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— 5/16/83

THE WHITE HOUSE  
WASHINGTON

TO: *John Roberts*

FROM: *Richard A. Hauser*  
*Deputy Counsel to the President*

FYI: ✓

COMMENT: \_\_\_\_\_

ACTION: \_\_\_\_\_

\_\_\_\_\_



THE  
GEORGE  
WASHINGTON  
UNIVERSITY

*Washington, D.C. 20052 / The National Law Center*

April 29, 1983

Paul Michel  
c/o Senator Arlen Specter  
United States Senate  
Washington, D.C. 20510

Dear Mr. Michel:

This is in response to Senator Specter's letter of April 15th, inviting comment on his proposed comprehensive national program to attack violent crime.

My reaction is mixed. I am enthusiastic about the sharp focus on violent crime reduction. The proposal is in this respect superior to others. And I admire your courage in proposing money for construction of prison facilities. As unpleasant a prospect as this may be, I believe construction is a necessity.

On the negative side, the proposal calls for much too much money for too many projects. We don't have the know-how to spend so much money wisely.

Second, the advocacy on behalf of the proposal is excessive. The use of statistics -- e.g., 1% of the national budget for domestic defense; 50% reduction in violent crime -- is not a sophisticated way of analyzing the crime problem. It has a wild flavor. It is enough to say that crime is a continuing problem and that this proposal offers a better way of responding to it. This eliminates the promotional tone and the utopian aspect.

But my primary objection remains budgetary. Despite your intentions, this much of an outlay is likely to result in another LEAA.

I hope these comments are of some use to you. Thank you for giving me the opportunity to comment.

Sincerely,

Gerald M. Caplan  
Professor of Law

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 11, 1983

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Senator Specter's "White Paper" on a  
National Program to Cut Violent Crime

You have asked for my comments on the above-referenced White Paper, which was sent to you by Paul R. Michel of Senator Specter's staff. The paper details a series of criminal justice proposals costing \$8 billion per year over a 5-10 year period which allegedly will reduce violent crime by 50 percent. Mr. Michel indicates that they are considering introducing legislation to implement this program early in the 98th Congress.

The proposals in the White Paper would increase Federal law enforcement expenditures by \$2 billion, primarily by increasing resources available to DEA, FBI, USMS, and the U.S. Attorneys. Training, laboratory, and research resources would be doubled; the Bureau of Prisons would receive \$500 million for new construction.

State and local law enforcement would receive an additional \$6 billion. The biggest ticket items comprising the \$6 billion include \$1 billion for state prisons, \$700 million for juvenile delinquent programs, and \$500 million each for special detective squads, compensation for victims and witnesses, school police and counselors, neighborhood crime prevention programs, commercial crime prevention programs, and drug treatment programs.

At a time when a very modest increase in narcotics law enforcement resources requires an all-out effort by the Department of Justice and the Attorney General, it is unlikely that the major increases called for by this White Paper will receive any serious consideration. The proposals are the epitome of the "throw money at the problem" approach repeatedly rejected by Administration spokesmen. I have talked with Marshall Cain, Deputy Assistant Attorney General in the Office of Legislative Affairs, who did not recall a copy of the package being delivered to Justice. Cain advised that Michel often tries to obtain White House

approval of legislative proposals rather than dealing with Justice, and recommended that the package be forwarded to Justice for appropriate handling. I have prepared a letter to Michel for your signature, thanking him for the package and advising that you have transmitted it to Justice for appropriate consideration. A transmittal memorandum to Stan Morris is also attached.

Attachments

THE WHITE HOUSE

WASHINGTON

March 11, 1983

MEMORANDUM FOR STANLEY E. MORRIS  
ASSOCIATE DEPUTY ATTORNEY GENERAL

FROM: RICHARD A. HAUSER  
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Senator Specter's "White Paper" on a  
National Program to Cut Violent Crime

Attached for whatever consideration and handling you deem appropriate is a "white paper" describing a legislative proposal prepared by Paul R. Michel of Senator Specter's staff.

Attachment

RAH:JGR:aw 3/11/83

cc: RAHauser  
JGRoberts  
Subj.  
Chron

*not sent*

THE WHITE HOUSE

WASHINGTON

March 11, 1983

Dear Paul:

Thank you for providing me with a copy of your draft "white paper" on a national program to cut violent crime. Please be assured that the package will be reviewed with interest. I have also taken the liberty of forwarding a copy to the Department of Justice for appropriate consideration. As you know, that Department is responsible for preparing Administration legislative proposals in this area, and for developing Administration responses to other legislative proposals.

Thank you for advising us concerning your efforts.

Sincerely,

Richard A. Hauser  
Deputy Counsel  
to the President

Mr. Paul R. Michel  
c/o The Honorable Arlen Specter  
United States Senate  
Washington, D.C. 20510

RAH:JGR:aw 3/11/83

cc: RAHauser  
JGRoberts  
Subj.  
Chron

## United States Senate

WASHINGTON, D.C. 20510

*Richard A. Hauser*  
January 25, 1983

The Honorable Richard A. Hauser  
Deputy Counsel to the President  
The White House  
Washington, D.C. 20500

Dear Mr. Hauser:

Enclosed is a draft "white paper" outlining a major new Federal law enforcement effort aimed at substantially reducing violent crime and drug trafficking.

The paper proposes a comprehensive program based on Senator Specter's experience as District Attorney of Philadelphia, Judiciary Committee hearings of the past two years, the Report of the Attorney General's Violent Crime Task Force, and the conclusion of the 1973 National Commission on Criminal Justice Standards and Goals on which Senator Specter served.

With such a comprehensive program, we believe violent crime could be reduced by 50%. The program will cost money, but there is no other way to end the crime epidemic. We believe the American people will support the program as essential "domestic defense". We are suggesting an additional 1% of the federal budget be directed to this effort for a period of 5-10 years. The annual cost would be about \$8 billion. In our view, this expenditure will save many times that amount.

We are confident the program will succeed and be cost-effective, because, as the paper explains in great detail, the money would be applied to very specific and critical needs of the American criminal justice system. This program is, therefore, very different from LEAA or other prior efforts.

We are considering introducing legislation to implement such a program early in the 98th Congress. We would appreciate receiving your reaction and any suggestions you or your staff may have.

Please send your comments to me at 342 Russell Senate Office Building or call me at 224-9017. Thank you.

Sincerely,

*Paul R. Michel*

Paul R. Michel

PRM:wmw  
Enclosure:



DRAFT

Paul R. Michel  
1/19/83

Executive Summary: National Program to Cut Violent Crime

The United States now suffers four times more violent crime than in your youth and 20 to 100 times more than other industrial democracies. Random violence afflicts 1 in 10 American households every year, serious crime, 1 in every 3. The total loss to our society reaches \$100 billion a year.

Domestic criminals have succeeded where foreign armies failed: They have terrorized not only the millions victimized, but all Americans, denying our Constitutional rights and our inalienable birthright to the pursuit of happiness. According to repeated polls of public opinion, Americans worry more about crime than anything other than economic distress. Not even the Soviet threat is viewed as more serious.

Most violent felonies are premeditated crimes for profit, committed, without passion or provocation, against strangers by repeat offenders whose chosen livelihood is to prey on persons who appear vulnerable. Although an arrest is made in only 1 felony in 5, most of these "career criminals" are ultimately arrested repeatedly, even if for only a tiny fraction of the scores or hundreds of crimes they commit. Once taken into our criminal justice system, however, they often evade justice as effectively as they did arrest in other cases. Dismissals, delays, plea bargains, judge-shopping, unrealistic bail, lenient sentencing, early parole, crowded prisons, lack of job training, idleness and many other problems all help nullify laws, blunt deterrence and undermine public safety. Usually, the career criminals are back on the street soon, if not immediately. Even career robbers who are sent to prison serve, on the average, less than four years. Many serve only a few months.

