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'firm and just together across the system.'

MEMORANDUM

TO: Board of Directors/Executive Committee
FROM: George Washnis, Executive Director *D.W.*
SUBJECT: Position Papers for Discussion at the Board Meeting of Friday, July 2, 1982
DATE: 21 June 1982

Obviously, you will not be able to return comments to me by the original date projected in our most recent memorandum. Further analysis and exploration held up production, but I believe this more detailed version will be more valuable than simple statements. In most cases, the strategies are significantly more important than the positions. If you get an opportunity to call or write to me before the meeting, I would appreciate your input; otherwise, your comments at the meeting will be quite satisfactory.

We have said that we intend to take a comprehensive approach to the crime problem because of the obvious interrelationships and effect this strategy would have. Enclosed are seven major positions that really do touch on the entire criminal justice system, particularly when you take into account the related strategies. To be able to sense and affect the entire system by just a handful of propositions, is quite desirable and is the best way for the public to understand what it is all about. Too many issues could get confusing. It is best to approach each statement with a series of strategies and explanations and simply choose two or three of these as top priority in each area. Several documents and pieces of public information can be produced in each area, some simple and some in greater detail, depending on the audience. Simple and clear pamphlets is our objective. The projects which are now listed in the strategies could be listed with a short description of each in an appendix in each booklet.

You as decision-makers need sufficient information to make proper judgements, and some may wish to have even longer three or four page concept papers backing up each statement for internal use and as background for the critical press and experts. I will ask our advisers to develop such concept papers in the weeks ahead.

Please remember that although we have held dozens of small, working meetings and have talked to hundreds of knowledgeable persons, these positions are only a beginning, open to your analysis and modification. They will not become official until a majority of the Board has acted on them. You may also want to add positions or bring up strategies to the position level. The procedure is entirely open. I will ask for some outside advise in each of these areas, as well.

If one reads carefully, he will note that these statements incorporate the essentials of the Attorney General's Task Force on Violent Crime, and the priorities that were established by the National Institute of Justice through a survey of state and local government officials, much of the ideas expressed in the National Advisory Commission on Criminal Justice Standards and Goals, and other important studies. The thrust of attacking the entire criminal justice system is here; we need only deal with decisions and analysis in a few other procedural areas when more indepth information is available. These most likely would include strategies on dealing with the exclusionary rule of evidence which needs modification, insanity defense, limitations on habeas corpus, parole board standards, and some other matters that can easily be incorporated into our program.

Most importantly, after adopting the most significant positions cross the criminal justice system, the Board must then decide what to prioritize for Phase I. How much can be done will depend on the money raised, so we want to choose the most enlightening things first. A recent program committee meeting suggested that we attack robbery and burglary and street crime as the top priorities. I would imagine that most would agree on this because this is where the fear is in the American public, and once we gain their support we can go on to other areas. However, to attack street crime, we must accomplish most of the things stated in our positions - focus on the career criminal, free up the prisons, attack youth gangs and drugs and alcohol, and harden neighborhood targets and increase citizen participation. Interestingly enough, concentration on these elements is also needed to combat economic crime and to protect victims.

The importance of the Coalition Against Crime can be more easily understood as we examine the statements. Public education campaigns and the implementation of special demonstration projects are vital almost in every area - drugs, community organization, crime prevention, school involvement, rights and responsibilities, and a general understanding of how the system works and how it can work better. Public education through television, radio, grassroots organizations, and all forms of media are necessary by private groups because the government can't say it in the same way and it cannot be accomplished in one year. Many believe it must be at least a three year and perhaps a decade of effort.

Remember the board meeting is at 9:30 a.m. to 1:00 p.m. Friday, July 2, 1982 at 1909 K Street, N.W. (National Association of Retired Persons Board Room, Suite 800).



Department of Police
Detroit, Michigan 48226

Coleman-A. Young, Mayor
City of Detroit

July 1, 1982

TO: George Washnis, Executive Director Coalition Against Crime
SUBJECT: POSITION PAPER FOR DISCUSSION

I am pleased to see the seven major positions are areas of significant concern for the entire Criminal Justice System. There is an exigent need for these areas to be addressed by the Coalition. I appreciate the continuity of these seven areas with the work of the Attorney General's Task Force on Violent Crime.

The following are brief comments on the seven positions:

(1) JUVENILE DELINQUENCY AND YOUTH CRIME

I agree with this position and believe that we must prioritize our efforts in this area. The fact that juveniles are responsible for over 50 percent of all serious crimes is very alarming. Our present system for dealing with juvenile offenders encourages and perpetuates the youth to stay active in crime. There definitely is no certainty of punishment nor is there much rehabilitation.

Juvenile delinquency and youth crime should be treated with good educational programs; information and referral programs

for troubled youths and their parents; community restitution programs; recreation involvement; and the resources to incarcerate and rehabilitate those youth who demonstrate are identified as habitual and violent.

There are some successful juvenile programs that should be considered as models and shared throughout the country.

(2) PUBLIC EDUCATION AND COMMUNITY CRIME PREVENTION

This position is the foundation that we must have if we are to build a strong and accountable Criminal Justice System. Simply we cannot attack crime successfully if the public is not educated to their responsibilities and actively involved in community crime prevention. What makes the police successful is the positive involvement of the community. Crime prevention programs, like Neighborhood Watch and Citizen Mobile Radio Patrols are the backbone to our attack on crime.

(3) DRUGS/ALCOHOL TREATMENT AND ENFORCEMENT

There is no question on how profound the use of drugs and alcohol has been on the quality of life in this country. There definitely is a correlation between the use of drugs and alcohol and the crime rate. I support the Coalition's position on drugs and alcohol and believe that there should be a comprehensive approach to attack this nefarious social problem.

The recommendations made by the Attorney General's Task Force on Violent Crime, the Drug Enforcement Administration, and the Department of Justice are all worthy of pursuing.

(4) VICTIM/WITNESS RIGHTS

Recently Chief Justice Warren Burger of the United States Supreme Court addressed the American Bar Association and stated: "Like it or not, we are approaching the status of an impotent society - whose capability of maintaining elementary security on the streets, in schools and in the homes of our people, is in serious doubt. Citing nation-wide homicide rates, Burger questioned whether a society was redeemed if it provides massive safe-guards for accused persons, including pre-trial freedom for most crimes, defense lawyers at public expense, trials, re-trials and more and more appeals, almost without end and yet we fail to provide the elementary protection of its decent law-abiding citizens."

I believe that the victim/witness programs are essential to human rights and must be afforded to those citizens who have been victimized and abused. Every state should have an active victim/witness program that focuses on the needs of these unfortunate people. Therefore, I support this position and believe it should be pursued as a major goal of this Coalition.

(5) CAREER CRIMINALS

Programs that concentrate on career criminals are based upon a sound premise: a relatively small number of criminals are responsible for a disproportionately large amount of crime. This approach has proven to be a cost-effective and practical strategy that deserves expansion and replication. It is an approach that has been germinating in the hearts and minds of

police officers for years.

Weaknesses and encumbrances inherent in the Criminal Justice System have been duly exposed. Low bail, excessive delays before trial, inconsistent and shamefully lenient sentencing, plea bargaining and general manipulation of the system by career criminals promotes rather than discourages aberrant behavior in society. Spirits should be heightened rather than disheartened; rectification of mechanisms that perform poorly must begin with a realistic evaluation of our own shortcomings. The hue and cry from the citizenry exemplifies the universal quest for justice and the incessant demand it engenders.

(6) ECONOMIC CRIME

White collar crime is indeed the most economically devastating crime problem in the U.S. The \$50 Billion plus loss figure is probably quite low in attempting to estimate the impact in empirical terms. Partially due to its insidious and illusory nature, white collar crime has proven particularly unwieldy in attempting to identify solutions. Public education of its multitudinous forms and crippling effects, and mobilization of community forces are absolute necessities.

There is no question that the largest portion of white collar crime centers around the employer-employee relationship of commercial enterprise. Coordinated efforts in the business sector are indispensable in seeking viable answers. Many failed business ventures are directly attributable to internal theft, as high as 30% of all such collapses.

Not all responsibility for a solution rests with government and management level personnel in the private sector. To attain success in stemming white collar crime, perhaps the key ingredient is acquiescence and support from the employees, the primary component of any business. Their future, security and sustenance are directly linked to the health and vigor of their employer, public or private.

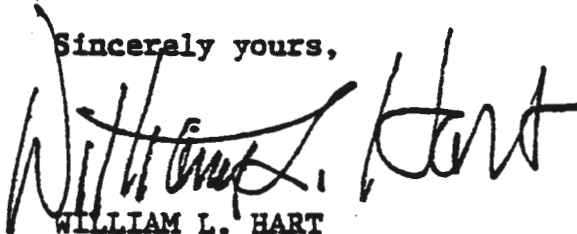
(7) INCARCERATION AND ALTERNATIVES

Failure to rehabilitate prisoners has resulted in high rates of recidivism. In many cases correctional facilities are antiquated and crumbling; approaches to treatment strongly resemble their corresponding edifices. Society recognizes that some criminals cannot be rehabilitated; they simply have to be isolated and maintained, period. Resources need to be directed towards identifying treatable offenders, then applying all of the scientific, sociological, spiritual and other tangible and abstract principles society can muster. Once the system is headed in the right general direction, modification and fine-tuning can be implemented.

The proliferation of proposals to incarceration alternatives exemplifies the intensive thought being given to measures of alleviation. Consolidation of effort from all segments of the community is necessary. A combination of imagination and determination can turn criminal populations from teeming cess-pools to pools of energy, productivity and hope.

Should you have any questions regarding my comments please feel free
to contact me at 313-224-4490. I regret that my schedule would not allow me
to attend the meeting of July 2, 1982, however, I am looking forward to see
you at future meetings.

Sincerely yours,

A handwritten signature in black ink, appearing to read "William L. Hart". The signature is written in a cursive style with a large initial "W" and a distinct "Hart" at the end.

WILLIAM L. HART
Chief of Police

VIII

Correspondence Address:
JOSEPH R. ROMAN
Executive Director
1478 Willow Ave.
Des Plaines, Illinois 60018
Keepsers Voice Publication
the voice of A.A.C.O.
Criminal Justice Department
Northern Michigan University
Marquette, Michigan 49855

JACK RIDDELL
PRESIDENT



June 28, 1982

George Washnis
Executive Director
Coalition Against Crime
Frazer Associates
1210 Connecticut Ave. NW
Washington, DC 20036

Dear George:

I am sorry that I cannot be with you Friday. Following are my reactions to the memorandum.

Overall, the report looks very good. I have no major disagreements. Following are my comments regarding various sections/priorities:

1. Juvenile Delinquency and Youth Crime

- a. The pioneering Volunteer Homes For Florida's Status Offenders program (see enclosed writeup) has been extended to South Carolina, New Mexico and Oregon, with outstanding success and should be encouraged in other states, since it is a successful volunteer program.
- b. Family and Parent Group Counseling, outlined in "Parens Patriae Is Wrong (Parent Supporter is Right)", National Council of Juvenile Justice, Juvenile and Family Court Judges and "Parent Group Counseling", has been successfully implemented in Florida, Minnesota and Berrien County, Michigan.

This AA-type program utilizes the strengths of parents to help other parents and has great potential for helping the worst parents do a better job of parenting, just as AA has been the most successful method used in the field of alcoholism.

2. Public Education and Community Crime Prevention

The criminal justice field does a poor job of "advertising"/informing the public about successful approaches.

The Joint Commission on Correctional Manpower and Training in 1967 said, "Public attitudes toward corrections are being found within a factual vacuum. Many correctional administrators have not taken the responsibility for informing the public". The situation has not improved since

that report was rendered. How do I know? JCJI (my agency) had the good fortune of getting the grant from the National Institute of Corrections to develop the first curriculum on Public and Media Relations For Corrections (now being developed).

3. Drugs/Alcohol Treatment and Enforcement

The position and strategies look good. Nothing to add, except strong support for AA-type programs which have been proven to be the most successful for both alcohol and other drugs.

4. Victim/Witness Rights

Sound position and strategies.

Compensation/restitution program for victims should be stressed strongly. There are many successful restitution programs, and the concept is very sound. Several years ago I did a review of states which were implementing this. I can't put my hands on it now, but a survey of successful programs can and should be done. Enclosed is a fact sheet which I developed on the subject.

5. Career Criminals

Bail for adults should be handled the same as for juveniles - based on merit, not money. This would mean serious career criminals, including organized crime figures, would not get released on bail. Further, many non-serious, poor offenders, who clutter our jails awaiting disposition, would be released on their own recognizance. Poor people, released on their own recognizance (ROR), show up for court better than many bond releases.

6. Economic Crime

White collar-crime, estimated (at a very minimum) to be three times greater than blue- or gray-collar crime, is the great American disgrace. Mainly, inept, uneducated, poor, dark-skinned people occupy our jails and prisons. Crime does pay - only if you have money. It is time that we have one standard in criminal justice.

7. Incarceration and Alternatives


Good position and strategies.

Please refer to previous comments which I made on this subject.

I suggest longer meetings in the future. All-day, or at least 3/4-day meetings are more productive, especially for out-of-town travelers. The heavy agenda, it seems to me, is too much for such a short session.

All the best. Please let me know what transpires.

Cordially,


Joseph R. Rowan
Executive Director

JRR:bjr
enc.

End of the Permissive Society?



The era of "let it all hang out" is giving way to a new, tougher approach to crime, drugs, many other social problems.

Americans in rising numbers are joining in a fight to halt the permissiveness that has spawned a host of social and moral conflicts over the past two decades.

Violent-crime rates, drug and alcohol abuse, laxity in school standards—these and many other ills that have spread since the early 1960s are prompting concerned citizens to forsake the benign inaction of that era and enlist in a sometimes controversial drive to strengthen authority—

- Many states this spring, heeding citizens' demands, have enacted laws aimed at cracking down hard on drunk drivers—who accounted for more than half of last year's 50,000 highway deaths—and others are mapping similar action.

- Under public pressure, state after state is moving to curb rising crime with more mandatory sentencing, tougher handling of parole and longer confinement for repeat offenders.

- Public schools in more than two thirds of the states have imposed a minimum-competency requirement for promotion or graduation—only one of several measures being pushed to meet public concern about long-declining academic standards.

- Parents with out-of-control teenagers are joining by the thousands a self-help program using firmness and discipline to restore a more normal family environment.

At the same time, a self-styled "citizens' war on drugs" is making an impact in almost every state, with new laws aimed at everything from smuggling to shops dealing in drug equipment. Several cities are forcing out downtown pornography peddlers through lo-

cal rezoning restrictions. Public pressure against sex and violence on television is mounting, spurred by a White House survey of network fare that warned of adverse effects on children.

The demand for a stronger hand in dealing with such national woes parallels closely the conservative political swing that brought Ronald Reagan to the Presidency. Yet, as one Midwestern political scientist views the backlash against permissiveness: "There is more involved than a conservative desire to turn the clock back. A good many Americans, whatever their political leanings, feel it is high time to come to grips with many problems that in years past were met with little more than guilt-obsessed hand wringing."

Certain trends that surfaced in the era of "doing your own thing" are proving particularly resistant to change.

The sexual freedom proclaimed in the 1960s—reaching even into junior high schools—is undergoing new strains, yet shows little sign of retreating. In fact, a Reagan administration plan that would require federally funded birth-control organizations to notify parents when teenagers obtain contraceptives has drawn a flood of protest mail—including statements of opposition from 34 state governments.

Even where the battle against permissiveness has made measurable changes, setbacks have come. The censoring of schoolbooks, now particularly strong in the South, recently suffered a widely publicized reverse in Virginia. Heeding a storm of opposition, the Fairfax County school system in mid-April rejected a recommendation that *The Adventures of Huckleberry Finn* be dropped as "racist."

Still, the trend to push back what many Americans see as the excesses and abuses of "letting it all hang out" for two decades is surging ahead in more and more parts of national life. To find out what's going on in the spreading grassroots rebellion, *U.S. News & World Report* correspondents took soundings across the country.

Crackdown on Alcohol and Drugs

Says the National Safety Council's Charles Vance: "Public pressure to tighten drunken-driver laws has reached an all-time high. Ordinary people are up in arms at the sharp rise in road fatalities involving consumption of liquor. They are demanding—and getting—greater penalties in one statehouse after another."

The pressure is showing results. In recent weeks, 11 states have passed tough laws aimed at intoxicated motorists, and 26 others are considering similar measures—or even stiffer ones. Both Virginia and Florida have just enacted mandatory 48-hour jail sentences for first offenders. Under most of the new laws, repeat offenders will be facing longer jail sentences, bigger fines and license suspensions.

Irate citizens are following through in other ways. One citizens' group, Mothers Against Drunk Drivers (MADD), drums up

Drug-paraphernalia sales are now illegal in 25 states.



votes for candidates for public office—including judges—who pledge stronger action against drunken drivers. In a number of states, MADD has played a key role in obtaining mandatory sentences for such offenders.

Hand in hand with campaigns to rid the roads of drinkers are ones to raise legal drinking ages. In 16 states, citizens' groups have gained legislative support to hike the age minimum from 18 to as high as 21. These lobbyists cite a survey by the Insurance Institute for Highway Safety that shows a 28 percent decrease in traffic deaths in states that have done so.

Widening antidrug war. Nowhere have citizens' groups sprung into action more effectively than in the war against marijuana and other drugs. Within the last two years, the antidrug campaign has grown from a few community organizations formed by outraged parents to a well financed and nationally organized political force.

Early results have been impressive. Laws making it a crime to sell drug paraphernalia—such as water pipes and tweezer-like "roach clips" for holding the dwindling butt of a marijuana cigarette—have been enacted in at least 25 states. Stiffer penalties and enforcement procedures against illegal drug traffic have been passed in six states. In others, new actions range from crackdowns on sales of caffeine tablets in drug stores to the use of military helicopters and Navy vessels against drug trafficking.

Says Lee Dogoloff, executive director of the American Council on Marijuana: "No longer are there the hopelessness and frustration about pot and other drugs that inhibited so many Americans before. The prevailing mood now is that the battle can be won."

Local drug-control officials differ on tactics. Some contend that curbing the sale of paraphernalia is as difficult as trying to stamp out prostitution and pornography. "It just drives dealers underground," warns one official, "much as liquor dealers became bootleggers during Prohibition." Yet, until authorities started going after drug equipment, says Bob Kramer, program coordinator in Anne Arundel County, Md., "we seemed to be giving out conflicting signals—that drugs were bad but paraphernalia legal. Now the message is clear."

