn the sordid but true facts as they were presented in that issue. I once had a conversation with a White co-worker of mine concerning racism and oppression of Blacks in America. When I told her frankly that Whites are responsible for the oppression of colored people, she told me frankly that she feels it's Blacks who oppress other Blacks! I was shocked! I did not want to believe it! But now I guess the truth will come out that it is really us who cause most of our suffering. Your articles were magnificent and I feel they should be placed in the hands of, and be read by, every literate person in the U.S. today.

I consider the Ebony special issue, and, indeed, the

thoughts expressed by Ms. Porter, to be a personal challenge.

I have previously laid out my plans for the improvement of the economic situation in the inner cities--particularly involving young Blacks.

This, in itself, will go a long way to solving the crime problem; but, I will also put a priority on the specific issue of crime in the ghetto. This program will, of course, involve Black leaders, but it will have a new twist in that it will also involve--extensively--black victims and those who work with them.

This is why I am so grateful for the guidance of the Ebony special issue. It will become my "blueprint" for dealing with ghetto crime. And, as Ebony points out, there are occasions of police abuse as well as the constant threat of crime, I will utilize the special expertise provided--Blacks concerned with a particulalaly oppressive Black problem--to guarantee to the extent possible, that neither will be tolerated.

* * * * *

The fact that such national security law enforcement activities had been condoned--even encouraged--by prior administrations and the fact that these activities were undertaken, in good faith, for the sole purpose of keeping some of the rest of us from getting blown up seems not to matter to the Administration or to the Attorney General, who, ironically, is now under investigation by his own department for obstruction of justice for leaking "Billygate" secrets to the President.

If prosecuting policemen for their good faith attempts to protect us is the purpose of the criminal justice system then we have a "law and order" Administration currently in power. My Administration will be vigilant to ferret out, apprehend and prosecute any law enforcement officer who wilfully violate the rights of our citizens; but it will be equally vigilant to ferret out, apprehend and prosecute the real criminals in our midst who prey on all of us.

Law enforcement is a dirty, difficult and dangerous task. It is apparently a "nothing-to-win,-everything-to-lose" task also. If you can believe it, the New Jersey Chapter of the American Civil Liberties Union has, according to the National Law Journal, now attacked the F.B.I. for not enforcing the law.

It has:

...prepared a memorandum detailing the need for a more rigorous investigation of Cuban terrorist groups which have wreaked havoc with more than 100 bombing incidents in the last two years alone.

Here, we have the topsy-turvy situation in which the government is prosecuting three men for attempting to prevent bombings while at the same time the ACLU is calling for more vigorous investigations of bombers.

The F.B.I. is, of course, not to blame; as a matter of fact it is caught squarely in the middle. My Administration

will establish a comprehensive set of guidelines for the Bureau and our other intelligence agencies which will balance the preservation of our national security with the prevention of possible abuses.

Then we have the current Administration's vaunted, albeit ineffective, "human rights" program. We set out, with much fanfare to protect the human rights of Soviet dissenters and political prisoners in Nicaragua with a vengeance. I have no quarrel with this, a nation as great as ours should do what we can to enforce the human rights of everyone.

Mr. Carter forgot just one thing. ^{JUSTICE} ~~Compassion~~, like charity, begins at home. To me, it is as much a "human right" to live in an American city or town without having to barricade yourself behind iron bars, without being unable to walk the streets at night, without living in constant fear of being vandalized, in your person or your property, as it is to dissent from the repressive actions of the Soviet regime.