In short, as the President has said, the problem is a "breakdown" in the system. The solution is simply to reorient it; treat serious defendants seriously. Since career criminals, though comprising less than 10% of all arrested commit more than 70% of all offenses, they warrant our greatest efforts. From investigation to release, violent career criminals should be singled out for highly concentrated attention and rapid, realistic disposition by all concerned. That is not improper "selective prosecution", just common sense, if uncommon practice.

Violent crime for profit truly can be cut in half in five years as proposed in 1973 by the National Commission on Criminal Justice Standards and Goals. What is required is a crash effort to focus far greater resources far more narrowly on correcting the specific deficiencies in the system that prevent it from incapacitating the truly dangerous.

The program proposes spending 1% of the federal budget on strengthening "domestic defense" against violent crime by increasing federal manpower and improving state criminal justice systems which would still handle 90% of the violent crime caseload. The budget allocation for criminal justice would rise from \$5 to \$13 billion (out of 800). The \$13 billion comprises a small fraction of the projected Pentagon budget of \$300 billion for the same years. Indeed, an increase of \$8 billion over a period of years compares with the addition in 1982 alone of \$50 billion for defense.

Cutting serious crime in half would cut the annual cost of crime in half, saving \$50 billion. Adding a few billion per year would not only save \$50 billion per year, but would also make the other 99% of the federal budget buy billions more value. In short, the program, which requires modest investment "up front", would more than pay for itself within a few years.

The most serious difficulty is not whether our country can find and afford the funds, but whether we now know enough about preventing violent career crime to pinpoint the new expenditures like laser beams rather than, as in the past, disperse them like a light bulb and whether doing so would, in fact, produce so large a reduction. The answer, in a word, is "yes". The attached chart shows in a page how this goal can be accomplished.

Really, the country cannot afford not to undertake this program.

The full cost of crime is incalculable. Property damage just from reported robberies and burglaries amounts to \$5 billion annually. The unreported losses may well equal that figure.

Applying the legal concept of pain and suffering and psychological distress, which are measurable and compensable damages under U. S. law, crime victims probably sustain an additional \$100 billion.

The full psychological impact, however, cannot be quantified; because it is suffered not by actual victims, but by potential victims -- all of us:

- What dollar amount can be attributed to the fright Americans experience when they hear an unexpected noise at 3:00 a.m. wondering if a burglar is in the house?
- What dollar amount can be attributed to the fear women experience as they walk home at night and a sudden movement toward them suggests a rape or assault or worse?
- What losses are sustained when business opportunities are ignored because of the risk of crime?
- What dollar amount can be attributed to cancellations and reschedulings to avoid events which conclude after dark?

Conservatively, the economically measurable cost of crime in this country approximates \$100 billion \*and the total cost, including the psychological effect on the entire population, reaches \$500 billion.

Adding to the anguish above the estimated dollar loss, crime is an intentional act unlike damages resulting from accidents or natural disasters beyond man's control. Compounding the agony, much crime is preventable -- if only the murderer had not been paroled, the robber had not been placed on probation, the burglar had not been acquitted because the policeman erroneously filled out a search warrant, or the rapist had not been on bail for 6 months, without being tried!

Government at all levels -- Federal, state and local -- now spends \$25 billion on crime control covering police, prosecutors, defenders, courts, prison and parole.

This program proposes an increased expenditure of \$8 billion per year, constituting 1% of the Federal budget with the realistic prospect of reducing violent crime by 50%.

\*/ The figure \$100 billion is based on calculations by Dr. Mark Cannon, Administrative Aide to the Chief Justice of the United States. Based on figures supplied by the National Institute of Justice, this total has been used by Dr. Cannon in various speeches and articles.

SUMMARY OF ANNUAL INCREASES BY FUNCTION

INCREASE (Thousands) millions	USE	RESULT
\$8,000	National attack on violent crime.	Reduce violent crime by 50% in five years.
<b>FEDERAL</b>		
200	Fugitive programs.	Triple arrest rate.
300	Federal robbery prosecutions.	Triple arrests.
500	Drug enforcement.	Triple the number of major arrests, seizures and forfeitures.
250	Training and support services to states.	Expand training and speed up support.
250	Research and development.	E.g., weapons detectors and computerization.
200	Construction of federal prisons.	Accommodate increased federal population.
300	Temporary detention facilities for state inmate "overflow" and permanent prisons for state habitual offenders sentenced to life.	End state overcrowding.
<hr/>		
\$2,000		
<b>STATE</b>		
500	Special detective squads.	Double arrest rate to 40%.
100	Case screening and diversion.	Cut minor and non-violent trials in half.
100	Career criminal units.	End plea bargains.
300	Diagnosis classification, and correctional programming.	Cut adult crime cycle.
1,000	Prison construction.	End overcrowding that causes short sentences.
300	Job and literacy training.	Make convicts employable.
700	Juvenile delinquent intervention.	Cut off escalating crime cycle.
300	Housing for Runaways.	Keep them out of prisons.
500	Victim/Witness assistance.	Compensation.
500	Crime prevention -- schools.	Cut violence and drugs in half.
500	Crime " -- neighborhoods.	Cut burglaries in half.
500	Crime " -- commercial.	Cut robberies in half.
500	Drug treatment.	End addiction.
200	Calendar control.	End delays.

\$6,000

SUMMARY OF ANNUAL INCREASES BY FUNCTION

INCREASE THOUSANDS)	USE	AGENCY	RESULT
8,000	National attack on Violent Crime — "SAVE" — Safety Against Violent Events		Reduce violent crime by 50% in five years
Federal 200	Fugitive programs	USMS:80; FBI:60; DEA:40; others 20 Quadruple resources.	Increase arrests from 40% to 90% of 80,000 warrants per year for federal and state vio- lent and drug offenders
300	New Federal prosecutions for violent crimes, such as bank and commer- cial robbery	FBI 250 (4,000 slots) and US Attorneys 50 (500 prosecutors).	Increase federal arrests from 3 to 13,000 per year, for robberies, especially armed career robbers.
500	Drug Enforcement	200 to double DEA (1900) investigators 100 for accountants, (1,000 CPA Corps) 100 for FBI, 50 for Customs, 50 for additional 500 Assi- stant US Attorneys (20% increase).	Triple the number of major arrests, seizures and forfeitures. Focus action on financing as much as on commodities to take profit away. Im- mobilize major organiza- tions.
250	Training, lab, identification, and other support services and tech- nical assistance to states by Federal agencies	FBI, Treasury, DEA, NIC, DOJ, NIJ Double resources.	Expand training and speed up support to respond to all state requests in timely fashion.
250	Research and Development. Design means to end plea-bargaining and cut trial delays in half.	BJS, NIJ, FBI LEAA, others Double resources.	Urgent violent crime pro- jects, including weapons detectors and computeri- zation of fingerprints, modi- operandi weapons, prior records, stolen property, co-conspirators, and case management and court calendars.
200	Construction of correctional facilities for federal inmates and operating costs.	BOP starts 4 new prisons and 4 new camps each year.	Build new prisons for in- creased federal population to prevent crowding and decreased security.
300	Temporary detention facilities for state inmate "overflow" and perma- nent prisons for confinement of all state habitual offenders sentenced to life.	BOP starts 8 camps and 2 prisons per year.	Build new prison camps and maximum security penitentiaries to end all state overcrowding.