Texas has taken a lead by pressing one of the most closely coordinated and comprehensive state antidrug campaigns. It has long served as the country's main port of entry for drugs, with an estimated illegal traffic of 3 billion dollars yearly across its 500-mile border with Mexico and the 400-mile Gulf Coast. But now Texas law-enforcement agencies are armed with such Draconian new measures as a maximum sentence of life imprisonment for dealing in marijuana—which one defense attorney called "quite a change from a decade ago when people were talking about legalizing pot."

Those involved in the antidrug war can point to some signs of progress among teenagers. Jerald Bachman of the University of Michigan's Institute for Social Research, which has been plotting trends in adolescent drug use since 1975, reports that marijuana consumption has waned "appreciably" since 1979 and that the use of certain other drugs has lessened or leveled out. Why? Bachman's finding: "The kids say they are more concerned now both about the health consequences and the fear of disapproval. In other words, they are realizing there's no such thing as a free high."

"Stampede" Toward Crime Control

Crime has become a prime target of the movement to restore order and discipline to national life. Many experts note a shift of massive proportions toward more-stringent laws, longer sentences and more actual time served by convicts.

Judge Seymour Gelber of Florida's 11th Circuit Court,



Repeat offenders now face longer jail sentences in 46 states, with many increasing the penalties with every conviction.

who is a member of the American Bar Association's Task Force on Crime, sizes up the trend this way: "There isn't just a move away from permissiveness; a stampede is occurring. It is evident in the rush to build prisons and jails, in the demand for mandatory sentences, in cutting parole, in doing away with community-based rehabilitation programs."

Says former U.S. Attorney Charles Ruff, now in private practice in Washington: "People are saying that earlier experiments with parole and community-based rehabilitation did not work. This is leading to efforts at the other end of the spectrum."

California voters approved on June 8 a sweeping anti-crime measure that requires higher penalties for repeat offenders, restitution by criminals to their victims and curbs on both the insanity defense and "plea bargaining" by suspects. State after state is adopting mandatory sentencing—under which a judge is required to impose a specific penalty for a given crime—to assure longer confinement. Forty-six states now have lengthened their prison sentences for repeat offenders, and many others include maximum penalties up to a life term if a criminal is convicted of more offenses.

Even when mandatory sentencing does not apply, both appointed and elected judges are handing down stiffer sentences. A number of states now automatically shift teenagers arrested for serious crimes away from juvenile court where traditionally the treatment is more lenient, to adult criminal courts—a new Vermont law allowing this as early as age 10. Parole has been abolished in four states, while nine now impose "determinate" sentences that cannot be shortened by parole boards.

The combination of mounting crime rates and stiffer sentencing has led to an 88 percent increase in the number of state and federal prisoners since 1972. The total number now stands at 369,009, with a record 12.1 percent jump last year generating a new round of prison construction in several states.

At the same time, public support for the death sentence appears to be returning after a long decline. Recent public opinion polls show an overwhelming majority of Americans favor capital punishment. Thirty-seven states now provide for execution as the supreme penalty.

Yet there's a significant gap between what the laws allow with death penalties and what actually takes place. Although some 1,000 prisoners are in death cells today, only four have been executed in the last 10 years—compared

THE WHITE HOUSE

WASHINGTON

September 30, 1982

Dear Mr. Washnis:

Thank you for sending me the materials developed by the Coalition Against Crime. I would be happy to meet with you. My own schedule would be best sometime during the last two weeks of October. If that is convenient for you, please let me know.

Sincerely,



Michael M. Uhlmann
Special Assistant to
the President

Mr. George Washnis
Executive Director
Coalition Against Crime
1210 Connecticut Avenue, N.W.
Washington, D.C. 20036

...a year in the 1960s. The rest have benefited from drawn-out appeal proceedings or lingering official qualms.

The trend to more punitiveness as an answer to crime is drawing criticism from some judges, lawyers, criminologists and civil-rights groups. The American Civil Liberties Union and the National Moratorium on Prison Construction argue against imprisoning more criminals for longer periods. They maintain that rehabilitation, fines and community service for criminals would not only ease the growing burden on the taxpayer and salvage many offenders, but be more consonant with the goals of a democratic society. One critic, John Ackerman, a Houston defense attorney and former dean of the National College of Criminal Defense, says: "We have been putting people into prison for 200 years, and that hasn't lessened the problem. How many more years before we realize that?"

Opinion analysts doubt that such criticism will do much to temper the present public mood. In a recent telephone survey by Research & Forecasts, Inc., of New York, 4 out of 10 Americans expressed fear they would become victims of such violent crimes as murder, rape, robbery or assault.

Focus on Youth and Schools

The growth of a program called Toughlove, for families that have out-of-control teenagers, is one of the outstanding phenomena of the recent turnaround. With strong support from Ann Landers, the nationally syndicated advice columnist, this nonprofit self-help movement has grown to 400 chapters in the U.S. and Canada and has a mailing list of more than 50,000.

The logotype of Toughlove, a fist within a heart, emphasizes its prime goal: To restore parental authority through firmness and discipline. Parents are encouraged to set specific penalties, such as forbidding use of the family car, limiting phone calls, refusing to intervene when a child gets into trouble, or sending a repeatedly troublesome one to live elsewhere.

"You're the boss," says a Toughlove manual. "The sooner your youngster understands this, the better." Successful users of the program say it rids them of parental guilt feelings and helps other family members to lead a more normal life.

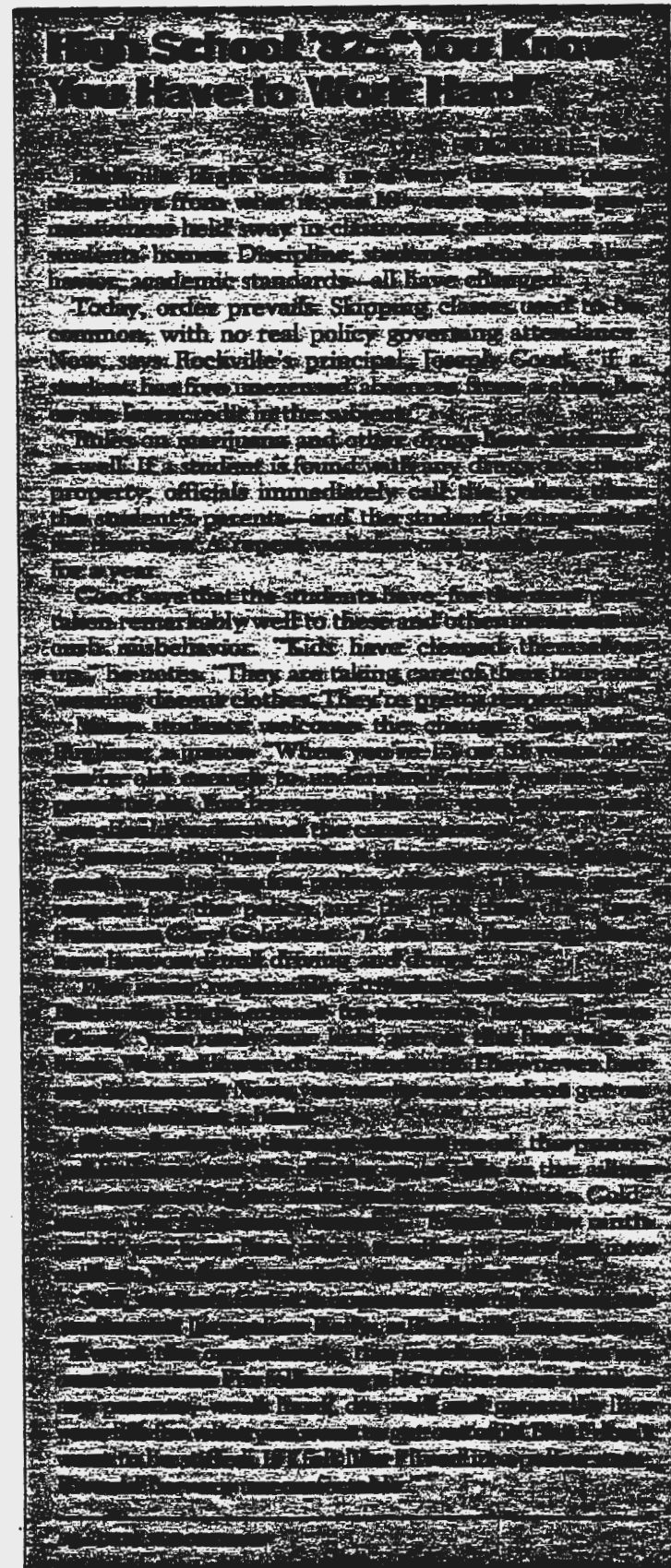
The program has come in for criticism from some psychiatrists and professional therapists as "a quickie, short-term solution to complex teenage problems" and "lacking in sensitivity and compassion." But many specialists approve. Dr. Barry Schwartz, past president of the Philadelphia Society for Adolescent Psychiatry, finds particular value in it for drug abusers. "For those kinds of problems, you need something dramatic," Schwartz said in a recent interview. "I like Toughlove—not for starters, but when more traditional methods have failed."

As another means of reducing juvenile misbehavior, a number of communities are moving to revive the ancient practice of curfews. One model for these is Detroit, which four years ago imposed a curfew that requires anyone under 18 to be off the streets between 10 p.m. and 6 a.m., with an extension until 11 for 16 and 17-year-olds on Friday and Saturday nights. If out later, young people must carry a note or some other proof of "legitimate reason." For citizens of Detroit, the nightly restriction has the double advantage of protecting young people from the risks of crime and serving as a less expensive means of law enforcement. The city recently laid off 1,000 police officers.

Some parents and civil-rights groups have voiced opposition to curfews. In Keene, N.H., parents testified in a recent unsuccessful suit against a reimposed curfew—aimed at vandalism and car theft—that it usurped their choice to grant or limit freedoms in the raising of their children. But

the majority in Keene appeared to support one resident's view that the important thing is to try "to make parents more responsible for their kids."

Tightening up on students. Public schools, under attack for years for allegedly winking at rising student misbehavior, are increasingly responding to the push for greater discipline. In New York City, under a program launched at 10 school sites, police and school officials go on "sweeps" to



High School '82: You Know You Have to Work Hard

...High School '82: You Know You Have to Work Hard. ...Discipline, student behavior, academic standards—all have changed.

Today, order prevails. Skipping classes used to be common, with no real policy governing attendance. Now, says Rockville's principal, Joseph Cook, "if a student has five unexcused absences, then he's out of the homework in the subject."

Rules on assignments and other things have stiffened as well. If a student is found walking through school property, officials immediately call the police, check the student's parents—and the student is suspended for a year.

Cook says that the students have, for the most part, taken remarkably well to these and other measures to curb misbehavior. "Kids have cleaned themselves up," he notes. "They are taking care of themselves, wearing decent clothes. They're getting responsible."

Many students, well over the change. Some have begun to quit. "When you're 15 or 16, you're not ready to quit yet," says a student. "You're not ready to quit yet, you're not ready to quit yet."

...Management Corp. Chairman, J. Edgar Hoover, says that the school system is doing a good job of preparing students for the future.

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Thousands of parents are learning a "get tough" approach as a means of coping with out-of-control adolescents.

nail youngsters skipping classes. In the first year, 17,300 truants were picked up, including 1,300 repeaters.

"Behavior contracts" are showing up as a means of maintaining tighter control. At Alhambra High School in Martinez, Calif., students and their parents are required to sign a four-page contract setting out exactly what is and what is not considered acceptable conduct. Punishments for various infractions also are detailed, topped by a special "Saturday school" with compulsory classes for weekday offenders.

Schools in Burbank, Calif., last fall adopted a dress code prescribing acceptable attire from kindergarten through high school. This has drawn inquiries from 60 other school districts in the United States. Banned in Burbank classrooms: Lightweight jogging shorts with slits up the sides, swimsuit-type tops and bare midriffs.

A "spare the rod and spoil the child" philosophy is making a comeback in some places. Last year the Los Angeles school district, the nation's second largest, decided to restore spanking, which had been abolished in 1975. According to the National Center for the Study of Corporal Punishment and Alternatives in the Schools, at Temple University, there are more than 1 million cases of corporal punishment a year.

Over all, school surveys show a measurable improvement in the level of serious misbehavior in recent years. A big reason, says J. William Rioux of the National Committee for Citizens in Education, is the growing involvement of parents in school matters. "For years in the past," says Rioux, "the public generally accepted and even contributed to a letdown in the schools, many figuring that professional educators know best. The new generation of parents seems determined to build more rigor into children's training."

One of the most significant consequences of that mood is a concerted effort to restore academic standards, which are considered to have fallen off alarmingly in public schools over the past two decades. Declining scores on achievement tests, simpler textbooks, teaching letdowns and easy "human development" courses—all are now coming in for fresh attention with a view to sweeping changes.

A measure of the progress in the upgrading drive: Thirty-nine states have adopted minimum-competency tests at various levels of the educational process. These are meant to assure that a student has mastered the work at one grade level before passing on to the next—replacing the automatic "social" promotions that produced many poorly trained students in the 1960s and 1970s.

Teachers themselves are having to pass muster by taking

competency examinations. In an effort to upgrade the caliber of instruction, 19 states have established such tests. Some require all new teachers to take them—just as graduate lawyers must pass a state bar exam—while other states start the competency exams in an education student's sophomore year in college to determine who may become teachers.

Much of the pressure for better education has come from employers in various fields who complain about the level of preparation of recent graduates. Heeding such comment, Massachusetts Institute of Technology just recently required that its engineering students take special new courses in writing to earn a degree. Other colleges are restoring mathematics, science or language requirements that they had dropped in the era of permissiveness.

Many colleges—including an estimated two thirds of the state universities—are tightening admission standards that put new pressure on high schools. In response, authorities at that level are beginning to cut back on such popular courses as music, art, home economics and driver training. This has drawn criticism from educators who regard certain of the courses "an essential enrichment experience." William Spady, director of the National Center for Improvement of Learning, cautions: "Some of that cutting back may be healthy, but in some places it can be indiscriminate."

Whatever the case, the "back to basics" approach is making a strong recovery. Scott Thomson, executive director of the National Association of Secondary School Principals, reports that most school districts have increased graduation requirements over the last four years by adding one or two more challenging courses, usually in English, mathematics or science.

Outlook: Fears and Hopes

What is the outlook for the counterattack on the permissiveness that has pervaded America for two decades? How far will the changes go, and to what effect on the country?

Most social scientists stop short of making broad predictions, pending clearer patterns in key fields. But some already express a concern that the pendulum could swing so far as to impinge on basic rights and liberties.

Says Dr. Perry Ottenberg, chairman of the American Psychiatric Association's committee on emerging issues: "The trend runs the risk of going overboard if it brings on too many restrictive new rules, regulations and expectations. To carry authority that far diminishes the freedom of choice necessary to an open society."

Another expert who is uneasy about the trend, Richard Gerstein, chairman of the American Bar Association's Task Force on Crime, declares: "People are far more concerned today about criminal conviction than they are about civil liberties." He finds it unsettling that the U.S. now has the longest prison sentences of any democratic country in the world.

Still, even many criminologists, educators and social scientists who hold such reservations view current crack-downs on various excesses, in U.S. life as positive steps that could contribute to the building of a better society.

There is much agreement with David Riesman, Harvard sociologist and author of the classic study of American society, *The Lonely Crowd*, who regards the trend to re-establish authority and reinforce conventional values as one with far-reaching possibilities. "It is almost inevitable," says Riesman, "to see some corrective action after the many and dramatic changes of the recent past. We could be in for another period of profound transformation."

By DAVID B. RICHARDSON with JEANNYE THORNTON, TED GEST, STAN LEY N. WELLBORN and the magazine's domestic bureau

Walter F. Mondale

We Can't Learn to Live With This Much Crime

It is difficult to be optimistic about the prospects for reducing crime. For nearly two decades now, the nation has struggled to mount a successful anti-crime program. Billions have been expended—on research, experimental approaches and direct financial aid to police departments and court and prison systems. Yet things have steadily worsened. The urban environment today is more dangerous than it was in 1966, the time of the first riots in the Watts area of Los Angeles.

Anyone who has traveled widely, I must acknowledge our country's reputation for tolerating street crime. It is said that if one wants to study robbery and burglary, the best place to go is the United States.

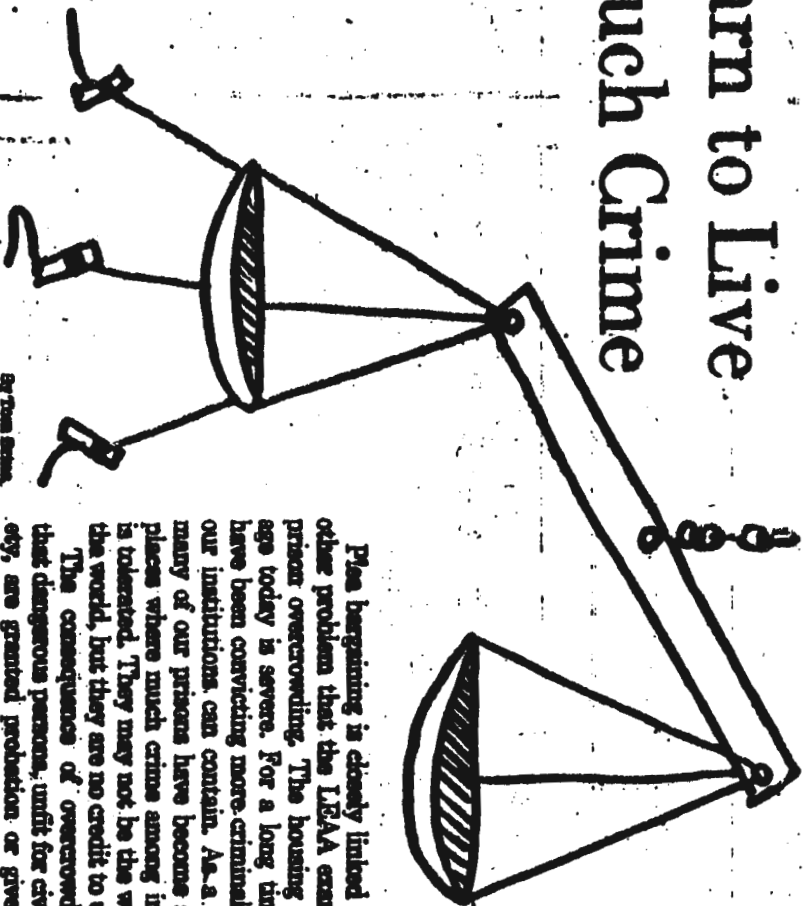
But the fact that the past decades have not worked does not mean that we can give up in the name of budget-cutting. To talk tough, but spend less—the administration's program to date—is either demagogic or hypocritical or both. Surely it is irresponsible. Crime in the streets is a form of anarchy every bit as dangerous to democratic government as foreign enemies.