INCREASE (THOUSANDS) State	USE	AGENCY	RESULT
500	Improve investigations with special detective squads	Local police departments — 100 cities per year.	Double violent crime arrest rate to 40%
100	Improve case screening and diversion	Local prosecution, courts, and probation agencies in 100 metropolitan jurisdictions per year.	Cut minor and non-violent trials in half and increase violent crime trials so plea bargains can be reduced, then eliminated
100	Improve violent crime prosecutions by forming career criminal units	Police, prosecution, court administration 100 cities per year.	End plea bargains
300	Improve convict diagnosis, classification, and correctional programming	State prison systems; all states	Cut adult crime cycle, isolate hardened offenders
1,000	Prison and other construction	State prison systems; all states with overcrowding—about 40.	End short sentences and other problems resulting from overcrowding
300	Job training/prison industry/functional literacy training	All state prison systems	End pressure of economic need as a cause of recidivism for unhardened convicts
700	Juvenile delinquent intervention	State and local authorities.	Cut off escalating crime cycle
300	Runaways and missing children	State authorities.	Create homes so these youth are not mingled with juvenile offenders or placed in prison-like facilities
500	Victim/witness	State authorities.	Aid and Compensation, where none other is available, for medical costs and lost wages
500	Crime prevention — Schools	School police and counselors.	Cut violence and drug sales by or to students in half
500	Crime prevention — Neighborhoods	Volunteer observers.	Cut burglaries in half
500	Crime prevention — Commercial	Security devices.	Cut robberies in half
500	Drug treatment	Local courts.	End addiction whenever possible
200	Calendar control applying Research and Development results to specific localities	Local courts.	End delays and judge shopping
6,000			

## A REALISTIC PROGRAM TO REDUCE VIOLENT CRIME BY 50%

### I. Introduction

Nearly ten years ago, after a decade of increasing crime and violence, the National Commission on Criminal Justice Standards and Goals recommended steps for reducing violent crime in America by 50%. Unfortunately, many of its key recommendations, such as abolition of plea-bargaining, were never implemented. Now, after another decade of escalating street crime, Americans are still waiting for the "crime control" and "safe streets" promised by Congress in a 1968 statute. In fact, the streets have gotten even more dangerous and crime more out of control.

Instead of being decreased 50%, as the Commission urged in 1973, violent crime increased 100%. Just since 1978, the violent crime rate has increased 30%. America's serious crime rate has risen 200% since 1960 and 400% since World War II. Year in and year out, increases in the crime rate exceeded increases in inflation. And, crime costs citizens even more than inflation and hurts them even worse.

Not only has crime continually increased for decades, but it is vastly worse in America than in any comparable country. The United States suffers much more crime per person than other industrial democracies -- 20 times more than England and 100 times more than Japan.

Our crime wave has grown so powerful that now it is destroying whole neighborhoods, bankrupting businesses, shrinking tax revenues, subverting schools and terrorizing senior citizens. The only bigger problem in America today is unemployment. Unemployment has numerous causes as many people realize, but few realize that crime is one of them. In fact, crime is cited by businesses as the most common cause for closings -- not taxes, not government regulation, not foreign competition, but crime.

Nor is violent crime a disaster limited, like a tornado, to some narrow swath. Once the scourge mainly of inner city slums, it now reaches everywhere -- cities, suburbs, towns and rural areas; its devastating impact hurts people at all economic levels; it condemns all Americans to living in fear. One in every three American households suffers from crime each year. No epidemic disease or natural disaster has ever ravaged so many Americans. Nor, in the past decade, has war. More Americans are killed each year by criminals than by enemy soldiers. As one witness wryly noted in a hearing before a Judiciary Subcommittee, the "score is: Americans killed by Russians -- 0; Americans killed by criminals -- 23,000 every year."

The psychological harm from our crime epidemic is immeasurable; the economic harm is not. More economic loss results from crime than from all natural disasters and disease epidemics



put together. Each year, crime costs Americans an astonishing 125 billion dollars. Property stolen just in burglaries accounts for \$4 billion. The total price of crime, however, is paid not just by the hapless victims, but by all of us -- in the form of higher prices, higher insurance rates and higher taxes.

Our national tolerance for the intolerable dismays America's allies and convinces critics that we are a stupid, suicidal, "sick" society. Tolerating crime breeds disrespect for law. Allowing so many to become actual victims and everyone else to become potential victims threatens to sabotage the social compact. When the law abiding see the lawless getting away with it, and sometimes getting rich, too, what happens to their own willingness to serve in the military, support their community, assist their schools, and pay their taxes? Crime threatens not only the safety of individuals, but the security of society. Yet, we still have not resolved to reduce it!

Eliminating crime must await utopia, but reducing violent crime cannot wait any longer. Strangely, we rarely even talk anymore about "reducing" crime. We talk, sometimes, about "crime control". That merely means stopping further increases! That) concedes defeat! We talk, often, about the "causes of crime", as a mystery which, once understood, would magically

end our national nightmare of random, anonymous criminal violence -- the muggings and murders, the rapes and robberies, the break-ins and burglaries.

We are, I suspect, resigned to this much crime because we have come to believe that we have no alternative. This conclusion has been corroborated each year by relentlessly rising crime rates.

Some social commentators argue that we cannot begin reducing crime until we finish eliminating poverty. Others urge minor adjustments in the criminal process as if it were an end in itself. They imply that further refinements in what is already by far the most complex, costly and cumbersome justice system in the world will somehow reduce crime. Still others minimize the role of the judicial process, arguing that decreasing the number of offenses requires increasing the number of policemen. Almost no one anymore believes that hardened criminals can be rehabilitated at will by correctional programs. For humanitarian reasons, prison reform is still championed by concerned persons. But, few believe that reducing prison overcrowding will reduce recidivism.

Our criminal justice system exists primarily to secure safety for citizens -- in our streets, schools and homes. It must be fair, but also effective. Judged by its results, our system is failing. As President Reagan said, our criminal

justice system has suffered a "breakdown". Actually, the breakdown is in the state courts, which have been overwhelmed by the volume of cases. State enforcement efforts need federal help.

Combatting violent crime has traditionally been, and I believe should remain, primarily a local responsibility. Primarily, but not exclusively. Indeed, the Constitution of the United States makes clear that crime control is also a federal responsibility. It obligates our national government to secure "the general welfare", and the Executive "to see that the laws are faithfully executed." In taking their oaths of office, federal officials swear to defend the Constitution and the country from "all enemies, foreign and domestic." And violent criminals are our most harmful domestic enemies.

More protection from crime means more resources. Our Chief Justice asserts that "domestic defense" is no less urgent than national defense. I believe the Justice Department needs sufficient resources as much as the Pentagon. Yet, we spent more than 35% of our federal budget on national defense, and less than 1/2 of 1% on domestic defense. Recently, we have -- I think properly -- increased the defense budget sharply, even after accounting for inflation, to compensate for years of neglect. But, we have neglected to raise our Justice budget enough to offset inflation. Few Americans realize that since 1975, while the number of soldiers increased, the number of FBI agents decreased.

Other ironies abound in this comparison.

For years, we heard of the "missile gap", but not of the "sentencing gap". Legislatures make robbery a crime punishable by 10 to 20 years imprisonment, but many courts regularly give first time robbers probation or short jail sentences; even repeaters, on the average, serve less than four years.

We worry, properly, about foreign adversaries having "a definite margin of superiority" in strategic arms. What about the "inferiority" of the law abiding citizen to the career criminal? The criminal goes about freely; the citizen changes his lifestyle. Or the "inferiority" of the manpower and equipment -- planes, boats, radios -- of the drug enforcers, compared to the drug traffickers.

We are concerned, correctly, that imbalance in military forces has opened a "window of vulnerability." With three million burglaries a year in our country, one for every 14 American households, another "window of vulnerability" we need to be concerned about is every window in our homes.

We believe instinctively in deterrence against the Soviets. We take it on faith that potential adversaries are deterred by the threat of retaliation. Yet, we lack faith that criminals too can be deterred. Instead, some scholars demand massive empirical proof of this obvious fact. Some then declare the evidence unreliable and the results inconclusive. Always, however, they recommend further research. More studies are not needed, more action is.