The law, particularly the criminal law, functions as a teacher. It states our community's intent to punish those who commit serious crimes. When these criminals are let off with light sentences, the law is humbled, and all of us are rendered more vulnerable to predators who have learned in the most practical way that we don't take our laws seriously.

Next year, it is likely that 18,000 Americans will be murdered (an increase of 50 percent from a decade ago), and 3 million more robbed, assaulted or raped. Two million households will be burglarized.

Anyone counts on it—unless we act to prevent it.

The administration's chief action to date has been killing off the Law Enforcement Assistance Administration and cutting back the Drug Enforcement Administration and the FBI. Yet everyone who has studied the crime problem, including the attorney general's own Task Force on Violent Crime, believes that state and local government cannot do it alone. There is a continuing need for a sharply targeted program of technical and financial help. LEAA accomplished much in upgrading a crumbling 19th century criminal justice system. With continued funding, it would have achieved more.



By Tom Swales

For example, LEAA could continue its investigation of "plea bargaining" practices. Plea bargaining is the name lawyers give to the process by which a defendant is allowed to plead guilty to a less serious crime than the one he is charged with committing. In our system, most criminal cases are disposed of in this way—the prosecutor and the defense counsel make a deal. Trial by jury is the exception. It is difficult to explain to non-lawyers why a person charged with a serious crime—armed robbery, for example—should be treated as if he committed only a minor misdemeanor or two, in exchange for surrendering his right to trial.

Some lawyers think that lay persons aren't smart enough to comprehend the value of plea bargaining. The truth is more nearly the opposite: the ordinary citizen understands only too well that a system of plea bargaining cripples the deterrent force of the criminal law. It is we lawyers who need re-education.

I don't suggest that all plea bargaining is undesirable, but only that a system that routinely downgrades serious offenses in the name of bureaucratic expediency lacks credibility. I wish criminal lawyers—and judges as well—were as vocal in emphasizing the shortcomings of plea bargaining as they are in identifying its merits. We need improved ways of processing criminal cases that don't rely on deals between opposing counsel and that provide a better "bargain" for the public safety.

Plea bargaining is closely linked to another problem that the LEAA examined: prison overcrowding. The housing shortage today is severe. For a long time, we have been convicting more criminals than our institutions can contain. As a result, many of our prisons have become swarms of places where much crime among inmates is tolerated. They may not be the worst in the world, but they are no credit to us.

The consequences of overcrowding in that dangerous persons, unfit for civil society, are granted probation or given suspended sentences because there is no secure place to hold them. To those who become their victims, it is no answer to say that prisons are schools for crime, or that we cannot afford to build more of them.

However, building new prisons need not be our primary response. There may be a host of unexplored alternatives between the suspended sentence and the maximum security facility; alternatives that are less expensive and more humane and that provide the necessary supervision for convicted persons. Intensive supervision in a structured work environment in the community may be an answer for many of our offenders. Work release programs which impose a set routine on prisoners hold many advantages.

There may be other approaches that deserve attention as well. Punishment has a legitimate place in a free society. It need not mean, physically or psychologically, those imprisoned. Nearly all will eventually be released to live law-abiding lives.

Totally apart from specific proposals for reform, whether related to prisons or plea bargaining or any other matter, there is a more immediate task to remind ourselves that current levels of crime in America are neither normal or tolerable. The battle is not over or lost. I still believe, in the words of President Johnson's National Crime Commission, that "America can control crime if it will."

Former vice president Mondale is currently practicing law.

Invisible Justice

BETWEEN 50 and 85 percent of all criminal cases don't go to trial but are disposed of by pleas, and a large but unknown fraction of these pleas are bargained. This means that, in return for a guilty plea of some kind, prosecutors agree either to support a favorable sentence or to drop some charges or to reduce others. To many, this collection of practices is a particularly troubling part of a system that includes notorious sentencing, strange parole decisions and procedural rules that let blameworthy people go free.

People are not merely grouching about easy treatment for white-collar or political criminals, like John Dean or bribe-peddling congressmen; there is also a sensible fear that the legal system does a bad job of identifying the dangerous people and locking them up to protect the rest of us, whether it is the local drugpusher who bargains for a suspended sentence or murderer and novelist Jack Abbott, who was early parole and killed again. Frustration with these inadequate arrangements combines with fear of crime itself to produce failures of public confidence in the criminal justice system.

The country is in just such a period now. For example, the Court Watch Project of the conservative Washington Legal Foundation, described in this newspaper yesterday, is a nationwide effort "to hold judges, parole boards, prosecutors and other criminal justice personnel accountable for their actions." It promotes a program of letter-writing, advertisements against individual judges, demonstrations, recall petitions and so forth. And efforts to curb plea bargaining or impose mandatory minimum sentences are increasing around the country. News of these former vice president Menckel, in a piece on the opposite page today, compounds the dangers of excessive plea bargaining.

But plea bargaining in some form is indispensable

in a world with severely limited resources for courts, prisons and lawyers. Negotiation and compromise are practical ways to conserve these resources. Moreover, a prosecutor may be uncertain about actually winning in court or may need the defendant's help in order to win some other case. The problems arise when prosecutors feel pressured to clear out a backlog or ease prison crowding by making overly lenient deals. Plea bargaining *should* be embraced as a mainstay of the legal system if there are guidelines to protect the public's most important interests—nondiscriminatory incarceration of the really bad or dangerous people, and more disclosure to ensure compliance with the guidelines.

There is, of course, a risk that law enforcers will exercise their discretion based on unacceptable criteria—for instance, the unpopularity of certain defendants or the political aspirations of the prosecutor or some superior. But—and here's the key problem—it's almost impossible for the public to decide whether it likes the way prosecutors, judges and parole boards make these decisions because the system is uncommunicative. Parole boards and sentencing judges offer perfunctory explanations at best, and prosecutors are scrupulously tight-lipped.

Many lawyers would hasten to point out that considerations of privacy, security and the like may excuse hiding the reasons for particular decisions. In some cases, yes. But there should be a strong presumption that officials owe explanations, and not just after-the-fact references to guidelines. Friction and fear about crime have created demands for change in a system that is not understood. The demands will be ill-considered if they are uninformed. discretion in the criminal justice system will only be supportable if it is coupled with disclosure.

Street-Crime Drive

D.A.s' Special Teams Win Stiffer Sentences For 'Career Criminals'

But Do They Crack Down On Worn-Out Offenders Instead of Active Ones?

Forget About Plea Bargains

By ROBERT E. TAYLOR

Staff Reporter of THE WALL STREET JOURNAL
LOS ANGELES—When Deputy District attorney Dan Murphy saw Charles W. Conley's criminal record, he told Conley's attorney to forget about plea bargaining. "We're going to the wall with this guy," Mr. Murphy said.

Conley, 49 years old, was charged with a series of robberies and rapes, but some of the distraught victims couldn't even identify him. Normally, a prosecutor might have considered letting Conley plead guilty to lesser offenses and draw perhaps 10 years behind bars.

But Mr. Murphy openly set out to lock up Conley "for the rest of his life." He spent hours coaxing one victim to return from his cousin to testify. He had a crime-scene photograph enlarged to reveal a boot print similar to Conley's. With charts and careful measurements, he showed that Conley could not have committed the crimes just before and after work, disposing of the alibi that Conley gave on the job. The jury found Conley guilty on all counts. The judge gave him the maximum term, 60 years in prison.

Why so tough? Conley had prior convictions for assault, kidnapping and robbery. He is targeted him for the relentless treatment that is provided by lawyers like Mr. Murphy in this city's Career Criminal Prosecution Unit.

Designed for Crackdown

Career-criminal units—also called habitual-offender units, among other names—are designed to crack down on a relatively small number of repeaters who are blamed for committing a huge proportion of street crimes. Generally, the units gather the most experienced prosecutors, give them more resources for each case, and tell them to spurn plea bargaining and to seek long prison terms.

Counting evidence shows that the units put more of their defendants behind bars, and put them there longer, than do other prosecutors. "The surest way to a state prison term in California today," says a study, "is to be prosecuted and convicted by the Career Criminal Prosecution Unit."

The idea was pioneered in New York City's Bronx and in San Diego, Calif., in the 1970s. Briefly spurred by federal dol-

prosecutors' offices nationwide, and its emphasis on repeat offenders is spreading to other areas of law enforcement.

Last September, for example, the New York City police department singled out almost 6,000 suspected career criminals who had prior robbery arrests for added investigation if they are arrested again. Chicago has set up special Repeat Offenders Courts, known as "the rock" to dispense swifter justice to career criminals and avoid plea bargaining. And although the idea of providing for or requiring longer terms for repeat offenders isn't new, the number of states with such laws has risen to 45; and 28 have a possible life term, usually after the third felony conviction.

Spurred by Findings

The focus on habitual offenders stems from criminologists' findings. In one study by Prof. Marvin Wolfgang of the University of Pennsylvania, only 18% of the criminals committed more than half the crimes of the whole group. Another study of 243 drug addicts in Baltimore concluded that they committed more than half a million crimes in their lifetimes.

The best evidence that the special prosecutions work is a 27-month study of 12 career-criminal units in California. It found that although they only slightly increased the conviction rate overall, they increased convictions on the most serious charges to 85% from 60%. And their average prison sentence was five years and four months, almost a year longer than in similar cases handled through normal channels.

Some question these statistics. Los Angeles's public defender, Wilbur Littlefield, says the units "usually pick the sure winners—aces, straights and cinches." Rand Corp. researcher Peter Greenwood remarked last year that "with a little careful screening you can achieve whatever performance levels you want."

But prosecutors strongly deny such manipulation. And they have converted Mr. Greenwood, who today joins many criminologists in arguing that the units do curb crime.

Too Much, Too Late?

Some street-smart people agree. Upon their arrest, three persons here have begged police to keep their cases away from the career-criminal unit. And generally, the units are popular with prosecutors. Only a few units have been dropped in the past three years as federal aid for them has dried up.

The programs' strongest criticism comes from criminal experts who say they may be cracking down on criminals too late in life.

Several studies have shown that burglars, for instance, are most active between the ages of 15 and 22. Yet they aren't likely to be singled out as career criminals until late in that period. Why? Because even incorrigible juveniles seldom draw long sentences, and when they become adults, they generally start out with a clean criminal record. By the time they acquire a record long enough to be singled out, their criminal career is likely to be waning.

"The criminal-justice system is more likely to punish an older and often worn-out

offender than a young and very criminal active one," argues Barbara Boland of the Institute for Law and Social Research.

(Several states are allowing more miles to be prosecuted as adults for crimes: Vermont allows murder trial 10-year-olds. A few states also are giving venile records to prosecutors so that career criminals can be spotted sooner.)

Some laws that require longer terms for repeat offenders also stir controversy. Val Morris, a professor of law and criminology at the University of Chicago, says statutes "very rarely work well" because they require long terms for "too many minor offenders." In one case, recently cited by the U.S. Supreme Court, Texas gave a man a life sentence for three fraudulent transactions netting him a total of \$229.11.

Alvin Bronstein, the head of the American Civil Liberties Union prison program, calls it "inherently unjust" to impose longer sentence because of prior crimes which an offender already has served. "You're punishing a person two times the same offense," he argues.

Shrugging off such qualms, the U.S. Corp.'s Mr. Greenwood says that attempts to rehabilitate criminals or deter them haven't been effective. He contends the only proven way to curb crime is to lock the most incorrigible offenders, and criminologists generally agree.

Won't that overburden already jammed state prisons? Not necessarily, says Greenwood. He maintains that California could cut its prison population of robbery 5% while reducing the robbery rate by 10%. The answer, he says, is to stretch terms for habitual offenders while shrinking terms for others.

Critical to such estimates are the criteria used for singling out persons for criminal prosecution. These vary, but generally rely on evidence of prior offenses.

Los Angeles, like most communities, stresses burglary and robbery—troublesome offenses that normally are likely to be subject to plea bargaining even for repeat offenders. Prosecutes as a career criminal anyone charged with three or more such crimes or anyone previously convicted of either a serious offense, such as armed robbery, or two lesser charges, such as receiving stolen goods. In addition, the unit handles many murders.

Effect in the Bronx

By directing heavy prosecution effort on a specific crime, some career-criminal units claim to have cut the incidence of that crime quickly. The Bronx initially used a unit, according to director Sheri Roman, to sharply reduce robberies of taxi drivers and fast-food restaurants. Other units emphasize sex crimes, murders or drug trafficking.

A strong argument for the units is that they can obtain long sentences against career criminals who otherwise escape light punishment. "Large numbers of people with very serious criminal histories are serving only three months or six months" in jail, largely because of plea bargaining, says Kenneth Boy, New York's deputy police commissioner.

...they drew a few years each in the California Youth Authority, a juvenile institution.

Less than a year after release, they led a series of holdups and shot a grocery-store butcher. The career-criminal unit then convicted of assault and multiple armed robbery. The judge sent Alderson to prison for 12 years and four months, and Evans for 14 years—both the maximum available sentences.

Mr. Murphy, the prosecutor, tried to get the men locked up even longer for attempted murder, but the charge was re-

jected. "These guys have a history of violence," he says. "We believe that if you let them out, they'll be at it again."

Assembly Line

One reason for the success of career-criminal prosecutors is that they work as individual craftsmen instead of assembly-line workers. Ordinarily in most big-city prosecutors' offices, several lawyers each work on a different stage of the case. "Some of the prosecutors don't know a thing about the case until they get into court," says William Turner, a defense attorney in Los Angeles.

"A lot of information gets lost," says Robert Heflin, the chief of the career-criminal unit in Los Angeles. Witnesses disappear. Evidence or criminal histories are misplaced or ignored. 6

But career-criminal prosecutors follow their defendants from arrest through trial. They work more closely with police and their prosecutors. They are supposed to handle about 15 cases at a time, half the normal load, and they make more-detailed sentencing reports. "This is the way we really should handle all our cases," Mr. Heflin says.

Longer terms for hardened criminals are generally popular, and the federal government, too, is considering adopting career-criminal concepts.

Rudolph Giuliani, an assistant attorney general, talks of using federal prosecutors to lead career-criminal units—to crack down on the most state-law offenders who violate federal laws. Two researchers at the Institute for Law and Social Research say they can predict with 86% accuracy which convicts will be rearrested within five years. The researchers, Charles Wellford and William J. Voth, estimate that 2,000 persons prosecuted each year in federal courts are career criminals.

Sen. Arlen Specter, a Pennsylvania Republican who was Philadelphia's district attorney for eight years, proposes providing

for federal career-criminal sentences of 15 years to life for anyone found guilty of a robbery or burglary with a handgun on top of two similar convictions. The Reagan administration has endorsed the idea, though some view it as an infringement on state and local responsibilities.

Sen. Specter contends that the threat of stiffer sentencing in federal courts to deter longer terms would spur local judges to tougher sentencing, deter some crime and complement local efforts against career criminals. "These guys are the central part of violent crime in this country," he says. "I think the federal government ought to take responsibility for helping to prosecute and incarcerate the worst of them."

How Con Men Flourish In Economic Downturn

Bogus banks, easy "loans," fraudulent franchise plans, get-rich-quick appeals—scam artists are using these and other schemes to separate the gullible from their money.

When times are tough, the confidence men cry all the way to the banks—often the phony banks they own.

With many Americans suffering from the economic slowdown and almost everyone bedeviled by high inflation and soaring interest rates, those who use complex schemes to cheat others out of their money have never had it so good.

No one knows the total take yearly. A single confidence game may pull in tens of millions of dollars. An individual's losses may range from a few thousand dollars to a million or more.

In Los Angeles, one agent of the Federal Bureau of Investigation works almost full time taking scores of complaints each day. If the loss is less than \$25,000, the FBI in Los Angeles usually doesn't even investigate.

Until recently, top-rank con artists hardly ever got caught. But in the last few years, the federal crackdown on white-collar crime has netted enough of them to give law-enforcement officers—and potential victims—insights into the slick methods they employ.

Some of the latest schemes to watch out for, as described in court documents and interviews with prosecutors and FBI agents—

Fleeing a "DM"

Few attributes give a person a greater aura of respectability than ownership of a bank claiming a quarter of a billion dollars in assets.

Kevin Krown purchased such credentials with \$500 when he acquired a banking license from the government of the Caribbean island of St. Vincent. He set up his First London Bank & Trust in a single room on the second floor of a ramshackle gift store on the island. He installed a bank "officer," a telex machine and a telephone to convince anyone who got suspicious that all was well at venerable old First London.

With a few more dollars, Krown bought an impressive line of bank stationery—letters of credit, certificates of deposit and cashier's checks. He also took out a large ad in *Polk's World*



One room, a telex and a telephone—sometimes that's all there is to "banks" that dot the Caribbean.

Bank Directory, listing his fly-by-night operation alongside the titans of world banking.

From his penthouse in New York, Krown sent out "finders" to look for what con artists call "DM's"—Desperate Men. In these days of financially pinched businesses, a DM isn't hard to find. The scam that followed was one still commonly used by other swindlers. The victim is assured that he can borrow whatever he needs—sometimes hundreds of thousands of dollars or more—from the offshore bank. But it will take time for the loan to go through, he is told, and in the meantime he must pay a fee of 10 percent of the loan.

Once the victim coughs up this amount, he is given a certificate of deposit ostensibly based on the loan he expects to obtain. He is urged to use this document at his local bank as security for a short-term loan until the big money comes through. But the promised big loan never comes through, of course, and both the borrower and the local bank are victimized.

One furniture dealer lost \$5,000 and his business. An auto dealer, frantic for funds to enable him to keep his inven-

tory until sales picked up, lost \$66,000 and his dealership. An Oklahoma oil field operator lost \$45,000.

Krown and his finders also papered the country with phony cashier checks, which many people erroneously consider to be as good as gold. Even a teller at New York's massive Citibank cashed some of these bogus checks, costing the bank \$25,000 and the teller his job. Others were accepted by the MGM casino-hotel in Las Vegas for a total loss of \$115,000.

The full losses from Krown's finagling may never be known. Assistant U.S. Attorney Carolyn Henneman, who prosecuted him in New York, says he and his associate passed more than 100 million dollars' worth of phony paper, "defrauding victims all over the world."

Krown was convicted in Salt Lake City, Denver and Tulsa, as well as in New York. He was originally released pending appeal of the New York conviction, but then was locked up to begin serving a 15-year sentence, because it was discovered that during his trial and after his conviction he had continued to operate his

bank and even created two new banks.

Authorities warn the public: Be wary of checks from unknown foreign banks, especially those with addresses on Grand Cayman, the Bahamas, St. Vincent and Montserrat islands, where controls are lax or nonexistent.

Slippery Silver

If Bobby J. Howell and John Daniel Sledd had been honest businessmen,

With dazzling sales pitches, boiler-room operators make millions from the unwary.



they and their customers would now be on easy street. But because of their crookedness, what would ordinarily have been good luck backfired, sending Howell and his partner to prison.

In February of 1979, Howell and Sledid opened an office in Clearwater, Fla., adding a touch of respectability by sharing one floor with the local office of the FBI. They put in a bank of telephones and began calling doctors, lawyers, pharmacists and businessmen in the smaller cities of the Midwest.

With surprising ease, they talked hundreds of people into sending them thousands of dollars to purchase what was vaguely described as "control" of deposits of gold and silver. In less than a year, they took in more than a million dollars from at least 145 persons whom they had led into expecting quick profits.

Normally, boiler-room operators like Howell and Sledid use the ups and downs of the market to their advantage. When the market goes up, they talk people into investing more. When it goes down, they use that as an excuse for the loss of the victim's money.

But Howell and Sledid had the misfortune of running into a spectacularly rising market in gold and silver. They could not pay off those who wanted to withdraw their earnings, and they had no excuse for losses. Ironically, says Paul Jenkins, the FBI agent who broke up their operation, they would have been rolling in legitimate profits if they had actually bought precious metals instead of pocketing the money sent to them.

Howell was sentenced to 15 years in prison, Sledid to 12 years. Each was fined \$114,000.

Their forced retirement left hundreds of other boiler-room operators still in business, authorities say. Assistant U.S. Attorney Stephen Sendorowitz calculates the total take at perhaps a billion dollars a year.

They sell whatever is in the public eye. Today, gold and silver are on the back burner, and the pitch is for strategic metals such as titanium.

"The Perfect Crime"

When FBI agents in Los Angeles came across a doctor who had lost a million dollars in a con game but wasn't complaining, they knew they were on to something unusual.

It was a scam that began with an ad in a reputable business publication. Beneath the words "Tax Shelter," the ad



The "perfect crime" ends with the con man on the loss and the victim writing off the loss on his taxes.

offered a tantalizing but vague outline of the deal and a telephone number.

In this type of scheme, the "shelter" can be built around almost anything—coal, oil, precious metals, even old mining claims. As in a legitimate tax shelter, the investor will show a paper loss, but not an actual out-of-pocket loss for a few years before cashing in for a profit. If he is in the top bracket—50 percent—the amount he pays in federal income taxes is cut by \$5,000 for each \$10,000 of paper loss he reports.

The victim is asked to give his new partner perhaps \$10,000 in cash and to establish a line of credit at a bank for perhaps \$50,000 more—money the joint venture is legally authorized to draw upon. He then supposedly has \$60,000 at risk and can begin making deductions on that investment.

What makes the deal especially attractive is this: The partners illicitly agree that the line of credit will not actually be used.

Eventually, the con artist skips town, taking as much of the investor's money with him as he can. But complaints to authorities are rare. The victim often makes more on tax deductions than he loses to the swindler. In any case, he feels compromised because he invested far less than what he fraudulently reported on his tax returns. Even when confronted by the FBI, victims are reluctant to admit they have been fleeced. "This is the perfect crime," says Robin C. Brown, an FBI agent who works full time on the confidence games that abound in Southern California. "The victim isn't going to say he was victimized because he doesn't want the Internal Revenue Service asking questions. There is no victim except the people of the United States."

Target The Elderly

Franchise scams are almost ideally suited to ruin the lives of a couple searching for a way to secure their retirement years and old age.

FBI agents in Chicago cite the case of the National Products Research &

Development Corporation of Des Plaines, Ill. Eye-catching newspaper ads offered persons of modest means a chance to go into business selling and servicing a line of miniature deodorant and perfume sprays to be sold in hotels and convention centers.

The company obtained investments ranging from \$3,600 to \$12,000. Then investors were let in on a secret: They could make more money by selling distributorships to their friends than by selling the spray devices themselves. In this way, the swindlers pulled more and more people—and more and more money—into the operation.

Only a few early participants received a set of aerosol sprays—let alone a franchise of any value. Most got little or nothing for their money. When the FBI got into the case, it found that 195 of some 200 investors took losses.

In some instances, more than money was lost. One employee of a large corporation quit his job and withdrew his pension money to invest in the franchise scheme. He saw it as an ideal way to escape from the corporate rat race. In the end, he forfeited his job, his pension and his wife.

The case proved hard to prosecute. A few investors had made money by selling distributorships, so the defense was able to argue that the company was guilty of poor business practices rather than fraud. Despite these problems, five defendants were convicted by juries and two others pleaded guilty. Three were acquitted.

Most con artists, however, elude capture by moving fast and leaving few tracks. Even when they are caught, their victims seldom get their money back. Says the FBI's Brown: "Once you're taken, you stay taken." □

By GUY KIZLY



Swindlers bulk retirees, peddling franchises for perfume and other items.



Guns confiscated in Chicago. Still in private hands around nation: 120 million others.

Battle Over Gun Control Heats Up Across U.S.

Is the easy availability of handguns a major cause of crime? Or are firearms vital to defense of home and hearth? Americans are choosing sides in a debate given new intensity by the trial of John W. Hinckley, Jr.

From the halls of Congress to the village green, a new struggle over gun controls is reaching a fever pitch.

The fight is being fueled by the 1 million "gun incidents" that occur each year in the U.S., among them 13,500 murders, 15,000 suicides, 1,800 accidental deaths, 157,000 assaults, 221,000 robberies and 200,000 injuries.

The aim of firearms critics is to slap new restrictions on handgun purchases—if not to ban them altogether—and to whittle down existing arsenals of privately owned weapons.

Gun owners are fighting back. They declare that firearms are a cherished tradition, vital to the defense of individuals and the country. They contend, too, that the problem is criminals who misuse firearms, not the weapons themselves.

As the battle intensifies, dozens of cities and a number of states will vote on gun controls this year. California voters are expected to decide this fall whether to freeze pistol registrations. San Francisco Mayor Dianne Feinstein has called for a handgun ban in her city. Some Massachusetts lawmakers are trying to bar snub-nosed handguns, while others are seeking to ease gun-purchase rules. Already on the books in Chicago: A freshly enacted ban on new pistol registrations.

In the courts, judges will consider the legality of the widely publicized handgun ban adopted in June, 1981, by the village of Morton Grove, a suburb of Chicago. Gun opponents, meanwhile, are hailing a recent lower-court decision rejecting the idea that citizens have a constitutional "right to bear arms."

In Washington, for the first time since 1968, Congress may pass a major gun law this year. On April 21, the Senate Judiciary Committee approved a bill that would weaken U.S. gun-

law enforcement but would also force buyers to undergo a 14-day records check before obtaining a weapon.

Emotions have been aroused by episodes such as the gunning down of rock star John Lennon outside his New York City apartment in 1980 and the shooting of President Reagan a year ago by John W. Hinckley, Jr., with a cheap handgun. But gun crimes and accidents involving ordinary citizens also are stirring concern. Among recent incidents—

■ Clarence Piggott, 55, a Las Vegas high-school teacher, was about to start a class when a student, fearing that Piggott might try to have him institutionalized, shot the instructor to death with a small-caliber pistol.

■ Eight-year-old John David Rodriguez was selling tamales in Corpus Christi, Tex., to earn money for Christmas presents. Caught in the cross fire of a local tavern shoot-out, he was fatally shot in the back.

■ Kenneth Miles, a 27-year-old man with a manslaughter conviction, entered a Louisville savings and loan office

and asked about opening an account. Apparently impatient because of a delay in being provided with the information, he pulled out a pistol and started shooting, killing a teller and a customer and seriously wounding a bank official before shooting and wounding himself.

■ Several 10-year-old boys, playing in a Boston field, found a rusty .25-caliber pistol. One boy picked it up and, without aiming, pulled the trigger. A bullet struck and killed his playmate Robert Manzo.

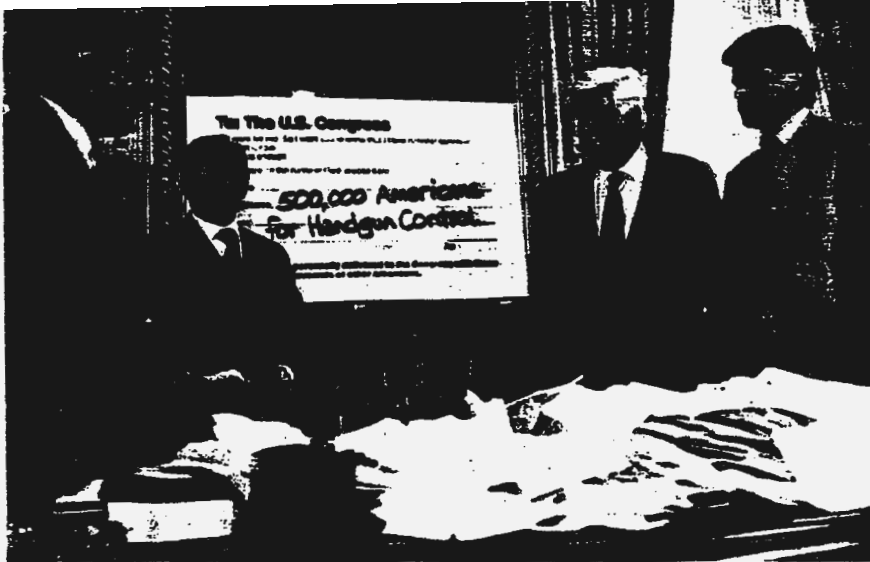
Progun groups deplore the deaths and injuries caused by firearms, but they stress that horror stories about misuse must not be allowed to obscure the importance of guns in deterring crime and saving lives.

All told, an estimated 120 million firearms exist in the U.S. today. That is 1 for every 2 households. Nearly 40 million of these firearms are handguns, the type used in more than half of the nation's yearly toll of 22,000 murders.

The debate over controlling guns is becoming more intense and bitter. Name-calling is common, and advocates on both sides have received death threats. "People get



Visitors to National Rifle Association convention examine late-model firearms. The NRA says tight gun limits would inhibit use for sport and self-defense.



Pete Shields, left, of Handgun Control, Inc., presents to key members of Congress petitions calling for tighter federal controls on firearms.

emotional about this issue, and there's no way you can persuade those on opposite sides to the contrary," observes Representative Harold Volkmer (D-Mo.), a gun-law critic.

Gun-control proponents—led by the National Coalition to Ban Handguns and Handgun Control, Inc.—accuse their adversaries of being, in the Coalition's words, "frightened little men living in a pseudomacho myth."

Gun advocates—represented by the National Rifle Association and the Citizens Committee for the Right to Keep and Bear Arms—brand antigun activists "new totalitarians" intent on curbing individual freedom.

In the middle of the fray: Local police and federal firearms agents, who try to enforce a confusing array of 20,000 gun laws enacted since the turn of the century.

American Heritage

Guns have been prevalent in America ever since colonial days, when settlers found them vital for hunting, defense against Indians and, later, in fighting the British. Firearms were "ubiquitous, readily at hand and unthinkingly accepted," said historians Lee Kennett and James Anderson in their study *The Gun in America*.

When the U.S. won its independence, the Constitution's framers drafted what is now the Second Amendment: "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." Legal experts differ on whether those words give citizens an absolute right to own guns or were merely a guarantee to the states that their militias would not be disbanded by the federal government. At the time the Constitution was ratified, most states required that able-bodied men join the militia and provide their own weapons.

When the frontier moved west, the lawlessness of newly opened lands spurred widespread gun ownership. So did the growth of big cities in the East, where immigrants fresh from Europe often felt threatened by rival ethnic groups.

As guns became linked increasingly to violent crime, Congress and some states began to enact curbs on sales. Federal laws in the 1930s were aimed at keeping machine guns out of gangsters' hands and requiring dealers to record gun sales. In 1968, after civil-rights leader Martin Luther King, Jr., and Senator Robert Kennedy (D-N.Y.) were shot to death, Congress toughened gun laws again. The new statute was designed to stem the influx of cheap foreign handguns—so-called Saturday-night specials—reduce mail-order gun sales, and keep firearms from those with criminal records.

Gun laws in force today don't prevent Americans who want firearms from getting them quickly and cheaply. In part, this is because the nation's stock of guns gets bigger all the time.

The number of guns is increasing at a rate far greater than that of the human population: Nearly 5.5 million firearms are manufactured and 750,000 more are imported each year. Unlike products that wear out, guns last almost indefinitely. Only a few are seized by police or destroyed by criminals seeking to hide evidence.

The most common crime weapon is the handgun, more than 350,000 of which are assembled each year in Florida alone from imported parts and sold for less than \$100 each. But these Saturday-night specials are used in crime less often than more-expensive domestic models. A study by the Cox newspaper chain of 14,266 handguns seized by 18 city police departments showed that half were made by U.S. manufacturers such as Smith & Wesson, Colt and Charter Arms. Most retailed for between \$150 and \$330.

Most guns are sold initially by the nation's 177,000 licensed dealers. Many dealers operate

gun shops, but others sell weapons in service stations and country stores. Most dealers are individuals who get the \$100 federal licenses to qualify for discounts and mail purchases.

Controls over dealer sales are minimal. Purchasers must declare they have no record of crime or mental illness, but those who lie have little chance of being caught. Only 25 states require waiting periods—some as short as 48 hours—so officials can check buyers' backgrounds before a gun changes hands. Even when there is time to investigate, many police units don't have the manpower or means to do it. Criminal records may be available within a state, but out-of-state data often are difficult to obtain.

Mental-treatment records are more elusive because of privacy laws. Mark Chapman, who killed John Lennon, easily obtained a gun in Hawaii even though he received psychiatric care in a hospital there after attempting suicide.

The few unable to evade the law in one state can go to a nearby state with lax curbs. Says Jack Franks, a U.S. firearms agent in Detroit: "It's easier to get a gun legally in Ohio than in Michigan. In some Ohio gun shops, you can walk in the door, buy a gun and walk out with it." Agents say that at least half the guns used in Washington, D.C., crimes were purchased in adjoining Maryland and Virginia.

The 1968 federal gun law prohibits the selling of firearms to persons from out of state—a provision aimed at safeguarding the effectiveness of local gun laws. Law-enforcement officials report that dealers in many areas largely honor these provisions in the breach.

Even when a gun is purchased legally, there is little to prevent a buyer from reselling it to a criminal or an unstable person. This has led to a black market in firearms that is difficult for investigators to crack, especially when guns are sold in small numbers. James Wright of the University of Massachusetts says convicts he has interviewed about their gun sources report that "they can find a handgun in any Massachusetts town within 2 hours for under \$100."

Another big problem is gun thefts, which experts estimate exceed a quarter of a million a year. Weapons acquired for self-defense are prime targets for burglars. Case in point: Michael Halberstam, a prominent Washington, D.C., author and physician, was shot to death in 1980 by a burglar he confronted in his house. The assailant's gun had been stolen from the home of an FBI agent.

Shooting Match

The job of keeping guns out of criminals' hands falls to a small and controversial U.S. agency: The Treasury Department's Bureau of Alcohol, Tobacco and Firearms. Assailed by gun owners and dealers since it began enforcing the 1968

DARRYL HERBS—AP/WIDEWORLD



Opponents of stronger gun laws rally in Springfield to show Illinois legislators their intense feelings on the issue.

U.S. law, the 2,700-member, 115-million-dollar-a-year unit is being threatened by Congress with severe budget cuts.

Complaints focus on the bureau's enforcement of the ban on interstate gun sales. The NRA and others assert that the unit harasses firearms dealers through improper entrapment. "It's easier for agents to intimidate a store owner selling guns at a country crossroads than to investigate major criminals," charges NRA lobbyist J. Warren Cassidy. The NRA has circulated in Congress a report of the agency's "war on civil liberties" in a successful effort to cut its manpower.

NRA officials and their supporters also charge the bureau with bungling cases and sometimes abusing suspects. In one Maryland case cited by critics, the agency told a dealer he could sell guns from his private collection without keeping records of the transactions, but agents then arrested the dealer and seized his \$15,000 collection. Representative John Dingell (D-Mich.), a longtime critic of the bureau, calls its investigators "jackbooted fascists."

Officials contend the charges are overblown. John Walker, an assistant Treasury secretary who oversees the bureau, says critics have cited only 44 cases of alleged wrongdoing over 14 years. He adds: "We have taken corrective action to prevent agents from violating a citizen's rights."

"In the pits." The drumbeat of criticism has taken its toll. G. R. (Bob) Dickerson, who resigned recently as bureau director, charges that the NRA and its allies, by focusing attention of lawmakers on a small fraction of the agency's cases, have "seriously interfered with our law-enforcement efforts." Dickerson, who says "morale is in the pits," notes that one fifth of his employes have quit in the last year.

The Reagan administration tried to end the dispute by disbanding the agency and shifting gun enforcement to the Secret Service. The NRA supported the abolition idea, but balked at getting the Secret Service into the act. Result: Lawmakers are leaning against the Reagan plan, and the agency is likely to remain in place with a smaller staff.

Gun-law enforcement by city police is spotty. Carrying a concealed weapon is barred almost everywhere unless the owner has a permit, which usually is hard to come by. Many pack guns anyway, knowing that police will probably find them only in the unlikely event of an arrest for another crime.