In the past 15 years, we have created five national commissions to make recommendations on combatting crime and violence, and spent more than \$7 billion on federal financial assistance. The money, by and large, was not wisely spent. The recommendations, were, by and large, ignored. Now we are doing it once again.

The report of the most recent commission, the Attorney General's Violent Crime Task Force, was presented well over a year ago -- on August 17, 1981. It contained 64 principal recommendations and scores of subsidiary ones on actions the federal government should take. Most would entail increased expenditures; nearly all of these have been silently shunned. While, indiscriminate spending would produce as little progress as in the past, these recommendations are practical, proven and cost-effective. Their vigorous implementation is needed desperately. The required actions are affordable. In fact, what we cannot afford is inaction.

The total cost of implementing these and other necessary steps would be \$8 billion a year. If our country can afford to increase defense spending by more than \$50 billion this year alone, we can certainly afford 1/6 of that increase to reduce violent crime.

I spent fifteen years in law enforcement, served two terms as District Attorney of Philadelphia and was a member of the National Commission on Criminal Justice Standards and

Goals. From my personal experience, I am convinced that a practical program for this price can, in fact, cut violent crime in this country in half in five years.

The basic outlines of the program can be found in the reports of the National Commission on Criminal Justice Standards and Goals: eliminate plea bargaining, concentrate on career criminals, make punishment swift, sure and sufficient, assure speedy trials and appeals, teach short-term prisoners marketable job skills, incarcerate unrehabilitatable repeat violent felons for lengthy periods. On specifics, some of the necessary actions were set forth in the Violent Crime Task Force Report -- reform bail laws for dangerous offenders, eliminate early release on parole, and, most importantly, increase federal law enforcement, prosecutive, and correctional personnel and facilities, and provide the states with the financial assistance they need to curtail crime.

The rest of the actions needed are set forth in my Program for Violent Crime.

In truth, we have as much know-how for crime curtailment as for national defense or space exploration. We can find the funds. We lack only the will.

## II. The Program

It is a program, not just a set of goals and guidelines. In essence, it targets specific "program activities" in the federal budget for increases that will reduce crime.

1. Fugitives

There were more than 40,000 violent crime fugitives whom the federal government was responsible for locating and apprehending as of 1981. In all, there were 180,000 fugitives being sought, a very large portion of the non-violent offenders being drug traffickers. The vast majority have fled from local authorities. They are a federal responsibility because they are thought to have fled across state lines. Federal warrants have been issued for their arrest. Federal agents must find them.

The Marshals Service is the principal federal agency responsible for finding them. It is a most difficult investigative task since by definition fugitives are specifically trying to avoid being found and therefore avoid former homes, work places and friends. They often have many months "head start" on the Marshals who seldom receive productive investigative leads when they receive the warrants. Despite these difficulties, because of other essential duties and insufficient manpower, the Marshals Service is able to devote only 400 employees to criminal fugitive warrants in the entire country. Nor are all of them Deputy Marshals. Some are clerks and other support personnel.

As a result, only a small fraction of these violent and drug fugitive cases can be actively investigated on an on-going

basis. In most cases, the warrant is merely kept on file should the person be arrested again. Paradoxically, if they are later arrested for a serious crime, execution of the warrant will be both too late -- since the further offense will already have been committed -- and unnecessary -- since the new offense itself will probably lead to incarceration.

The Marshals' fugitive manpower should be at least doubled over the next two and a half years and redoubled by the end of five years. The cost of increasing the warrant manpower from 400 to 1600 would be about \$80 million per year.

The result would be to prevent tens of thousands of violent felonies. The program would result in far faster apprehensions as well as apprehensions of many fugitives who otherwise would never be found at all. Most of these offenders are recidivists who fled precisely because they feared long jail sentences. Many are true "career criminals" -- offenders who commit scores or even hundreds of offenses each year. Some average a felony a day. Apprehending just one such violent fugitive a year earlier, would thus prevent more than 300 serious crimes, save 300 people from being victims, avoid many thousands or tens of thousands of dollars in losses. Each such arrest would measurably reduce violent crime.

At present, the Marshals receive twice as many warrants as they can serve each year and now have a backlog of about



40,000 warrants. They receive 63,000 warrants of the total of about 77,000 issued each year. They serve about 40%. The warrant program consumes about \$18 million per year. Raising the investment to \$80 million would double and redouble the manpower and increase the clearance rate from 40% to 90%, eliminate the backlog, allow the Marshals to stay current and enable them to catch more major fugitives.

Proportional increases in the fugitive personnel of: the FBI; (2) DEA; and (3) all the other agencies would also be required, costing \$120 million a year. These increases are important too, for often the agency that originally investigated the fugitive from federal court will be best equipped to find him. Thus, when a federal drug defendant jumps bail before trial, the Drug Enforcement Administration, which is the responsible agency, is best prepared to succeed. (The Marshals are responsible after trial, regardless of offense.) The same reasoning applies to the FBI for bank robbers, terrorists and organized crime goons and other agencies for other offenders.

The FBI currently devotes about 300 positions and \$14 million to fugitive work and has primary responsibility for about 2500 federal violent crime warrants. The clearance rate is 40%. Therefore, \$60 million would be added to its fugitive program, allowing a doubling of manpower in 2 1/2 years and a redoubling in 5 years. DEA would receive \$40 million. The balance of \$20 million would be divided among ATF, Customs, IRS, Secret Service, et al.

2. The FBI Bank Robbery Program

Another manpower increase which would surely be cost-effective against violent offenders would be in the FBI Personal Crimes Program. The major offense in this program is bank robbery. While every bank robbery is a federal felony and nearly all bank robberies were once investigated entirely by the FBI, today the majority of these cases are turned over to local police and prosecutors shortly after an initial FBI response team rushes to the scene of the robbery. Many of these transfers are justified. For example, where a sole, unarmed robber is caught in the bank or trying to escape, the nationwide capabilities and expertise of the FBI are hardly needed. However, insufficient manpower in the FBI requires transfer of many cases in which apprehension by FBI would be more likely and faster. . .

Moreover, federal prosecutions are far faster and federal sentences far longer than in most urban state courts. Federal robbery trials are nearly always held within two months of indictment, whereas in many state courts such cases remain untried 6-9-12 months after indictment. State robbery sentences (all types) actually served averaged less than four years, even for offenders with prior convictions. Federal sentences imposed on bank robbers average more than 12 years. Therefore, federal handling vastly reduces the chances for the bank robber to escape arrest or to continue to commit violent felonies

before trial or upon early release from prison. Nor do bank robberies constitute an unmanageable burden since there are about 9000 per year in the entire country. They represent a small, stable and clearly defined sub category of all robberies, comprising well under 2%. At present, the FBI handles less than 4,000, making arrests in about 2,000 cases.

The FBI manpower allocated to the Personal Crimes (bank robbery) Program has been greatly reduced in recent years and now stands at about 1000 and \$45 million. Meanwhile, bank robberies rose 70% since 1977. Thus, FBI now handles a smaller percentage of the cases that need FBI handling. In order to handle all the bank robberies that can be better handled at the federal level, the FBI's allocation to this program should be doubled and redoubled over the next five years. The cost would be about \$200 million per year. The FBI could then handle 6-7,000 cases.

### 3. The Commercial Robbery Program

Under the Hobbs Act, any robbery that "interferes with" or "in any degree affects interstate commerce" is a federal felony. The policy of the Justice Department, however, has been not to prosecute such robberies, except in rare cases involving "wide-ranging schemes" or "organized crime" groups. The statute itself contains no such restrictions. Nor does it require that a firearm was used, that the perpetrators abused

the instrumentalities of interstate commerce such as the mails or that they travelled in interstate commerce in connection with the robbery. In fact, court opinions on the coverage of the Hobbs Act have made plain that the Act applies even to "local" robberies where the effect on interstate commerce is "indirect" and "minimal". Indirect effects have been found whenever the taking depleted the inventory or assets of a business which buys goods in interstate commerce. There is little doubt therefore, that the Hobbs Act applies to virtually every robbery of a store, business office, factory, restaurant, hotel or other place of public accommodation.