A few cities actively look for weapons. In Chicago, where police confiscate more than 20,000 guns each year, Police Chief Richard Brzezczek says: "We are very aggressive about stopping cars and pedestrians." Elsewhere, most citizens can carry guns with little fear of detection. Says a Houston business consultant: "Everybody I know keeps a gun in his car, right on the seat next to him. We'd rather take our chances with the law than with criminals."

Indeed, the rise of violent crime has caused a surge in sales of guns and bulletproof material for self-defense. Observes a

San Francisco gun-shop clerk: "Five years ago, it was very unusual to see a woman in the store. Now, I see them every day. The most startling thing is that they—or someone close to them—have recently been on the business end of a gun and they want protection." Says Bud Greenwald of Denver's Foothills Shooting Center: "Our clientele ranges from ditch diggers to bank presidents."

General Electric Company reports that sales of bullet-resistant plastic sheets have tripled in five years. At least two firms are marketing bulletproof wardrobes. "I get orders for bullet-resistant undershorts," reports Leonard Rosen of Protective Apparel Corporation of America.

Similarly, there is a booming demand for self-defense training. The small town of Staunton, Ill., expected 25 women when it offered a free course last year in using handguns for self-defense, but 100 signed up and 200 more took part later. It was the same story in Nashville, where the sheriff received 3,000 inquiries about a similar class.

Can Controls Do Any Good?

Most experts agree that gun curbs now on the books haven't put much of a dent in crime. Progun forces contend that the measures should be abandoned because, as

Voices From the Grass Roots

As handgun use for both crime and self-defense soars, Americans are taking a middle-ground view on controls: They favor registration, but reject outright bans.

Surveys made for groups on both sides of the issue, say University of Massachusetts analysts, show most Americans believe "that firearms, like automobiles, are intrinsically hazardous, and that government should keep track of them for that reason alone."

U.S. News & World Report correspondents around the nation also found an ambivalence about guns: Firearms frighten many citizens, but others enjoy them or want them for self-defense.

Those who find guns repulsive don't mince words. "I hate guns," says Anna Martha, a widow in Hamtramck, a working-class Detroit suburb. "I don't know why they sell them to every Tom, Dick and Harry." Reports Lesley Johnson, an employe of the white-collar San Francisco suburb of Belmont, "Guns definitely frighten me. It's almost unreal how easy it is to buy them over the counter." Says Ed Williams of Hartford, who once had to talk a man out of shooting him: "The guy was drinking, and the first thing that comes to a man's mind when he's upset is to grab a gun."

Gun advocates are just as quick to cite firearms' virtues. "It's very relaxing," says Bob Bradshaw, a Washington, D.C., construction manager. "After an hour of target shooting, my frustrations about the rat race are gone." Bradshaw believes the U.S. would be an "easy-takeover target" if gun ownership were barred.

"No matter what we do, people are going to get guns," says Paul Kearney, a motor repairman in Marquette Park, a blue-collar Chicago area.

Regardless of their views on controls, many see guns as vital for protection. "Everybody here has a gun," says Catherine Clegg of Houston's swank River Oaks. "The feeling is everybody has been robbed or will be." In Atlanta's low-income Glenwood Place area, an unemployed laborer recently paid \$111 for a .38-caliber pistol to replace one stolen from his house. "As bad as folks are out here now, you'd better have something," he says. "I wouldn't stay in Atlanta without one."

NRA lobbyist Cassidy puts it, they "don't hamper criminals but put an endless burden on honest citizens."

Gun advocates cite research by Florida State University criminologist Gary Kleck, who concluded that "the level of gun ownership in our society has no direct effect on the homicide rate." Kleck also believes that curbs on handguns may prompt criminals to switch to rifles and shotguns. He says these weapons are more dangerous than handguns and that such a move would lead to even more serious violence. "The only difference between long guns and handguns is a hacksaw blade," declares NRA official John Aquilino.

Antigun crusaders maintain that the controls haven't had a fair test. Arguing for tough national legislation, Pete Shields of Handgun Control, Inc., says that "the only way the crazy quilt of present laws could work is if we placed customs officers on every border of every city and state."

Target: The snub nose. The debate over federal rules may be resolved this year. The bill approved by the Senate panel would achieve the NRA's goal of lifting many limits on over-the-counter sales. But gun-control groups, along with the International Association of Chiefs of Police, won approval of a 14-day waiting period that the NRA contends will not detect criminals but will inconvenience the law-abiding. Others would ban altogether sales of snub-nosed handguns used in many crimes. Says Philip Cook of Duke University: "It is simply illogical to permit the sale of highly concealable handguns to the vast majority of the public that is not entitled to carry them." Some experts, noting that many serious crimes involve people who know each other, say fewer guns would mean fewer "crimes of passion" in which a family fight and an available gun lead to murder.

Antigun forces also want to close loopholes in current law by banning imports of parts from which cheap handguns are assembled and by requiring reports of gun thefts.

One idea getting wide support is mandatory penalties in gun cases. The oldest such measure is a 1974 Massachusetts law requiring at least one year in prison for anyone found guilty of carrying a concealed weapon. Analysts at two Boston universities report that serious gun crimes decreased after the law went into effect, but they are still studying whether the statute was responsible for the drop.

Others advocate better detection of concealed guns. The Justice Department is promoting development of devices based on the same principle as airport metal detectors so that police in unmarked vans could spot weapons being carried by pedestrians. Says Lawrence Sherman of the Washington-based Police Foundation: "The basic technology is there. Once the units could be produced at a reasonable cost, a lot of street violence would be deterred."

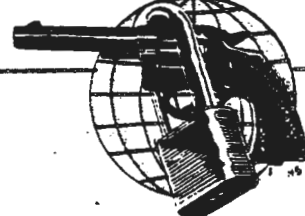
The courts are involved increasingly in the battle against gun misuse. In recent years, a dozen lawsuits have been launched charging that gun manufacturers are making dangerous products or that gun owners negligently allowed weapons to fall into criminal hands. On February 11, a Washington, D.C., jury ordered the NRA to pay 2 million dollars to heirs of a man shot to death by a robber using a gun stolen from NRA headquarters. The NRA is appealing.

The views of gun advocates are being heard in the courts, too. The NRA has set up a legal defense fund, with 350 lawyers available to help persons accused of violating gun laws. Firearms defenders dispute the notion that juries will find guns inherently dangerous. "That would be like holding a liquor firm liable if someone gets drunk and commits a murder," argues San Francisco lawyer Don Kates.

The Coast-to-Coast War

While Congress and the courts grapple with thorny gun issues, the most spirited debate is being waged at the local level. Antigun groups, which are backing gun curbs in big

Abroad: Tighter Gun Controls



Of the nearly 22,000 persons murdered in the U.S. in 1980, more than half were killed with handguns. Other major countries generally have stricter firearms controls than the U.S., and much less gun crime. For a look at the situation abroad—

England and Wales. 564 murders. Pistols may be bought only for sports and usually must be kept at a gun club.

France. 1,955 homicides. Handgun owners must have official permission; one fourth of applications fail.

West Germany. 2,705 homicides, 17 percent with guns. Handguns may be purchased only for limited hunting and self-defense purposes.

Sweden. 135 murders, 18 percent with firearms. All gun sales are registered; police check applications.

Japan. 1,684 homicides, 4 percent with guns. Firearms ownership is tightly restricted.

Canada. 593 homicides, one third with guns. Firearms must be registered; buyers are carefully screened.

Italy. 1,080 murders in 1981. Guns may be purchased readily but must be registered. Voters last year turned down a proposal to let only police carry guns in public.

China and Soviet Union. No homicide figures available. Gun ownership is banned without state permission.

cities, towns and hamlets, boast fewer than a million members and only several million dollars to spend each year.

By contrast, the NRA has 2.4 million members—including "lifetime member" Ronald Reagan—and a 40-million-dollar budget. The group springs into action at a moment's notice to mobilize local opposition to gun-control bills. The NRA takes credit for helping to defeat curbs in 28 cities during the last year. Another victory for progun forces was the March 15 decision by Kennesaw, Ga., officials requiring city residents to own guns. When San Francisco Mayor Feinstein issued her plan to ban handguns, NRA backers jammed all telephone lines to City Hall for an entire day in protest.

The pressure sometimes fails. Boulder, Colo., approved a limited gun-control law even though 500 gun enthusiasts packed a hearing to complain. Only two people in the audience favored a more restrictive ordinance. The NRA's inability to win passage of the bill weakening U.S. gun laws, even after spending 1 million dollars in 1980 to back more than 200 political candidates, contributed to the ouster of three top NRA officials last month.

Despite the setbacks, gun supporters vow to keep fighting. Why do they feel so strongly? Psychologist Leonard Berkowitz of the University of Wisconsin gives this answer: "For many, guns signify manliness. Take away their guns and you're threatening their manly self-images." John Snyder of the Citizens Committee for the Right to Keep and Bear Arms puts it this way: "A gun is both a symbol of freedom and a physical object that helps people protect freedom. Not many things serve both functions."

The intensity of views on both sides suggests that although a handful of new curbs may be put on firearms—perhaps preventing a few crimes and accidents—the U.S. will remain what it has been for more than 200 years: A land in which guns loom large.

By TED GEST with the magazine's domestic bureau



TOM DAVID ZIMMERMAN—AP/WIDE

Despite police efforts, violent crime has quadrupled in 20 years.

Our Losing Battle Against Crime

Look at the statistics on arrests and convictions, and it is no wonder that a judge says "criminals have no fear" of being punished. Increasingly, they are getting away with murder—and a lot else.

Americans are pouring 26 billion dollars a year in public funds into a battle against murderers, rapists, robbers and other menaces to law and order.

Yet the battle is being lost.

In every arena—the police precinct, the prosecutor's office, the courtroom, the penitentiary—this country's criminal-justice system is being strained to the breaking point by a contagion of crime.

Figures released recently by the Federal Bureau of Investigation give only a hint of the problem. They show violent crime rising 11 percent in 1980 over 1979. For a true perspective, it is necessary to look back further.

Since 1960, the number of violent crimes in America has more than quadrupled.

In 1980, 23,000 people died at the hands of murderers, up from 9,000 two decades earlier.

The same year, 82,000 women were raped, up from 17,000 reported in 1960; more than half a million people were robbed, up from 108,000, and 650,000 plus were assaulted, up from 154,000.

During the same 20 years, crimes against property—burglary, larceny and car theft—tripled, causing billions of dollars in losses.

Why the steady rise in lawbreaking? The theories are many and complex. But most experts agree that one cause is this brutal fact of life: Criminals today run only a slight risk of being punished for any particular crime, and they know it.

Police make arrests in just a fraction of the cases in their files. Prosecutors reject or dilute the charges against large numbers of those arrested. Fewer still are actually convicted once in court. Sentencing is inconsistent, and most offenders who do go to prison are freed early, even though

many—70 percent or more by some estimates—later commit new crimes.

One study found that of the more than 1 million serious crimes believed to occur in New York City each year, only 5,000—or 1 in 200—lead to prison sentences of longer than a year. "The odds of actually serving three years in prison for committing a felony in Manhattan are so remote as to be meaningless," laments New York police official Kenneth Conboy.

Though conditions in New York are not universal, there are few places where the risk of punishment is great enough to be much of a deterrent. The result: "Many criminals have no respect for or fear of the crime-prevention system," complains Judge William Callow of the Wisconsin Supreme Court.

Law-abiding persons are indignant. "The citizen wants safety and expects justice; too often, he or she gets neither," the Attorney General's Task Force on Violent Crime declared in August.

In a September 28 speech, President Reagan added his voice, warning that "there has been a breakdown in the criminal-justice system in America. It just plain isn't working. All too often, repeat offenders . . . are . . . getting away with murder: The people are sickened and outraged. They demand that we put a stop to it."

Perhaps nothing stirs public exasperation so readily as offenders who return to a life of crime after receiving light sentences from judges or early releases from corrections officials. Among recent cases that have provoked public anger:

■ Despite convictions for two murders, two armed robberies and an assault, Jerold Green of Philadelphia was released on bail while appealing the second homicide verdict. He didn't report for prison after losing the case; while authorities looked for him, he committed a third murder.

■ David Carpenter has a record that goes back to 1947, when he was arrested at 17 for allegedly molesting a 3-year-old San Francisco girl. Over the years he faced other accusations of rape and assault and was convicted of robbery and kidnapping. Paroled for a second time in 1979, he is

now being held as the "Trailside Killer" whom police have accused of a string of seven murders in Northern California.

■ Steven Judy was convicted, imprisoned and released after three heinous crimes during the 1970s, each involving stabbing or kidnapping. Then, while free on bail after a robbery charge, he murdered a woman and her three children. He was executed last March in Indiana.

Declares U.S. Associate Atty. Gen. Rudolph Giuliani, "The criminal-justice system at the state and local level is in danger of caving in, both from the weight of an enormous volume of cases and one procedure after another that glorifies the rights of the accused above everyone else's."

Many justice-system officials argue that the press and the public are too quick to seize upon extreme cases and blame authorities unfairly. They contend that police, prosecutors, judges and prison officials are doing a creditable job of coping with crime, considering the problems they are up against.

To assess these problems and determine what can be done about them, *U.S. News & World Report* went to experts around the nation.

Police: The Front Line

Making up the first link in the justice system are the nation's 440,000 law-enforcement officers, organized into 17,000 units that range from the FBI and big-city departments to state police and tiny county sheriffs' offices.

A single statistic spells out the limited effectiveness of police: Arrests are made in only 19 percent of the serious crimes reported, on average. Thus, at this first step in the justice system, 4 out of 5 crimes escape the reach of prosecutors, juries and judges.

Why is the arrest rate so low? The basic answer offered is that the police are overworked and understaffed. Most officers are not detectives but patrolmen who must juggle an array of noncriminal duties such as mediating family quarrels, directing traffic and dealing with drunks.

Because the public expects them to handle so much, many police officers spend their entire tour of duty being dispatched from one public disturbance to another, says Gary Hayes of the Police Executive Research Forum, based in Washington, D.C.: "Patrol officers have become little more than harried report takers."

Detective squads have fewer distractions from crime solving. But they, too, are overwhelmed with cases. Unlike TV's cop heroes, who relentlessly pursue every lead until the culprit has been nabbed, America's real Kojaks often have only a few hours to look for clues, if that much, while the crime reports pile up in their in baskets. In one typical suburban jurisdiction, Baltimore County, Md., 100 detectives must wrestle with 5,800 violent offenses and 39,000 property crimes each year.

Making matters worse, crimes of violence are steadily getting harder to crack, because the number of attacks by strangers against strangers is on the rise. "Often, no one sees anything or comes forward," says Capt. Robert Robertson of the Michigan State Police. "We then have to rely on our ability to find clues at the scene, and we usually don't have much going for us."

Even when police make an ar-

rest, the odds may be no better than 1 out of 3 that it will stick. A recent 10-city study by the Washington-based Institute for Law and Social Research found that, in some areas only one third of arrests for violent crimes result in convictions. One part of the problem: Police usually are judged by superiors on how many arrests they make, not on whether the arrests—called "collars" by police—lead to conviction. All too often, say critics, officers take suspects into custody without gathering enough evidence to prove the case.

Still another complication: While police department have been struggling with rising crime, municipal-budge crunches have curbed police expansion and in some place have led to reductions. Boston, which had 2,500 officers in 1968, is now down to 1,620, and more layoffs are expected. The Los Angeles force has dropped from 7,600 to 6,900 officers in recent years, and more cuts are likely. Last June voters rejected a special tax to add 1,350 officers to cope with a violent-crime wave.

Prosecutors: Justice on the Cheap?

The largely invisible but powerful role of prosecutor puts them at the center of many complaints about the criminal-justice system. Police officers, judges, crime victims and others frequently see district attorneys as bent more on disposing of cases than on seeking justice.

At the nub of the controversy: Prosecutors typically reject or reduce the severity of 50 to 80 percent of the charges filed by police. Why so many washouts? The reasons cited by prosecuting attorneys range from their own manpower shortages to police inefficiency. Says William Hamilton of the Institute for Law and Social Research "Prosecutors say a lot of cases police bring them aren't worth pursuing, while the police announce, 'I delivered my cases to the prosecutor.' That leaves a huge wasteland in which no one takes responsibility."

A case may be dropped because a police interrogation or search violated a Supreme Court ruling, or a seemingly key witness is believed unlikely to sound convincing to a jury. Too, there may be a shortage of judges to hear cases, and an absence of prison space even if a suspect is convicted.

For one reason or another, the vast majority of cases are



USNEWS.com—Basic data: Federal Bureau of Investigation

depending on what courtroom a defendant is assigned to," notes Martin Schwartz, a University of Cincinnati criminal-justice expert. Once early releases granted by parole boards are factored in, disparities in time served can be enormous. A recent study by the *National Law Journal* found that the average period spent in prison by convicted felons ranged from 13 months in South Dakota to 53 months in Massachusetts.

Judges defend their sentencing decisions as realistic. The public disagrees. The Chicago-based National Opinion Research Center reports that more than 80 percent of Americans believe that courts deal "not harshly enough" with criminals, a figure that has increased steadily since the survey was first taken in 1972.

Prisons: Factories for Crime?

When a thug goes to jail, the community is made just that much safer, at least for a time. But there's a catch, say critics of the system: Most inmates eventually get out, and many hit the streets an even greater threat to society than when they went in.

A look at what prison life is like explains why. The 329,000 prisoners in federal and state penitentiaries are housed mostly in antiquated, crowded institutions in which violence and drugs proliferate, opportunities for rehabilitation are skimpy and the exchange of tips on criminal techniques is a major pastime.

Nearly two thirds of state prisoners are confined in cells smaller than 60 square feet, the minimum that is recommended by experts. Says a recent report commissioned by the Justice Department: "Privacy is simply unavailable. . . . Opportunities for violence and sexual abuse are largely uninhibited."

Because of a shortage of funds and facilities, only 1 prisoner out of 10 receives job training while in prison. Few get

Population Explosion

Inmates of State, Federal Prisons



USNEWS chart—Basic data: Dept. of Justice

1980
329,122

Up 68%
in 10 Years

any amount of counseling. A prison housing 1,500 inmates may employ 20 counselors.

By the time prisoners walk free, they often seethe with an antisocial rage that can quickly erupt in more criminality.