Despite this broad statute that potentially could result in many thousands of federal robbery prosecutions (in addition to those for bank robbery), in fact fewer than 50 cases a year are brought for these "commercial robberies" in the entire country. The lack of resources and the declination policy have virtually nullified this Congressional enactment.

The justification has been that commercial robberies are adequately handled in the state system. Yet, it is indisputable that in many cities, the backlogs in state court combined with plea-bargaining result in short "misdemeanor" sentences, if not probation, for these serious felonies. Robbery, after all, is one of the five violent felonies historically regarded as so serious as to warrant application of the "felony

murder rule" whereby a killing in the course of such a felony is automatically first degree murder, even where the felon(s) originally had no plan or intent to kill.

Although recent Congresses have considered bills to make it a federal offense to rob a pharmacy, no efforts have been made to compel, encourage or enable the Attorney General to enforce the Hobbs Act and use it in such cases. Two strong arguments in favor of the pharmacy bill were that very often the perpetrators are narcotics addicts and carry firearms. Thus, pharmacy robberies tend to be rather aggravated and dangerous and to involve serious offenders with narcotics habits and long criminal records. Pharmacy robberies thus share some of the characteristics of bank robberies that helped make the latter appropriate for federal action. Many robberies of business offices, hotels and restaurants also share these characteristics.

Federal resources currently allocated to these "commercial robberies" are negligible. To be capable of handling all commercial robberies that are highly complicated or conspiratorial, plainly interstate, or in which guns are discharged, the FBI would have to be expanded by about 1000 persons over a five year period. The cost would be about \$50 million. Estimates are that 10,000 robberies per year fit one or more of these three criteria. With 1,000 persons, the FBI could handle at least half these cases.

Corresponding increases in prosecutors would be necessary. For \$50 million, 500 prosecutors could be added to the existing corps of nearly 2,000 and could handle the additional bank robbery and commercial robbery cases.

4. DEA and the Drug Enforcement Program

Interstate drug trafficking, unlike bank robbery or commercial robbery, is primarily, if not exclusively, a federal enforcement responsibility. Yet, DEA has only about 1500 investigative agents to cover all the cities that serve as distribution points in the trafficking networks. There are at least twenty cities that are major hubs and dozens more that are minor hubs. In addition, DEA has regulatory, training, overseas and intelligence responsibilities that are critical and divert personnel. Thus, only about 1500 agents of a total of 1900 actually investigate in U.S. cities. Therefore, there are fewer than 100 agents on the average to cover each major hub city. In the other hubs, DEA offices typically have fewer than a dozen agents. That is not even enough manpower to staff even one wiretap! Clearly, two to four times as many agents are needed.

DEA's annual budget is about \$227 million. To double its manpower would cost \$200 million a year. Since a high percentage of robberies and violent crimes are committed by narcotics addicts and since addicts commit offenses six times more frequently

when taking drugs than in periods of abstinence, reducing the availability of narcotics will help reduce violent crime.

According to testimony before the Senate Judiciary Subcommittee on Juvenile Justice by Dr. John Ball and other experts, these addict/criminals each commit multiple crimes nearly everyday of the year. They are thus the very worst of the career criminals who as a group comprise less than 10% of all persons arrested but are responsible for more than 70% of all violent offenses committed.

In addition, DEA should hire, train and integrate with its investigators, financial analysts with CPA credentials. A corps of 500 such accountants should be gradually built up over a five year period. They must be supported by "accounting assistants" on a one-for-one basis, as well as, secretaries and clerks. The total cost would be about \$100 million per year. It should soon result in additional forfeitures of many times that amount. Until the vast profits are taken out of drug trafficking, there will always be ample replacements for those imprisoned. Adequate deterrence against drug traffickers requires that the government capture the profits too.

Corresponding increases in FBI and prosecution manpower devoted to drug enforcement would be required. To pay for the 2,000 FBI personnel would cost \$100 million per year. Another \$50 million would be needed for 500 additional prosecutors. The U. S. Customs Service would get \$50 million for 1,000 additional personnel to improve enforcement at the borders and the country's air and sea ports.

With these additional resources, we could triple the 9,000 drug arrests and the major seizures and forfeitures per year.

5. The Emergency Corrections Program

The federal manpower increases called for above will, of course, produce more federal prison inmates. Adding investigators will produce predictable increases in arrests, prosecutions and convictions in each of four categories: fugitives, bank robbers, commercial robbers and drug traffickers. Once convicted, nearly all of these felons will be sentenced to prison, most of them for substantial terms. Indeed, the bulk of the present federal prison population consists of bank robbers and drug traffickers. Consequently, substantial increases will be needed in federal prison capacity to accommodate these additional convicts. The state prison systems certainly cannot help, for most of them are severely overcrowded already.

a. Start New Federal Prisons

The solutions are, first, to build new permanent federal facilities, for federal inmates, starting four medium or maximum security institutions (capacity 500) per year for the next five years and four prison camps. The cost to build and operate them will be about \$200-230 million per year.



The camps could be opened in about one year of the start and the prisons in about four years of the start of site acquisition. In the meanwhile, increases in the medium to maximum security population could and would be absorbed by existing institutions.

b. Open Temporary Prison Camps For State Convicts

Second, in the meanwhile, extensive use should be made, on a temporary basis, of military barracks on abandoned military bases or unused portions of bases, for state inmates. Existing buildings can be renovated within 6-18 months at modest cost. Since there is no need for the military to charge rent for the buildings and grounds, most of the cost will be for renovation, upkeep and staff. For 200 million dollars per year, the U.S. Bureau of Prisons, within 1-2 years, could open 8 minimum security prison camps per year that could house some 4 thousand inmates for up to three years. These facilities would be used primarily to relieve state overcrowding pending completion of permanent state prison buildings. They could also handle any federal "overflow" of minimum security inmates.

This temporary program is essential since it takes nearly five years to build a prison--from the initial decision to the entry of inmates. Thus, the states cannot eliminate their overcrowding fast enough to meet court orders (usually federal) to release inmates, even those who have not served their sentences or are unready for release, in order for the remaining inmates

to "fit" in the prison buildings under constitutionally permitted circumstances. More than half the states presently face such a situation. So that the federal government is assured that necessary state prison space will be made available as soon as possible, it could pre-condition a state's eligibility for the federal emergency program for state inmates on the state's beginning construction of prisons for the same number of inmates the federal government is being asked to house temporarily.

Although such temporary "barracks style" facilities would be unsuitable for robbers and for some of the drug traffickers, the Federal Prison System's three next largest population subgroups are immigration violators, theft defendants and fraud convicts, most of whom could safely be placed there. Among state prison populations, about 1/3 are "property offenders", most of whom probably are suitable for such facilities.

Changing prosecution policies and increasing manpower for offenses like "commercial robbery" will itself relieve state prison overcrowding, as will using temporary federal prison camps to house state "property" inmates. Nevertheless, more than 95% of violent criminals are now in the state systems and these changes will not alter the division by about more than 10%. Therefore, the long range needs of public safety cannot

be met in any other way than by expanding the capacity of the jails in nearly every major city and the prisons in nearly every populous state. This step, strongly advocated by the Attorney General's Task Force, will require large and continuing expenditures. Billions of dollars must be spent over a five to ten year period to build more state prisons. There is no way to avoid it and still reduce violent and major crime.