Says Lawrence Dinisio, a guard captain in a Maryland prison: "They're completely dehumanized, mean and nasty." Complains inmate Larry Pharr, serving a 65-year term for armed robbery, kidnapping and rape, "Many of us came in here ignorant, and we won't come out able to cope with society any better, because we can't even deal with our own problems."

Substandard conditions and overcrowding have resulted in more than three dozen lawsuits around the nation by prisoners challenging their confinement as unconstitutionally cruel. In one of those cases, a federal judge in Alabama ordered 222 prisoners released in late July to make room for new convicts backlogged in county jails. In Texas, more than 1,000 inmates are living in

tents while new facilities are built under court order to relieve crowding.

As prison cells overflow, parole boards make room for new convicts by releasing before the end of their terms inmates judged to be rehabilitated. But such determinations are chancy and sometimes wrong. Parole officers are assigned to keep tabs on those released. Still, with an average case load of more than 70, these officials can provide little supervision, and many offenders commit new crimes.

Outraged by what they see as excessive lenience by the parole boards, many legislators and judges are turning to a get-tough approach to sentencing. In the last four years, 37 states have set mandatory minimum terms for certain offenses, and 15 states have restricted parole.

More persons convicted of crimes are put behind bars, and they are staying there longer. In California six years ago, 27 percent of those convicted of serious crimes went to prison; the figure today is 35 percent. In New York City, the proportion jumped from 24 to 54 percent in the last decade.

Yet many experts question whether a marked expansion of the prison population offers much of an answer. For one thing, it is costly. In general, the tab for housing one inmate for one year varies between \$10,000 and \$20,000, more than it costs to send a student to college. The expense of building new facilities can exceed \$50,000 a cell, and a new Justice Department study estimates that it would take nearly 10 billion dollars just to bring existing prisons up to snuff.

Catalog of Reform

Can the tide be reversed in the war against crime? Most experts take it for granted that a vast increase in the outlay for crime fighting isn't feasible. So they are experimenting with ideas for making better use of available resources.

A federally financed "integrated criminal-apprehension program" in 52 police departments is changing the way cases are handled. In a preliminary inquiry, officers assess each crime's "solvability," based on the quality of evidence such as witnesses or physical clues. The cases that seem solvable are probed intensively; the rest are dropped. Po



Most prison inmates, with few opportunities for work or recreation, are idle for long stretches in tiny, sparse cells.

disposed of through a procedure known as plea bargaining, in which a prosecutor reduces a charge in exchange for a defendant's guilty plea. A suspect in a grocery-store holdup, for example, might be facing several charges, including armed robbery, assault on customers and illegal possession of a gun. But when the case gets to court, the defendant pleads guilty only to robbery, and the other charges are dismissed.

"Usually, the defendant pleads to a serious charge, and the judge would have imposed the same total sentence even if the suspect had admitted the others," asserts Jack Yelverton, executive director of the National District Attorneys Association.

But victims complain that potentially stiff penalties often are negotiated away. Some of the country's highest jurists see extensive plea bargaining as tantamount to an invitation to crime. "Should we be surprised if the word gets around... that you can commit two or three crimes for the price of only one?" asks Chief Justice Warren E. Burger.

Courts: The Buck Stops Here

Many of the criminal-justice system's problems end up on the judge's bench. Jurists must decide whether a defendant should be released on bail, how fast a case will come to trial, the legality of police and prosecution tactics, and the penalty, when a suspect is found guilty. Rulings in each of these areas illustrate the system's flaws.

The first decision confronting a judge is whether to allow a suspect to remain at large pending trial. In many areas, laws permit judges to consider only the likelihood of the defendant's appearing for trial, not whether he might commit another crime. Thus, many accused persons are set free

What Reagan Would Do To Put a Clamp On Crime

President Reagan is calling for a new federal war on crime—one to be fought without the vast outlays of funds spent by Washington in the past.

In a September 28 speech in New Orleans to the International Association of Chiefs of Police, the President gave highlights of an anticrime package he is sending to Congress. The legislation would alter federal court practices in these ways—

- Permit judges to jail, pending trial, defendants whom they believe are dangerous—a concept known as preventive detention.

- Admit in trials all evidence gathered by investigators, so long as they did not deliberately break the law to obtain it.

- Require prison sentences for



persons who use guns in the commission of serious crimes.

- Give judges the authority to order restitution by criminals to their victims.

Reagan also wants to step up enforcement of narcotics laws, with stress on stemming the flow of drugs across U.S. borders. The U.S. armed

services will be pressed into action against smugglers, and changes in the tax code will be pushed to make prosecution of organized-crime figures and drug traffickers easier.

Most of the administration's proposals were drawn from a report earlier this year by a panel appointed by Atty. Gen. William French Smith. But the President rejected the advisory group's call for new controls on firearms, as well as the keystone of the panel's recommendations—a crash program of state-prison construction launched by 2 billion dollars in federal aid.

because they have deep roots in the community. More than 10 percent commit new crimes while out on bail.

Suspects would have less time to get into trouble again if their cases were tried promptly, but delays of six months or more between arrest and trial are common in metropolitan areas. At fault, say experts, are crowded dockets, the schedule conflicts of lawyers or witnesses, and judges' inefficiency. In New York City, where some cases are postponed a dozen times or more, Judge E. Leo Milonas says, "I would like to keep a tighter rein on cases, but it creates stress in the system. Sheriffs are unable to deliver prisoners on time, and defense attorneys may not be ready—we can't convict people by default."

Once a trial begins, there are more stumbling blocks. A judge may prevent admission of evidence if police obtained it in violation of a citizen's rights, a principle known in Supreme Court cases as the exclusionary rule. The issue doesn't arise in every case, but when it does, lawyers often spend as much time arguing about police conduct as they do debating the defendant's guilt. The Attorney General's Task Force on Violent Crime said that citizens lose confidence in the justice system any time "guilty persons go free because an officer acting in good faith seizes evidence that is thrown out of court on a technicality."

Once a person pleads guilty or is convicted by a jury, the judge faces the sticky problem of assessing a penalty. He must weigh community demands for punishment, a defendant's possible fate in prison and whether a sentence might deter others from committing a similar act.

Judges reach inconsistent conclusions. Even in the same courthouse, "15 years may hang in the balance

Undercover officers take suspect into custody. Police make arrests in only 19 percent of all crimes committed.





GRIFFIN/REUTERS

Florida defendant is fingerprinted after sentencing. Cases often take six months or more getting through clogged urban courts.

lice, of course, have tried this to a degree for years, but seldom before have they done it so systematically.

Some departments now refuse to respond to relatively minor complaints, so they can concentrate on serious crimes. Example: The New York Police Department, because of its heavy workload, rarely sends officers to take reports at the scene of burglaries involving less than \$5,000.

Such limitations can stir sharp criticism. "We were subject to scathing attacks when we did it," says Hubert Williams, police director of Newark, N.J. "But police must take the heat and tell the public that reforms are necessary."

To prod police departments into adopting more-efficient methods, a new national commission is developing standards for accrediting law-enforcement agencies.

Prosecutors, for their part, are working more closely with police to make sure that officers do not waste time jailing suspects who are unlikely to be found guilty. Prosecutor C. Stephen Cantrell of Golden, Colo., notes that, until a new system of arrest standards was put into effect there, nearly half of those jailed pending trial were later cleared. He comments, "That's the lesson we were teaching many defendants: There's no penalty after a short stay in jail."

A basic goal of reformers, says Robert McKay of New York University, must be to make justice procedures "speedier and the likelihood of arrest and punishment more certain." If this can be done, McKay and other experts believe, a measurable reduction in crime could result.

In this vein, many prosecutors seek the earliest possible trial dates for defendants with long criminal records, sometimes assigning such cases to a special high-priority unit. Studies suggest that fewer than 10 percent of criminals commit nearly 30 percent of crimes. The career-criminal program, now operating in 39 jurisdictions, has resulted in conviction of about 12,000 repeat offenders. Average sentence: 13.7 years.

Judges, too, are streamlining their operations. In one such experiment, a "repeat-offenders court" in Chicago singles out for expedited handling cases against defendants with long records. To cope better with bail problems, many states are weighing preventive-detention laws that would allow judges to consider the likelihood of a suspect's com-

mitting another crime while awaiting trial. An appeals court in May upheld the constitutionality of such a statute in the District of Columbia.

In addition to campaigning for construction of new prisons, corrections experts are pressing for alternative forms of punishment. The object is to keep nonviolent offenders out of prisons entirely, if possible. One option: Allowing more lawbreakers to live under close supervision in urban halfway houses at night, while holding jobs or attending classes during the day. Only about 10,000 are now housed in such facilities, a tiny fraction of the several hundred thousand in prison. A recent U.S. government study urged that, instead of being permitted simply to sit in their cells, more criminals be required to work to repay victims for damages done during a crime.

While some criminal-justice agencies are being improved, their principal outside source of funds is disappearing. The Law Enforcement Assistance Administration, which provided billions of dollars over the last decade, is being phased out in the wake of criticism of wasteful spending on police equipment and consultant reports, among other things. One unintended result, says Milton Rector of the National

Council on Crime and Delinquency, is that "innovative programs—the ones giving the public something for their money—are being forced to close their doors."

The Reagan squeeze. Proponents had hoped that President Reagan, a strong law-and-order advocate, would keep effective projects alive. But these hopes are now all but dead as Reagan pushes ahead with his budget-cutting campaign throughout the government. His anticrime program, outlined in the box on page 41, is limited to a tightening of criminal-law procedures.

The array of steps being taken in Washington and elsewhere may help, but there are limits to the headway that can be made against crime in a nation that prizes its freedoms as much as the U.S. does. Most students of the criminal-justice system point out that some disorder has always been the price of liberty and due process of law—and American institutions recognize this. "The system is designed to process people fairly, not to control crime," says Gerald Caplan, a George Washington University law professor. Observes John Greacen of the National Center for State Courts: "Judges are supposed to serve as a check on other parts of the system. They're not there to hurry people away to prison."

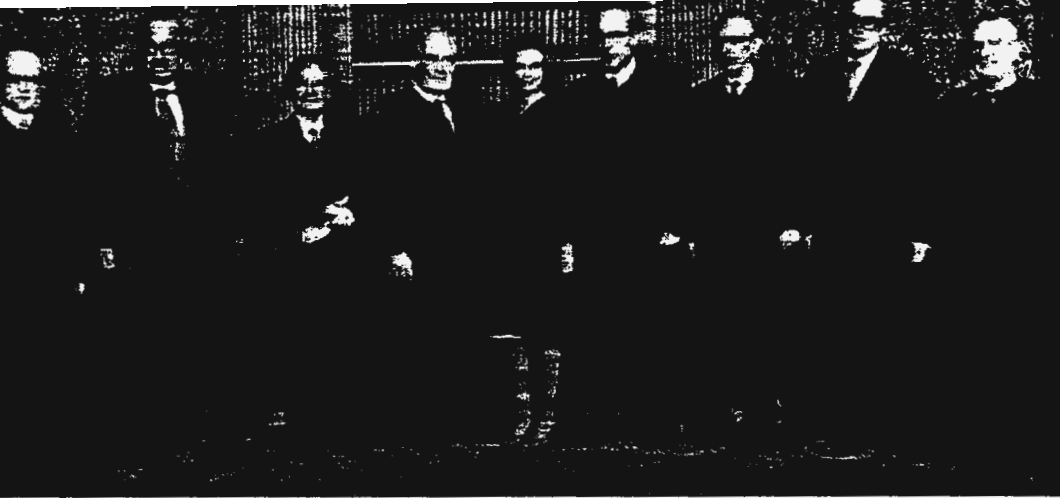
Even so, with the crime rate running at the highest level that this generation of Americans has experienced, no letup is likely in attempts to cope with lawlessness. □

By TED GIST

Rap session at a halfway house in Washington, D.C. Such community-based units offer convicts job opportunities and a better chance at rehabilitation.



CHUCK HARBERTY—JUNIOR



GILL FITZPATRICK—THE WHITE HOUSE

Fresh Face but Same Issues at Supreme Court

Federal rules, police conduct, free speech—the agenda is crowded as the first woman Justice and her colleagues get down to work.

The Supreme Court is starting its 1981-82 term with its first new member in six years and prickly civil-rights, crime and government-regulation issues on the docket.

Attention is focusing on Sandra Day O'Connor, a conservative former Arizona judge who was sworn in on September 25. The big unknown: On a Court closely divided on many questions, what impact will O'Connor have on the 150 cases the Justices will decide in the session that runs from October 5 to next July?

About two thirds of those cases had already been selected before O'Connor was nominated. A look at the list shows that these issues will dominate the Court's agenda—

Civil rights. As in recent years, the Justices will wrestle with difficult questions of bias in employment, education and housing.

In several cases, the Court must decide which kinds of job-seniority plans are immune from challenge as discriminatory. The 1964 Civil Rights Act exempts systems that can be shown to have been set up in good faith.

In another appeal, a flight attendants' union contends that a judge unjustifiably violated a collective-bargaining pact in awarding retroactive seniority to former employees who alleged bias.

Cases from Connecticut and Washington State pose the issue of whether

the federal government may deny aid to schools and colleges that practice employment bias. Educators argue that, under the law, aid cutoffs can be based only on discrimination against students.

Illegal aliens are seeking a ruling that a Texas law denying them free public education violates their rights.

In a freedom-of-religion case, the Kansas City branch of the University of Missouri is trying to ban use of its buildings for religious purposes.

Fair-housing advocates are asking the Court's permission to sue landlords in antidiscrimination suits using evidence gathered by "testers" who pose as potential renters and buyers.

Crime. Cases involving capital punishment, admissibility of evidence, speedy trials and prisoner lawsuits will occupy much of the Court's time.

In an Oklahoma appeal, the Justices will decide whether it is constitutional to execute a defendant who was a 16-year-old minor at the time he murdered a police officer.

Also before the Court are a host of appeals from death-row inmates. O'Connor favors capital punishment, but it is not known whether she will join an effort by Justice William Rehnquist, a fellow Arizonan, to speed such cases.

One key issue on which O'Connor may make a difference is the so-called exclusionary rule; a 1961 finding by the Court that evidence seized by local police officers in violation of a suspect's rights may not be admitted in court. O'Connor hinted during her confirmation hearings in the Senate that she would favor allowing such evidence if the police had acted in good faith—a position contrary to that of Potter Stewart, whom she succeeds on the Court. The issue will be argued in a drug case against a Washington State college student.

Another appeal raises the question of how quick a trial a defendant is entitled to. At issue: A convicted murderer's argument that a two-year delay be-

The Court now: From left, Harry Blackman, Thurgood Marshall, William Brennan, Chief Justice Warren Burger, Sandra O'Connor, Byron White, Lewis Powell, William Rehnquist and John Paul Stevens.

tween the crime and the indictment made it unduly hard for him to defend himself.

The Court will consider several civil cases filed by inmates seeking to invalidate their convictions on various grounds. Because O'Connor has argued that more of these cases should be decided in state courts, court watchers will study her votes for signs of changes in the Court's handling of them.

Regulation. As the Reagan administration seeks to eliminate scores of federal rules, the Court is facing many appeals involving those still on the books.

Physicians are seeking reversal of a Federal Trade Commission ruling that the American Medical Association improperly bars doctors from advertising and soliciting business. In another case, the Court will decide whether doctors may join to set maximum fees.

Public-interest groups contend that the Navy must submit "an environmental-impact statement" before storing nuclear weapons at a Hawaii base. The Defense Department says such a filing would disclose military secrets.

In appeals stemming from the accident at Pennsylvania's Three Mile Island plant, nuclear-power critics argue that the Nuclear Regulatory Commission must hold hearings before allowing release of radioactive gas into the atmosphere.

Local rules, too, are up for review. Cities are asking the Court to uphold laws regulating amusement arcades and head shops, stores that sell drug paraphernalia.

Business and labor. The Justices will decide which workers can be exempted from federal labor laws on the ground that they handle confidential management information. Also before the Court is a union's argument that a work stoppage to protest a firm's sales to the Soviet Union was justified.

Campaign finance. U.S. election rules are at issue, too.

Common Cause, the self-described citizens' lobby, argues that, under federal law, committees making independent expenditures on behalf of a candidate can spend no more than \$1,000 to promote any single candidacy. A federal appeals court has ruled that such limits violate the First Amendment's guarantee of freedom of speech. Independent groups backing Ronald Reagan spent almost 10 million dollars last year to further his cause. □

A Plan Calculated To Cut Crime

By Peter B. Bensinger

BETHESDA, Md. — The Attorney General's Violent Crime Task Force report is a good prescription for reducing the fever of violent crime consuming this country. Task force reports are old hat; they are reported with fanfare then conveniently shelved. This year should be different. President Reagan wants to reverse years of backsliding on crime control. Congress is already acting on drug legislation and, most important, people are fed up with being prisoners in their homes while criminals appear to roam the streets and the parks at will.

Our jails are jammed. Law enforcement resources have been bled thin: There are 10 percent fewer F.B.I. and drug enforcement agents than there were six years ago and thousands fewer policemen in our big cities and at our borders. We have added 120 Federal judges but no more prosecutors, and we have cut back on other investigators and marshals.

In Miami today more than a thousand drug offenders are at liberty because there are not enough Federal prosecutors to take them to trial on cases already investigated. Our bail system is so outrageous that criminals treat bail like a parking ticket. They pay the fee and never appear in court. Local court proceedings in gun cases have made a mockery of existing law, while gun control itself has been ridiculed by the Federal Government and its top enforcement leaders since the assassination of President Kennedy. Laws have been applied in such a way that defendants' legal maneuvers so outweigh the public interest at the people's confidence in reporting criminal acts and expecting criminals to receive just punishment has been lost.

The crime task force took on the tough issues and the need for resources, the money and the people to do this right. These were major recommendations in the report:

• Prisons: \$2 billion for state correctional facilities over four years based on demonstrated need, assurance of rating funds and 25 percent state financing. Consideration of abandoned military bases as sites. A national correctional training academy. Intergovernmental agreements for shared in-

• Gun Control: Mandatory sentencing for use of a firearm in Federal felony convictions, reporting of theft or loss of handguns to law enforcement agencies, a mandatory waiting period for purchasers of handguns, prohibition on importing unassembled handgun parts.

• Narcotics: A foreign policy to insure eradication and interdiction of illicit drugs wherever cultivated, including the use of responsible herbicides domestically and internationally. Military help to detect and intercept illegal drug imports. Legislation to improve drug law enforcement effectiveness.