However, an additional way the Federal Government could help relieve overcrowding in state prisons would be to house state inmates sentenced to life imprisonment under the habitual criminal statutes in force in some 45 states. These inmates are unusually costly to house both because of the high level of security required and the length of their incarceration. Often they are confined in the most severely overcrowded facility in the state.

At present, the habitual criminal statutes are rarely used to impose life sentences even for convicts with four, six or eight prior felony convictions. One of the main deterrents is the overcrowding. Another may be the cost. With current knowledge about the realities of recidivism and rehabilitation for this limited group of repeat offenders, the logical policy is incapacitation by imprisonment for life or an equivalent term. While for less hardened offenders, greatly increased efforts at rehabilitation are justified, for this group they are not.

Therefore, to encourage state authorities, in appropriate cases in accordance with existing state law, to impose life sentences on career criminals it is proposed that the Federal Government offer to house such inmates on behalf of the states. Each year, two maximum security federal prisons would be started for this purpose, costing \$70 million per year to build and operate. Their capacity when completed would be 4-5,000, enough to accommodate all the anticipated cases. Current estimates are that there are only 300 to 1,000 inmates now serving life sentences under habitual criminal statutes.

Since the prisons started in the first year of the program would not open until the fourth year, there would be a delay in accepting any of these state inmates. While the federal prison system has enough flexibility to absorb medium security inmates, whether federal or state, life sentence violent criminals would require the highest security level and the few federal facilities suitable for these offenders are presently filled to their safe capacity.

The total cost of the camps and prisons for state inmates would be \$270-300 million per year, including construction and operating costs.

c. Federal Financial Assistance for State  
Prison Construction

Like construction of the Interstate Highway System, this endeavor can appropriately be a joint one. The proper federal role is to meet emergency needs by opening temporary prison camps and to help meet long term needs by securing financing, e.g., by guaranteeing loans. In the mid-term, the federal government should at least contribute toward construction costs in proportion to the inmates it could have, but did not prosecute in federal court. In other words, there should be a presumption that in enacting the various statutes that created concurrent federal jurisdiction for drug trafficking and certain violent crimes, even though plenary state jurisdiction was already in existence, Congress intended substantial federal participation in one form or other. Generally, that means federal prosecution leading to incarceration in federal prisons. Where, however, state prosecution is initiated, the federal role should be to help pay for the prisons to house the persons so convicted.

Surely, an equitable and empirically sound formula could be worked out. By rough estimate, perhaps 1/3 of all robbers (and all bank and store robbers) involve federal responsibility. Drug traffickers require a more arbitrary determination. Technically, all sellers are a federal problem for all sales are a

federal offense. Besides, even the lowest level dealer is nearly always connected to an interstate network. Often he is a "soldier" in an established organization. Yet a "street seller" who sells in quantities of one bag of heroin or a "user's" amount of a dangerous drug seems too small an operator to be considered truly a federal responsibility. For simplicity, perhaps all possession cases, except those rare cases involving very large quantities, should be deemed state cases and all sale cases, except of "single user" quantities, federal cases.

In any event, the federal government would pay for a proportional part of the cost of all new prisons constructed by various states in the next five years. The federal share of the cost can be calculated with data available to the National Institute of Corrections. It would be about \$5 billion, depending on how fast the states started new prisons. Since most states failed to build any new prisons in recent decades, the financial incentive of "matching federal grants" is apparently needed. It can be expected to work because the states now recognize the urgency. In order to control and limit such federal grants and fix the total annual appropriation for budgetary purposes, Congress could put a cap of \$1 billion per year on the prison fund. Generally, it might be operated much like the highway construction trust fund, making grants available to qualifying states on a first come, first served basis.

This procedure might further increase the incentive for states to begin a serious building program promptly. Indeed, the Congress could stipulate that the funds could only be used in the year appropriated, if still stronger incentives are needed to get the states started on a crash building program.

Research and Development and Support

The balance of \$500 million of the \$2 billion appropriated for federal activity would go to federal agencies to double the resources presently available for research and development and for training and support of state and local criminal justice agencies. The objectives would include developing means to end plea bargaining and trial delays. Computer technology would be adapted both to investigative and calendar control tasks. Training would be greatly expanded and identification and lab support speeded up.

6. State Assistance

Some \$6 billion per year would be given to state and local authorities for new and augmentation programs for police, courts and corrections specifically for career criminals and violent offenders. The goal would be to assure swifter apprehension, sufficient evidence for conviction of the major charge, greatly expedited trial and sentencing, and corrections programs designed to rehabilitate first or second offenders convicted of violent felonies-with the emphasis on training in marketable job skills and basic English reading and writing, and incapacitate

third offenders with lengthy sentences of between 15 years and life. Thus, the program, described below, to improve rehabilitation programs complements the approach of S. 1688, The Armed Career Criminal Act, which was passed by the Senate on September 30, 1982 by vote of 92 to 1. The Act requires a mandatory minimum sentence of 15 years up to life for a third conviction of robbery or burglary when a gun is used in the new offense. The approach for these hardened violent offenders is "to throw away the key."

a. Special Police Squads

The theory is that at every stage from the commission of the offense through service of sentence, violent offenders and career criminals would be singled out for special attention, handling and treatment. The first goal would be to: double the apprehension rate (15% to 30% for professional burglars); (19% to 40% for professional robbers, etc.). This would mean creating or expanding special police squads of highly trained investigators who would respond immediately and in force to the scene of every violent felony and conduct full-scale investigations there, including intensive interviews of all witnesses, and who would follow-up on all leads, vigorously and continuously. It would require greater use of undercover operations like "stings" and "decoys", greater use of forensic laboratory services, more extensive efforts to trace firearms and stolen property and many other steps. The results would be:



1. More career criminals would get caught;
2. they would be arrested sooner;
3. the evidence would be stronger; and
4. a higher percentage would be convicted of the main crime and sentenced to appropriate terms.

The ultimate consequences would be a sharp increase in deterrence which should substantially lower the rate of violent felonies for profit. Those not deterred would be incapacitated with strong cases, fast trials and long sentences. This would further lower the violent crime rate.

In many cities, the Police Department would have to create special detective squads for rape, robbery, burglary, narcotics trafficking, etc. Most cities already have a Homicide Squad. Its operations and techniques could provide a very useful general model for the new squads.

The federal role would be to stimulate the creation of these squads, paying full costs for one year. If further federal funding were thought essential, starting in the second year, states could be required to assume costs in 25% annual increments. Thus, in its first "transitional" year the squad would be paid for 75% with federal funds. Federal support would decrease to 50% in the second year and to 25% in the third year. In the fourth year, local authorities would pay

the full cost. Under the first approach, 100 cities per year could be given \$5 million for one year. Thus, 500 cities could be helped. Under the second approach, 100 cities could be helped in the first year and an additional 50 cities in each succeeding year for a total of 300 cities.

In specific terms, formation of such squads in a typical city would mean hiring and training (or retraining), on the average, about 100 detectives. In cities which already have such units, the goal would be to double their size. The cost per city would be average about \$5 million per year, including costs of training, salaries, support personnel, space (where needed) and other such costs.

The total cost to thus assist police departments in cities would be \$500 million per year.

b. Career Criminal Units

In similar fashion, money should be spent to create or double the size of the Career Criminal Units or specialized prosecution units for rape, robbery, burglary and drug trafficking in the U.S. Attorney and district attorney's offices in the 500 largest counties in the U.S. These units assign a prosecutor to stay with each case from start to finish for thorough preparation and aggressive handling without plea-bargaining. The results are significantly higher conviction rates and far longer sentences for career criminals

and violent felons. Such programs, which were started in district attorneys offices in 25 major cities (counties) between 1975-80, proved to have high impact and, at an average of only \$1 million per city, to be highly cost-effective. The program would cost \$100 million per year. It would provide \$1 million for one year only to 100 cities per year for a total of 500 jurisdictions.

c. Case Screening and Diversion

The most crucial reform needed in U.S. criminal justice is the elimination of plea-bargaining in violent crime cases. More than any other cause, plea-bargaining results in dangerous repeat offenders being released on probation or after serving brief jail sentences. Although in most states, robbery, a major felony, is punishable by 10-20 years imprisonment in the state penitentiary, many defendants convicted of robbery receive only misdemeanor sentences and serve less than two years, often less than one year, in the county jail. In fact, the average time served for robbery in the United States is less than three years. Even defendants with prior felony convictions serve, on the average, less than four years.