• Bail: Denial of bail to persons found by convincing evidence to endanger individuals or the community, persons accused of a serious crime who have a prior record of criminal acts while on pretrial release and defendants for whom no conditions of release nor bond will guarantee appearance at trial. Opportunity to appeal bail reduction.

• Exclusionary rule: Evidence should not be excluded if it has been obtained by an officer acting in reasonable good faith in the belief that he was conforming to the law.

• Resources: A substantial increase in personnel for Federal law enforcement and prosecution agencies to enable them to perform effectively their present responsibilities and the recommended additional ones. The cost of this increase was not projected.

There are other important recommendations, but these stand out. Drug eradication means destroying narcotics at the source, not just in Mexico and Turkey but also in Colombia and California. Overcrowded prisons, unsafe for inmates and guards, breed violence and discourage judges from committing violators who should be behind bars. The gun control measures will not stop some criminals from obtaining firearms, but they will make the process illegal and will increase its risk and price. Sweeping application of exclusionary rules of evidence have interfered with finding the truth.

A thorough review by Congress and the courts is definitely warranted. Our violent crime nightmare stems from a lack of adequate resources, an absence of consistent international drug policy, avoidance of handgun control, overcrowded prisons, unrealistic bail and serious deficiencies in the application of existing law.

There are no easy answers; the Federal Government can do only so much. The task force report is on target. I buy it and so should the American people. In fact, with a significant increase in salaries by the Government of criminals' assets, the bad guys could finance their own imprisonment. But we will realistically have to put up the front money and we will have to bite the bullet on handgun control, prison construction, eradication of illicit narcotics, adequate resources and revision of flagrantly abused laws, and the manner the justice

Peter B. Bensinger, a former director of corrections in Illinois, was administrator of the Drug Enforcement Administration from January 1976 until this July.

Peter R. Bonsinger

Blank Cartridges

The president's state message to the International Association of Chiefs of Police was a long-awaited, tough-sounding presidential signal.

His call for crime as a national epidemic that affects the breakdown in our criminal justice system, and proposed initiatives for federal action, a legislative agenda for Congress and a national crime philosophy for the country that stresses a return to self-discipline, family principles, volunteerism and moral integrity.

The specific proposals sound good: a foreign policy that seeks to interdict and eradicate drug trafficking wherever cultivated; a border policy to improve detection and interdiction of illegal narcotics importation; assistance for the victims of drug trafficking; greater involvement by the FBI and DEA in drug trafficking investigations, and business-level attention.

The problem is that while the president's message calls for increased effort, the resources of the FBI, IRS, Drug Enforcement Administration, Coast Guard, Customs Service, Bureau of Prisons and the State Department's International Narcotic Assistance Bureau have been

cut back significantly and the number of federal prosecutors reduced as well.

Minors possess 60 percent of all illegal drugs in this country, grown from overseas. The size of this illegal business has reached \$80 billion. Next year's State Department allocation for worldwide narcotic control assistance will now be \$33 million, grossly inadequate. Ironically, the international drug traffic, when confronted with serious bilateral efforts and adequate resources, has proven to be vulnerable. In Turkey and Mexico, our partners, with assistance, effectively shut off the illicit supply of gun opium at the source, reducing heroin deaths, injuries and crime in this country.

But over the last six years, while the overall federal budget has skyrocketed, law enforcement has lost ground. There are over 10 percent fewer FBI, Customs and Drug Enforcement agents than in 1975. The United States spends one-half of 1 percent of its national budget on crime control and criminal justice; Japan, Canada, Great Britain invest several times as much and get better results with a higher certainty of punishment of the offender.

As highlighted by the president, such things as parents' groups, citizen involvement, crime victims' assistance, restitution, military assistance for drug interdiction, realistic bail and Cabinet-level involvement are all needed initiatives. But while private citizen groups can lay a hiking trail instead of the Department of the Interior, prosecutorial decisions and international agreements cannot be delegated. Parents' groups can be an influence, but they cannot

substitute for an effective narcotics control program.

The Department of Justice's budget is now scheduled to be cut \$145 million at a time when the Attorney General's Task Force on Violent Crime strongly recommends a substantial increase in personnel and resources for federal law enforcement agencies.

President Reagan has called for strong and consistent measures to combat crime. The trouble is that the Office of Management and Budget is sending out his law enforcement deputies with blank cartridges. Congress most likely will increase the resources allocated. This would be one act of budget rescissions the president himself should be glad to approve.

The writer was administrator of the Drug Enforcement Administration.



By Satcha Korostoff

Gerald M. Caplan

Whatever Happened To the Crime 'Issue'?

For those who follow the crime rates and the political analysis that attends their rise and fall, the 1980 presidential election turned out to be a surprising event. Like the dog that captured Sherlock Holmes' attention because it didn't bark, the crime problem was rendered most conspicuous by the candidates' failure to address it. Not a word in the prepared speeches of Ronald Reagan or President Carter, little more in the party platforms. One has to go back to 1960 to find a liberator; then, John Kennedy and Richard Nixon stamped the country without even referring to crime or the police.

In more recent campaigns, crime has been prominent. It catapulted in the opinion polls of 1968 to first place—the most serious domestic issue confronting Americans—and maintained its hegemony well into the 1970s. Now it seems to have vanished, as swiftly as it first came to public attention—and as unexpectedly. The question is: why?

Crime first emerged as a national concern in 1964, when the Republican nominee, Sen. Barry Goldwater, declared his intention to make the "observance of law and order in this country. . . . [and] laws." It was a shrewd and timely choice. Goldwater's promise to "keep the streets safe from bullies and murderers" and to see to it that "women can go out on the streets without being scared stiff" were greeted enthusiastically—so much so that even though Lyndon Johnson was the challenger early, he became saddled, against his will, with responsibility for the crime problem. During the campaign, Johnson had casually dismissed crime in the streets as a "local problem"; but when he became president, his administration would fashion a program to reduce crime.

In so doing, the Johnson administration labored under a considerable disability. Among its supporters were many who rejected the legitimacy of the crime issue, who saw it as nothing more than a proxy for racism, an anti-black euphemism. In the government, their champion was the attorney general, Ramsey Clark. Because their own interests ran elsewhere—toward redistributing political power, meaning the way on poverty, eliminating racial discrimination—they saw the crime issue as a hazardous diversion at best. The public outcry over crime was to be countered, not accommodated.

In this setting, Johnson moved cautiously. His first move was to create a national commission, the President's Commission on Law Enforcement and Criminal Justice, to

"If we could land a man on the moon, couldn't we also design ways to rehabilitate our muggers, rapists, burglars and thieves?"

study the problem and propose a report with recommendations for change. At the same time, he promoted a small subcommittee program, the Office of Law Enforcement Assistance, to provide modest funding for research, training and crime reduction programs at the local level.

These twin moves—first to study and then to spend—although a rather modest beginning, served to trigger a new mood. Racism succumbed to "Great Society" buoyancy. The sky was the limit: if we could land a man on the moon, as we were soon to do, couldn't we also design ways to rehabilitate our muggers, rapists, burglars and thieves? In this atmosphere, Johnson's call to "not only reduce but banish crime" was not received skeptically, nor was the

"No wonder the candidates avoided the crime issue in 1980. They had nothing to propose that didn't sound like a reinvention not of the wheel, but the flat tire."

equally grand forecast of his Crime Commission that "America can control crime if it will" seen as a utopian ambition. The "war on crime" had officially begun.

The verbal extravaganzas of the Great Society were soon joined by unbounded fiscal enthusiasm. The Republicans, having capitalized hugely on the crime issue in the 1968 campaign, sought a much expanded budget for Johnson's small subsidy program. The Office of Law Enforcement Assistance became the Law Enforcement Assistance Administration, the bureaucracy primarily responsible for waging the war. Its appropriations ballooned from a modest \$63 million in 1968 to nearly \$900 million in 1974, a flood of dollars producing in its wake studies, proposals, reforms, experiments, inventions, subsidies and more studies. An unparalleled impulse to spend our way into peaceful streets.

But optimism was short-lived. Even as Congress was expanding the LEAA budget, tracing it more dollars than could be conveniently spent, there were dark signs. Progress was more elusive than first thought. Efforts to better understand the underlying causes of crime brought forth little knowledge. New theories and proposed remedies were relinquished as quickly as they were spawned. Favorite targets such as the Supreme Court were attacked vigorously, then ignored, and attempts to link the crime rates to narcotics usage, unemployment or some other variable were sporadic and faddish. Where good schemes did emerge, they were rooted in common-sensical ideas—bring suspects to trial promptly, punish major violators more seriously than other offenders—that were difficult for the criminal justice system to implement. Rising to lead a team on the issue was to maintain the existing punishing systems.

Clarity, doubt was in the air. It appeared that the concept of breakthrough that characterizes much scientific research had no application to crime control. Our understanding seemed limited, our technology frail, our managerial skills slight and our institutions frozen. U.S. News & World Report observed: "On one point, authorities agree: no quick solutions can be expected." President Ford added: "It is simply impossible to devise a cure-all or quick fix to reduce crime."

Even those declarations, thrust by the standards of a few years ago, smacked of political euphemism. The truth was harsher. It was not merely that short-term solutions were unseizable; more precisely, it was that success over the long haul was not foreseeable either. (The belief that government can control crime rates may itself be little more than a popular prejudice.)

If all this is so, or largely so, no wonder the candidates avoided the crime issue in 1980. They had nothing sensible to propose, nothing that didn't sound like some proposal of yesterday, a reinvention not of the wheel, but of the flat tire. Better to leave bed enough alone.

As for the voters, certainly they were preoccupied with other issues—inflation and the hostages. But apart from this, it may be that they didn't press the candidate because they too had come to accept the government's impotence to make the streets safe. In 1984, when Sen. Goldwater was speaking out, if one complained that the city parks weren't safe, he would have received a sympathetic response. Today, the grievances would not be voiced—nobody uses the parks after dark. It takes a foreign visitor to remind us that there are countries, where one can take an evening's stroll without fear of "bullies or muggers."

In 1984, when the crime "issue" first appeared, our large cities were run by white politicians and policed by white officers, and anti-crime sentiment had more than a small dosage of racism embedded in it. Perhaps for this reason, the black politicians who now run things in many large cities shy away from making the crime issue their own. In the District of Columbia, for example, home rule has

fallen rock, but the elected leadership has evidenced more concern about controlling the police—without the participation of the Civilian Complaint Review Board—than making them effective. Unhappily, one has the historic backdrop of police excesses in view, it seems a paradox that those most affected by crime

Yet one can't say that crime issues with an easy conscience. Crime, more than a proxy for racism, nepotism, unemployment or any other ill, threatens the democratic fabric. Fragile wares, and invites both a pre-emptive strike with order and, paradoxically, techniques to achieve it. In short, the crime and the reality of our failure to diminish our sense of self, our value society. Both need to be better understood. That both have been ignored in the campaign does not mean that they should be treated during the next four years. With national elections turning on other than crime, it may be possible, for the first time since 1980, to work in a calm atmosphere—to start over, to reassemble, to study, to experiment.

The writer is a professor at Georgetown University's National Center.

are least concerned.

The New York Times

—NEW YORK, MONDAY, JUNE 15, 1981—

WASHINGTON — When it comes to predicting how this latest crime commission — the one appointed by Attorney General William French Smith to study violence — will fare, I am pessimistic.

I expect yet another series of recommendations on how to make the institutions of justice (the police, courts, and corrections facilities) more efficient and fairer. No doubt a sensible, even original compilation, but one that will miss the mark.

Improving our bureaucracies won't reduce crime. It hasn't so far. In the last 13 years, the Government has spent several billions to improve the administration of justice. It has succeeded in significant ways. The police and prosecutors, for example, are superior to what they were. But superior or not, they have not affected crime. The solution lies elsewhere.

It is here that the trouble starts. There is no more fruitless inquiry than searching for the causes of crime. Everyone has a pet theory. And such is the state of our knowledge that none are demonstrably false. Indeed, you have a point no matter whom you blame: the Supreme Court, narcotics traffickers, permissive parents, the economy. You can select without fear of contradiction.

And without fear of having reached a solution.

Even if it were clear that a particular circumstance — the state of the economy, for example — "caused" crime, taking remedial action would

Another Crime Report

By Gerald M. Caplan

be no small matter. We don't know how to solve our economic woes any better than how to curb violent crime.

Yet a clue can be gathered from examining the relationship between crime and the economy. The results contradict popular thinking. The incidence of crime seems to vary not directly but inversely with the economy. During adversity, the Great Depression, for example, crime falls. In times of well-being, there is more crime: Violence surged skyward during the unparalleled prosperity of the 1960's.

These data, though not conclusive, suggest that the imputed bond between unemployment and crime is overstated; the average criminal is neither a hungry nor a needy man. There are, of course, those who steal for food and other necessities but there are not many of them. The poor are law-abiding, not lawless (at least, no more lawless than the rest of us).

Why then has the myth that the roots of crime are economic persisted? The answer is that it has had especially tenacious proponents. They have skillfully used the crime issue to advance

other goals, primarily those effecting redistribution of political power and wealth. Such a design demands needy criminals, a desperate poor.

But it is largely wishful thinking. It is not the poor (at least not until recently) that have been desperate; rather, it is certain national leaders. Hungry for change, they have been describing how they would feel if they were poor.

Of course, such a projection confounds discussions of crime. And it demeans that much demeaned group, the poor. More important, it shapes them. When Hubert H. Humphrey said that if he were poor and black, he would riot, too, he was not only empathizing, he was instructing: You need no longer cling to the ideal of democratic progress. If a man feels wronged enough, he may plunder.

The "revolution" is no longer at the fringe. In a profound sense, all of us are participants. One doesn't have to be poor and black to distrust authority. One needs only to have lived through the last 10 years — the Vietnam War, the Watergate prosecutions. We all have learned to fear our leaders, even as we depend upon them.

A consequence is that we are fragmented in a new way. Not merely the traditional divisions (between young and poor, old and rich, and so forth but something else: We have become split within ourselves.

We identify with victims and condemn offenders, but we also empathize with offenders and call them victims of their circumstances. We sentence men to decades in prison but parole them in a few years or less. Like a person with two heads that aren't on speaking terms, each of us is part Ramsey Clark, part John Mitchell.

Whatever the metaphysical merits of holding opposing views, administratively it is a form of madness. A prison administrator can't rehabilitate a prisoner who thinks that it is society and not himself that needs reformation, when the prison administrator himself doesn't know whether he agrees or disagrees, or both, with his captives.

The tensions are too great. Because these tensions permeate the criminal-justice system, the recommendations of the Attorney General's task force, no matter how clever, are likely to be ineffective.

More important, our singularly high rate of violent crime will probably continue — or climb.

Gerald M. Caplan, who from 1973 to 1977 was director of the National Institute of Justice, the research arm of the Justice Department, is professor of law at George Washington University.

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JUVENILE DELINQUENCY AND YOUTH CRIME

Position

Simultaneous policies need to be adopted to deal with both serious and non-serious juvenile offenders. Juveniles and youths are responsible for over 50 percent of all serious crimes, and of these crimes, 70 percent are committed by some 2,200 groups or gangs from the 300 largest cities. To effect a long term gain in the crime rate, successful crime suppression programs need to be instituted for serious offenders and it is necessary to identify the habitual and violent juvenile offender early in his career and make records available to official criminal justice agencies. For the vast majority of offenders, alternatives to incarceration should be developed to prevent them from turning into hardened criminals, and crime prevention programs should be expanded for all young persons. Presently, the young are strung out in a system between institutionalization and community care that lacks the resources or the commitment to care for them. Education alone is not enough to change attitudes; more effective service projects need to be funded and operated by the government and privately. A comprehensive national policy dealing with children, youths, and the family is very much needed.

Background and Strategy

- The Office of Juvenile Justice and Delinquency Prevention (OJJDP) reports that since the Juvenile Justice Act of 1974 was passed, the institutionalization of status offenders has decreased from 250,000 juveniles locked up in 1975 to 38,000 in 1982 and a projected 10,000 by the end of 1982. There is some question about the total credibility of these numbers in that circumvention occurs when some juveniles are forced into a delinquent status or placed into semi-secure confinement, such as mental health facilities. But the trend is impressive and evidence seems to indicate lower recidivism rates for the deinstitutionalized and definitely less cost. It is estimated that perhaps about 5,000 status offenders need some type of confinement because they "run" or do not adhere to valid court orders.

In the area of juvenile separation from adults, figures decreased from 58,000 in 1979 to 39,000 in 1981, although some youths are still able to communicate with adults through improperly designed systems. In the case of jails, complete removal is an objective by 1986, with about 12,000 juveniles in holding tanks now at any one time and upwards to 1,000,000 locked up yearly with the suicide rate 12 times higher than the average. The new priorities of OJJDP are prevention and techniques

to deal with serious and violent offenders. Objectives are to get the schools and private associations involved in prevention, develop a national policy, increase the effectiveness of the 18 federal agencies that spend about 8 billion dollars on juvenile programs annually, and support exemplary practices such as Project New Pride, for example, that deals with the serious offender.

- Privately initiated education campaigns are needed to supplement government efforts. For example, intensive nationwide publicity needs to be given to successful school projects, such as alternative education, youth advocacy, Law Education, Learning Disabilities, High Risk Early School Behavior, School Discipline, and other projects that develop values and opportunities. Campaigns should be conducted in cooperation with the Law Related Education (LRE) program that stresses civic responsibility and values essential to the preservation of a free society, sponsored by a consortium of the American Bar Association, National Street Law Institute, Constitutional Rights Foundation, Law In A Free Society, Children's Legal Rights Information and Training Program, and Phi Alpha Delta Law Fraternity International. The Street Law Project in the District of Columbia is a good program to test further and follow-up. Also, the best of the 36 programs evaluated by the National Juvenile Justice Assessment Centers on delinquency prevention needs to be publicized and special projects conducted to transfer them to other jurisdictions.
- Habitual and dangerous offenders needs to be treated under career criminal guidelines, while various alternatives are suitable for the vast majority of juvenile offenders as long as projects have been tested and are operated under skilled management. In 1979, Utah's legislature cut back appropriations to the Youth Development Center of Ogden and sought private, more effective alternatives. Many private vendors came forward which resulted in the Sojourn Project of the Phoenix Institute (Salt Lake City), a 24-hour community based treatment for girls that has shown less than 13 percent recidivism. A Utah house bill, supported by both conservatives and liberals, requires the State Department of Social Service to bid out all service delivery to juveniles to private profit or non-profit organizations and reduce staff accordingly. By 1981, at least 60 percent must be put out on competitive bid and 75 percent in three years. The Utah Community Alternatives for Troubled Youth (CATY) administers some 15 successful alternatives in foster care, group homes, tracker/proctor, and individual advocates in the community. Massachusetts pioneered deinstitutionalization in the early 70's and contrary to the public's misconception that violent juvenile crime is epidemic, they report that juvenile crime has decreased.