Such inadequate sentences result from plea-bargains made under duress by prosecutors because the state courts in most urban areas simply cannot try enough cases. Indeed, in many cities, up to 80% of the cases, including violent felonies, are disposed of not by trial but by guilty plea based on

concessions by the government on sentencing. Court congestion and trial delays in combination with ever increasing caseloads that reflect ever increasing crime create the pressure for plea-bargaining. Overcrowded jails and prisons only increase the pressure felt by judges to accept plea and sentence agreements that do not reflect the seriousness of the crime or the criminal.

To try more major cases requires trying fewer minor cases. Diversion of minor and non-violent cases involving defendants who can be rehabilitated is an essential step. It has been tried and proven highly effective in many populous jurisdictions, including Philadelphia where, as District Attorney, I instituted a diversion program called Accelerated Rehabilitative Disposition. Cases were carefully screened for inclusion in the A.R.D. program which disposed of several hundred cases a week despite using only one judge for one day. Defendants were placed on probation without conviction. The National Commission of Criminal Justice Standards and Goals recognized this program and recommended such diversion programs as appropriated and essential to immediately reducing and ultimately eliminating plea-bargaining, which the Commission also recommended.

Similar diversion programs have been successfully utilized in federal courts, particularly for drug offenders who were

essentially addicts as opposed to traffickers. Although such programs are essential to relieving court congestion, they are not as widely used as they should be. Federal "seed money" is needed to help persuade additional jurisdictions to institute diversion programs. Once authorities see the benefits demonstrated in their own courts, they can be expected to continue and expand the programs and to assume the costs.

Better screening of cases entering both misdemeanor and felony courts is also needed. With their overwhelming case-loads, courts cannot afford to waste scarce resources -- judges, prosecutors, defenders -- on cases that cannot realistically be expected to lead to conviction. All possible judicial time must be carefully husbanded to and applied to disposing of major and violent cases. Intake programs have proven effective in many different kinds of jurisdictions. They should be implemented in all jurisdictions that face crowded court dockets. Again, federal seed money is needed to stimulate the start of such programs in new places.

For \$100 million per year, 100 cities each year can institute these programs.

d. Diagnostic and Classification Improvements  
for Prisoners

Just as better case screening will improve the results of court efforts, better screening of convicts will improve the

odds of reducing recidivism. It is true that many convicted persons are adversely influenced by their fellow inmates and that, for them, prisons become schools for crime. But this problem can be diminished although not eliminated by better classification procedures so younger and less serious offenders are not intermingled with career criminals and other hardened or older offenders. In addition, better diagnosis of the specific nature of any drug or alcohol addiction and deficiencies in basic literacy and job skills can greatly improve the chances of rehabilitation if coupled with resources to provide more training, education, counselling, detoxification and prison industry. Specific programs should be formulated individually, for each inmate to encourage him to attain basic English literacy, which most violent crime convicts lack, and to acquire marketable job skills in order to have a realistic chance of obtaining and keeping employment.

Resources for rehabilitation will always be less than the need. Therefore, none can be wasted on inmates who are unlikely to profit from them or misdirected to inmates who need some other kind of training than what is provided to them. The reality is that virtually all first offenders and most second offenders convicted of violent crimes will be released within a few years. Improving public safety requires reducing the recidivism of these groups as much as it requires lengthy incarceration of career criminals with three or more felony convictions.

The U. S. Bureau of Prisons and several state prison systems have sufficiently perfected techniques for diagnostic and classification services and for individualized correctional programming to warrant the replication of these programs in all state prison systems and county jails that do not already have them. The emphasis, of course, should be on the state prisons and on violent offenders.

For \$300 million per year, all state systems could begin or expand such programs. By the end of a five year period, enough evidence of lower recidivism rates should have been accumulated to convince the recipients to continue these programs with state and local funding. Meanwhile, the public, not to mention the inmates, would derive important benefits in reduced crime rates.

The importance of these steps cannot be overestimated. Recent studies show that a small percentage of offenders commit the majority of all violent offenses. Accordingly, a small reduction in the recidivism rate for these offenders when released from prison following a first or second conviction should produce a large reduction in the crime rates.

e. Training in Job Skills and Basic Literacy

The evidence is overwhelming that most offenders convicted of violent crimes are functionally illiterate and practically

unemployable. Mandatory programs should be instituted in all state prisons to teach 6th grade literacy and basic industrial and commercial skills to all inmates, except the very few who lack the ability or will to achieve even these modest goals.

Many state systems and the federal prison system have developed various techniques, including prison industries, for these purposes. Unfortunately, many state institutions do not have adequate programs and some have none at all.

For \$300 million a year, all state institutions could, over a five year period, begin or expand such training. On the average, each state would receive \$6 million per year.

The realities of local and state politics, all the more so in these times of economic distress, simply preclude getting such funding from most state legislatures. Again, the hope is that once started, the value to public safety of such programs will ultimately be sufficiently recognized to warrant their continuation with state funds.

f. Juvenile Delinquent Intervention

About one-third of all violent crime is committed by young offenders. Nearly all these offenders have a long history of escalating criminality, typically starting at about age 9 or 10 with truancy and shoplifting, then burglary of vacant premises at 12, burglary of residences at 14, followed by robbery at 16 and armed robbery at 18. To control and



reduce violent crime in this country, we must prevent adults sent to prison from simply being replaced by such "graduating" juveniles. Recent studies by Professor Marvin Wolfgang and others reveal that only 6% of the juveniles who commit any offense commit about 70% of all the crime committed by their age group. Moreover, procedures have been developed by the Rand Corporation for identifying this group, so the efforts to cut off this escalating crime cycle can be concentrated on the small percentage of juvenile offenders who are on this path toward major violence.

It is proposed to grant to state and local authorities \$700 million per year to vastly increase counselling and other efforts to intervene vigorously and early enough to divert the juvenile from a life of felonious violence. Such intervention should focus on juveniles in the 10-13 age group to have optimal chances of success. The funds would enable 100 cities to each spend \$7 million each year to create or expand such intervention capabilities to prevent development of future career robbers. If local authorities are required to assume the costs in 25% annual increments, starting in the second year, an additional 200 jurisdictions could participate over a five year period.

Two closely related programs are also recommended: (1) crime prevention in schools -- \$500 million per year; and (2) runaways and missing children -- \$<sup>3</sup>700 million per year.

g. Crime Prevention in Schools

The school program would focus on elementary and junior high school students and apply counselling and other services to potential juvenile delinquents upon the earliest signs of trouble. According to studies and testimony before the Subcommittee on Juvenile Justice, teachers often identify future criminals even earlier than Juvenile Court authorities. For those youth who do get taken to court, the schools must become part of any correctional program for the individual that may be ordered by the court and implemented primarily by probation personnel.

Resources for such efforts are vastly inadequate. Politically, they are difficult to secure from state and local legislative bodies. Any additional resources that might become available to schools would ordinarily go to the instructional program. The purpose of federal funding would be to replicate proven successes from comparable school systems in all systems with the need. The \$500 million per year would pay for the institution of such programs in several hundred school systems.

The programs would stress not so much services to individual youth, but improving the discipline in the school by preventing classroom and hallway violence, drug trafficking and vandalism. Thus, in addition to special counselling, the programs could include additional security personnel and devices.

h. Runaways and Missing Children

The program for runaways would provide funds to maintain, expand or build suitable facilities for homeless youth so they are not intermingled with juvenile offenders or placed in prison-like facilities. One of the great successes of the federal Office of Juvenile Justice and Delinquency Prevention was the de-institutionalization of runaways and other youth who had committed no crime.

On the average, each state would receive \$6 million per year for a total national investment of \$300 million.

The money would also help pay for computerized and other information services so important to the families of missing children. Often these children have been the subject of "parental kidnapping". The spouse with whom they had been living have no knowledge of the child's whereabouts or welfare.

i. Adult Crime Prevention

Programs at \$500 million per year each are also proposed for Neighborhood and Commercial Crime Prevention. Numerous well-proven models exist and would be replicated in hundreds of new cities and thousands of new neighborhoods. An example of the former is the neighborhood watch programs in which volunteer residents patrol their area with radio and other equipment provided by the government. They report suspicious persons and events to police who exclusively handle

all investigative or enforcement actions. An example of the latter is the installation in stores of cameras and other security devices to help deter crime as well as assist in the identification and apprehension of criminals. For instance, money marked with a strong dye might be furnished to store tellers and clerks to be given to any robbers.

The funding level would allow 500 cities per year to participate in these two programs. Funding would be for a single year. Thus, over five years, 2,500 cities and towns would benefit.

j. Drug Treatment

One of the best possible crime prevention measures would be improved efforts to detoxify drug addicts and habitual abusers of controlled substances. Studies show that a high percentage of crime, including violent crime, is committed by addicts. One study showed that of 243 randomly selected addicts, 238 committed crimes. Moreover, they committed an astonishing 500,000 crimes over an 11 year period. They averaged 2,000 major and minor offenses for every year on the street and committed one or more crimes on nearly 350 days of the year. Another study showed that a group of robbers serving state prison sentences were mostly addicts and committed six drug sales for every robbery.

The proposal is to add \$500 million per year to the treatment efforts of state and local authorities, concentrating on addicts who are violent offenders. The money would be for starting or expanding treatment programs and would benefit several hundred jurisdictions over a five year period. If spent in \$1 million amounts, on the average, it could help 500 cities and towns per year. Better results might be obtained by giving larger amounts to 1 or 200 cities and continuing the grants for several years.

k. Victim Witness Assistance

Studies and experience show that monetary and other assistance is often needed by victims and witnesses whose willing cooperation is crucial to securing convictions of violent offenders and career criminals. Medical bills and wages lost on days in court are the greatest financial problems. Information to keep witnesses abreast of developments as their cases proceed through the court system is also important to assuring the availability and attitude of cooperation of witnesses.

For the \$500 million per year that is proposed, programs copying well-established models could be started in up to 500 communities a year.

While compensation to victims for injuries is somewhat controversial, our society should not tolerate the anomaly

that if accidentally injured on the job, a worker is compensated while if intentionally beaten and robbed going home, he is not. It is just unacceptable for the victim to have to pay his own medical bills. Thus, the program proposes that if compensation is not available from state, local or private sources, as a last resort the federal government should pay medical bills of the victims of violent crime.

1. Court Calendar Control

Nothing is more important in improving criminal justice than assuring speedy trial. All states should, as a prerequisite of federal justice assistance, require that all criminal trials be concluded in six months or less. The standard for violent offenses should be three months with the average being six weeks.

Reducing delays also requires implementing reforms in the administration of criminal case dockets. Computers can play an important role in large jurisdictions. In many situations, adoption of the Individual Judge Calendars used so successfully in federal courts would greatly speed trial dispositions. Reforms of discovery rules can also play an important role.

To end plea bargaining, more cases must be disposed of by trial and trials must be conducted more efficiently. Causes of delay are numerous and vary greatly from jurisdiction to jurisdiction. In some, delays in obtaining trial transcripts

can delay disposition of post-trial motions and imposition of sentence for many, many months. In others, different problems plague the system.

The National Center for State Courts and other similar institutions have developed and refined analytical techniques to pinpoint the problems and solutions in a particular jurisdiction.

The proposed \$200 million per year would support analysis in hundreds of jurisdictions by these institutions that can dispatch teams to work closely with responsible local officials. It would also support application of computer technology to management of the criminal caseload in these jurisdictions. Improvement in case management is essential to improving public safety.

#### Dispersal of State Assistance Funds

No new federal bureaucracy would be created. Little discretion is entrusted to federal Executive Branch officials and employees because Congress will have decided, as it does for national defense, how much will be spent for what, in each functional area.

This proposal is no LEAA program. There would be no layers of government through which funds would filter to the user. Instead, the money would go directly from the Justice Department to the state or local agency that will spend it. Nor would there be complicated application forms or extended

processing time. If a jurisdiction will use money from a specific budget line item for the purpose stipulated, it will get the money.

Where more jurisdictions apply than the funds can accommodate, a "first come, first served" approach would be utilized. As to the size of a grant to a particular agency, for example, a metropolitan court administrator's office, a few simple formulas based on population and/or violent crime rate could be readily devised.

To avoid creating an excessive dependency on federal financing, matching state funds could be required. To give the program maximum immediate impact, however, the first year's grant would not require a match.

#### Pacing The Program

The increase of \$8 billion could not all be absorbed in the first year of this program, but most of it could. The increases for federal programs mostly concern on-going operations of agencies like FBI which would hire, train and integrate new personnel. Doing this efficiently and without major disruption would require starting slowly and then increasing the rate. The annual expenditures will be relatively low in the first year and grow sharply in succeeding years, as the money is nearly all used for salaries of new personnel. Thus, the total of \$1 billion for federal personnel would not be reached until the fourth or fifth year.



By contrast, the funds for most state programs such as prison construction can and should be allocated in full right from the start. They can be committed under contract very quickly. Even money earmarked for local police departments could be spent quickly since creating a new squad of 50 or 100 detectives is best accomplished in a short time frame. Moreover, adding 100 new employees in departments with thousands represents a small enough percentage increase that no significant disruption is expected.

Most of the funds for state programs should be appropriated as "no year money", meaning that it may be obligated and expended in years subsequent to the year appropriated. Money for all federal programs should be appropriated in due course. Even the funds for federal prison construction can be normal appropriations since for these facilities, unlike state facilities, Congress has both the obligation and the capability to manage the money on an annual basis.

If, as might be expected in the first year, the states do not obligate all funds available for construction, these funds would accumulate. Therefore, in the third year, for example, the fund might contain twice the annual appropriation. However, since the large construction bills would come due in that period, the larger amounts would be needed then. Thus, the full amount for state assistance should be appropriated in the first year of the program.

Adjusting the Funding

If the construction fund ever grew larger, even than anticipated needs, in later years of the program the annual appropriation could be decreased. The program is flexible.

Reducing and Ending the Program

The increased appropriations for federal enforcement operations would probably be continued in large part even beyond the period of the program, but the money for new state construction and new units and operations is intended as a one-time boost to state justice systems in a period of emergency. It could be largely discontinued after about five years, if the 50% decrease is achieved before the end of 10 years. In any event, it would end after 10 years.

It could be predicted that at least half of the \$1 billion for federal investigative operations would become part of the permanent budget base. Cut-backs would be appropriate for example in the fugitive programs once the backlogs of unserved warrants are eliminated.

The \$500 million for construction of new federal prisons could be also largely discontinued after a few years. Even the \$500 million for training and research could be greatly reduced if not totally eliminated.

Therefore, the \$8 billion program would not become a permanent part of the federal budget. Less than \$1 billion would remain. That a large assistance program can be terminated without significant political cost was proven by the abolition of LEAA.