- A number of exemplary projects covering a variety of purposes and techniques ought to be selected and publicized. These include the house of Umoja in Philadelphia that deals with gangs and the community; Baltimore Family Life Center; Independent Living Inc. (Iowa City); the Training Center in Maine and the Family Advocacy Council of the Martin Pollak Project, Anne Arundel County (MD) that makes an unconditional and irrevocable commitment to children and adolescents regardless of their problems; and Chicago Unified Services Program that shows crime suppression rates for probationers of 39 to 69 percent while they are in programs of counseling, vocational training, wilderness and similar projects; Project CREST in Gainesville (FL), uses college volunteers to assist probation officers; Community Arbitration Project (CAP) in Ann Arundel County services over 2,000 juveniles annually to relieve court backlogs and hurried dispositions and has resulted in a lower rate of recidivism compared to a control group. Project New Pride in Denver (Col) helps juveniles with lengthy records break out of what could become a life time of crimes; Community Based Adolescence Diversion Project in Champaign - Urbana (Ill) that utilizes contracts and the assistance of volunteers to enforce them; Neighborhood Alternative Center in Sacramento (CA) has operated with lower costs and higher effectiveness than the normal system; Providence Educational Center in St. Louis (MO) diverts both status and serious offenders; Neighborhood Youth Resources Center in Philadelphia services youngsters in high crime areas and has shown significantly lower arrest rates in felony, misdemeanor, and status offense categories; Mental Health/Mental Retardation Emergency Inc. (MCES) in Montgomery County (PA) relieves the police burden by servicing psychiatric and drug/alcohol emergencies through a "hot line", emergency vehicle, hospitalization, etc., while 99 percent of its billing is by third party payers, mostly private and public health benefit plans.

PUBLIC EDUCATION AND COMMUNITY CRIME PREVENTION

Position

The public needs to be educated clearly and accurately as to the causes and likely effective approaches to deal with the problems of crime across the entire criminal justice system. The system is overburdened; and the nation should understand where it can best focus limited resources in a highly interrelated system with strong external forces over which it has little control. We should assist the efforts of crime prevention and law enforcement organizations through public education and by promoting increased grassroots participation in all aspects of the criminal justice system, such as block watchers and security patrols, residential protection, elderly escorts, court watchers, youth and school programs, volunteers to assist probationers, and localized victim/witness and rape/crisis centers. Not enough funds or diversity of methods are available to educate the public properly in these areas and greater efforts need to be made to make ideas and projects a reality.

Background and Strategy

- We should support, supplement and fill-in the educational "voids" where necessary and agreed to by organizations such as the National Crime Prevention Coalition, Eisenhower Foundation for the Prevention of Violence, National Center for Community Crime Prevention, and related groups. The Eisenhower Foundation places emphasis on self-help solutions by citizens and is developing models in elderly self-help for safety, youth employment, and rape prevention. They also operate a clearinghouse on violence and a "hot line" (800-368-5664) that can be used by us and other crime prevention organizations. We should assist in publicizing the use and purpose of the "hot line".
- We should support the replication of exemplary practices in all areas of the criminal justice system as designated by the Department of Justice and private organizations and devise methods to transfer them and to set-up demonstrations throughout the country. Bills pending in Congress to provide a modest amount of money to assist the states and localities in implementing exemplary practices should be supported as one of our major thrusts.
- We should select several priorities and support the transfer of successful practices, such as the Community Crime Prevention Program (CCPP), Seattle, Washington,

where victimization surveys show burglary reductions of 48 to 61 percent; the Detroit Police Model of organizing citizens; Crime Stoppers started by a detective in Albuquerque, New Mexico, that uses the police, citizens, and the media, and has been adopted in several other places; Louisville's Neighborhood Crime Prevention Program in Kansas City, Missouri; and other successful models in Pittsburgh, Philadelphia, Hartford, Portland (MA), Newark, and Oakland (CA). Most of these include residential security inspections, property marking, block watchers and security patrols, and distribution of information materials.

- We should support the Bureau of Justice Statistics in the collection of comprehensive national criminal justice data and a yearly analysis of the State of the Union in respect to crime. It will take a system with continuity to provide reliable crime data and both public and private sources to communicate the information.

DRUGS/ALCOHOL TREATMENT AND ENFORCEMENT

Position

Drug and alcohol abuse may be the greatest menace to a free society. Illegal drugs are a \$50 billion a year industry and it is estimated that the use of drugs and alcohol are factors in the majority of all serious crimes and in 65 percent of crimes committed by youth gangs. The problem cannot be dealt with effectively solely in a law enforcement context. Serious health and social consequences are possible, whereby a whole generation can develop into emotionally and socially immature young people, unable to function effectively in an increasingly complex world. The clinical distribution of dangerous drugs does not appear to offer the hope that this would substantially reduce crime rates. It seems that most street drug addicts have criminal backgrounds prior to drug use and would probably continue to meet their needs on the black market and engage in illegal activities because it is the only way they know how to make a living. Liberal distribution breeds more new addicts and destroyed lives. We should support international programs to halt growth and production, border interdiction, strong street enforcement, treatment programs, and public education to discourage drug use rather than its acceptance and make known the available choices and alternatives in the context of the total health system.

Background and Strategy

- We should support the Department of Justice, Drug Enforcement Administration, and the Attorney General's Task Force on Violent Crime recommendations to halt the growth and production of illegal drugs internationally and to engage in strong border interdiction and street enforcement. Strong enforcement in one area usually brings a shift in growth and production and the types of drugs used. Border controls have only minimal effect on the supply. However, any tightening of supply raises prices and discourages new users and also increases the demand for treatment. Strong street enforcement makes the business of dealing in drugs nasty and also discourages new users. When prices rise, older addicts raise the prices they charge for drugs and very likely increase their rates of theft. However, the Drug Enforcement Administration believes that the crime rise is only temporary and that strong enforcement should be pursued. In any case, the street addict who is in the drug business will most likely fall under the habitual criminal act and may qualify for alternative forms of treatment and confinement. It is estimated that only about 10 percent of addicts ever really get off drugs. Reduction of drug related crime requires strict control of

the addict, not merely a free clinical program where he has the opportunity to ~~continue~~ a trade of black marketing and theft.

- Organized crime is largely responsible for major drug traffic. Major Drug Trafficker Prosecution Units were established in 1975 in 24 US Attorneys Offices. Recent legislation for the forfeiture of assets of major traffickers has had notable effect. Considerably more can be done in this regard to get at the top distributors. More flexible use of Internal Revenue Service records of these individuals and their businesses should be permitted and the public should be kept informed about the progress against the 100 drug rings on the FBI's most wanted list.
- We need to supplement drug educational programs. For example, the National Federation of Parents for Drug Free Use reports a stabilization of marijuana use among high school seniors. But parents and students complain that many school administrators are afraid to attack the drug problem and do not have a well publicized policy on substance abuse, due process considerations, expulsion, etc., so no one really knows what is expected. Drug Fair's Adolescent Drug Abuse Prevention Program was highly successful and should be replicated nationally. The approach of the Major National Adolescent Drug Abuse Prevention Campaign needs support in teaching both parents and youngsters a basic consumer skill of how to say no to drugs and still be accepted with peer groups. More programs should be encouraged similar to the National Football League's 1979 TV spots during their regular season that focused on the family and alternatives to drug use. Publicity is needed for certain federal approaches, such as the Strategy Counsel on Drug Abuse and the Drug Policy Office that are developing innovative methods to sensitize physicians, pharmacists and others in the health care profession of the consequences of drugs. Responsible physician prescribing practices need to be encouraged. The Model Drug Paraphenalia Statute needs to be widely distributed to state and local governments to discourage the growing store front industry that conveys the wrong message to youths that drugs are acceptable. Accurate information from the Narcotics Intelligence Estimate compiled by the National Narcotics Intelligence Consumers Committee (NNICC) should be made widely available to the public.
- We should support the replication of the most successful drug and alcohol treatment programs. There are over 3,000 treatment units in the country treating about 750,000 patients annually. More information is needed on their effectiveness and which should be publicized. In any case, a national policy on both drug and alcohol abuse is needed.

VICTIM/WITNESS RIGHTS

Position

We support the basic rights of victims and witnesses, the necessary funding to make the programs meaningful, and a national campaign for model legislation and public awareness of the services available. Less than 5 percent of victims are eligible for existing programs and only 10 percent of them apply because of lack of information. Children are also victims of violence and neglect; exemplary practices to assist them and adults should be supported. Public education and the promotion of Victim Rights Week and similar projects should be undertaken.

Background and Strategy

- The majority of states have adopted some form of victim compensation. A model Uniform Crime Victims Reparation Act was adopted by the National Conference of Commissioners on Uniform State Laws and also was approved by the American Bar Association in 1974. The National Institute of Justice has developed a Crime Victim Compensation Model, and several bills aimed at uniformity and fairness are pending in Congress. We should review and incorporate recommendations of the Presidential Task Force on Victims of Crime which was recently appointed and is to make a report later this year.
- The National Organization for Victim Assistance (NOVA) has developed a model program and a Victim Bill of Rights. We should support the elements of this program which include the right of victims and witnesses to be treated with dignity and compassion, to be protected from intimidation and harm, and to receive financial compensation and other forms of service and restitution for physical and emotional injuries suffered during a crime. The victim has the right to outside counsel and to be kept fully informed of his case status, including proposals for plea bargaining, bail, probation, and parole. A victim may proceed in civil suites for recovery of damages and place a lien on any profits received by the assailant as a result of the crime. Through the use of photographs as evidence, property should be returned quickly. Witnesses should receive reasonable fees plus out-of-pocket expenses for observing subpoenas, and they should be notified early about rescheduling of court proceedings. Victim impact statements should be presented prior to sentencing.
- We should publicize and develop creative transfer techniques for successful projects. For example, community coalitions composed of service groups and law

enforcement agencies can get victim programs started. One of the best models is the Citizen Committee on Victim Rights organized in 1979 in Clarke County (Las Vegas), Nevada. A successful program for assisting witnesses and ensuring their appearance is the Witness Information Service in Peoria, Illinois. The One Day/One Trial Jury System in Wayne County, Michigan is an excellent program for cutting court costs and making the system more responsive to jurors. For victims of rape, the models of Stop Rape Crisis Center in Baton Rouge, Louisiana and Rape/Sexual Assault Care Center in Des Moines, Iowa should be promoted. And for child victims, the success of the Child Protection Center - Special Unit in Washington, D.C. and Sexual Assault Center, Child Victim/ Witness Project in Seattle should be publicized and special transfer projects developed, including the establishment of programs by private industry.

ECONOMIC CRIME

Position

White collar crime can jeopardize the greatness of the free enterprise system. It pales in interest to serious and violent crime yet costs over 50 billion dollars annually and creates consumer distain and lack of confidence. Employee theft, shoplifting, arson, bribery and fraud cost billions of dollars more than the total of robbery and burglary. We must educate the public and business to the financial consequences of economic crime, its inflationary effect, the need to prosecute cases, and the importance of ethical conduct by employees and employers. The federal government should get involved, if only to acknowledge that the problem exists. Strategies need to be developed to combat economic crime, encourage business to develop the crime/profit center approach, and to demonstrate to the consumer that he is being protected.

Background and Strategy

- In the case of fire, from 10 to 20 percent of all fires are attributed to arson and cost about 6 billion dollars in direct losses annually and as high as 15 billion dollars in indirect losses. We should support exemplary practices, special task forces, police - fire cooperation, prosecutor focus, training and publicity, computerized offender list and model laws to combat arson. Caution should be taken on over-emphasizing apprehension and prosecution. For example, media campaigns, hotlines and rewards have proved most effective in Seattle, Denver and Dallas. Juvenile counseling, school education, ride-alongs, and programs for youngsters who like to "experiment" with fire have demonstrated success in San Diego, Los Angeles, and Seattle. And many successful citizen programs deserve greater publicity. In Seattle, professional athletes have donated their time for 30 second TV spots, and a "NAME THE ARSON RAT" contest proved effective. The word is around that if you start a fire in Seattle, you stand a good chance of being caught and going to jail.
- In fraud, there are over 800 different schemes requiring greater public knowledge and diversity of media to explain how to cope with them. We should publicize and create special demonstrations to help transfer economic crime units like the exemplary fraud divisions in King County (Seattle) and San Diego County and the statewide Connecticut Economic Crime Unit that concentrate investigations and prosecutions on economic crime,

consumer fraud, auto theft, and organized crime. Although effective, only a dozen or so of these units operate throughout the country. There are also security councils that function at major airports and for industries. Periodic workshops on techniques and findings of these groups would be beneficial if the information was shared with prosecution offices and all business interests. The Insurance Crime Prevention Institute is also an excellent source of information. More stringent penalties for fraud and presumptive sentencing for certain categories of white collar crime would help to create deterrence and fairer treatment.

- Employee theft constitutes the biggest loss to employers or about 60 to 70 percent of total white collar crime losses and is responsible for as much as 30 percent of business failures. Greater sharing of material already available is needed on the subjects of internal audits, shortage control units, incentive awards, stricter prosecution, computer controls, and journal checking. Clearly employers should follow through on prosecution; otherwise, they may compound the crime and the insurers may have grounds to deny future coverage.
- Codes of ethics and developing the right atmosphere are more important than one realizes. Codes may not create virtue, but laws alone can not be regarded as even minimal standards since they focus on the most flagrant violators. Codes can at least ostracize the offender and give a reason to conform to decent behavior. The psychic that the company can afford it, allows for a certain amount of dishonesty, can raise prices, or that insurance will take care of it must be dispelled. Codes should be very specific on do's and don'ts designed for each particular business and level of employee. Also responsibility and accountability need to be delegated to the lowest level consistent with sound decision-making.
- Considerably greater education and dissemination of reports need to take place, such as the recent study "Theft by Employees in Work Organizations" (University of Minnesota). These findings show that most managers do not believe theft control is in their job descriptions and that a large number of security departments are overly concerned with external theft, buildings and grounds, working conditions, and employee safety to the exclusion almost of internal theft. Companies with a clearly defined anti-theft policy have lowered the theft levels. This study indicates that theft is more likely associated with employees concerned with self-improvement and achieving personal career goals, precisely the traits employers look for. More in-depth

checking of job histories and references can weed out bad apples and deter other bad apples from applying. Criminal histories should be more quickly processed by law enforcement agencies for the benefit of business and others.

- Over 50 percent of shoplifting losses occur around Christmas and back-to-school days and the young offender is the largest category of shoplifter. Both shoplifting and vandalism campaigns and training courses could go hand-in-hand to reach the young in particular. Sponsorship of youth programs and plant tours are ways to demonstrate business and community compatibility. Also TV programs portraying current culture heroes in anti-crime roles should be encouraged. Restitution programs for offenders are certainly more effective than suspended sentencing, but should be accompanied by prevention projects.
- Model shoplifting laws on false arrest, liable, and malicious prosecution should be supported; but, we must also recognize that much of this concern is greatly exaggerated and could be almost entirely eliminated with better knowledge and training of what to do. However, a number of laws are effective. For example, Ohio permits civil actions for damages against parents of a minor, even if their is no conviction. New Jersey provides strict penalties for repeat offenders. Chicago has a special court that isolates shoplifters, minimizes distractions from more serious crimes, and tends to encourage merchants to prosecute. In Arkansas, shoplifting is clearly a theft and safeguards are provided merchants against false imprisonment.

CAREER CRIMINALS

Position

A small percentage of offenders commit most of the serious crimes, and the highest rates of commissions are in the younger years. We should support career criminal programs, at both the national and state levels, for more effective methods to detect, apprehend, prosecute, and sentence persistent, high rate serious offenders and those who use a firearm in the commission of a violent crime, to long term incarceration and to speedy trials and appeals. Bail should be denied or made extremely difficult to obtain for career criminals, clearly dangerous persons, and those convicted of a serious crime while on pre-trial release. If bail is granted, the judge should be required to provide a detailed statement of reasons. Plea bargaining and parole should be strictly limited for career criminals, with clearly prescribed time-off for good behavior in the case of parole.

Background and Strategy

- The effectiveness of career criminal programs depends on coordination and high performance of the entire system. Emphasis on prosecution is not sufficient because it is only one of many important elements. For example, police need to be trained in crime analysis, and files on physical characteristics, geographic patterns, and modus operandi, etc., developed; patrol management is the most directly responsible and involves such things as directed patrol options, ranking and stacking of calls, solvability factors, etc.; investigative management increases the patrol officer role and creates closer police prosecutor relations; prosecution sets up vertical operations to concentrate on priority offenders, without the normal distractions. These programs have resulted in increases in bail, convictions, incarcerations, and sentences, and also reductions in plea bargaining and case loads. The concept represents more of an intensification of efforts than a radical departure from routine procedures.
- We should support funding assistance and implementation of such career criminal programs as Integrated Criminal Apprehension Program (ICAP), interfering with the merchandising of stolen goods (STING), Prosecutors Management Information Systems (PROMIS), Hidden Camera Project (Seattle), Street Crime Unit (NYC), Major Violator Units (San Diego and Bronx County), and other repeat offender programs. Cities in some 37 states have career criminal programs and the concept has been adopted state-wide in California, Connecticut, Florida and New York.

- Considerably greater effort and research need to be devoted to learning how to identify the career criminal and at the earliest possible stage of his career. Too often, identification comes after a long career when one is phasing out his activities and usually juveniles fall outside the jurisdiction of the prosecutor's office. Methodology for identifying the high rate, young offender is needed, including the use of complete criminal histories. In some jurisdictions (Kalamazoo and San Diego, for example), it is possible to be classified a career criminal without any prior criminal record. And attention must be devoted to those offenders with a low probability of conviction or incarceration. Also efforts should be made to operate programs state-wide and to coordinate with corrections to avoid what may be intrinsic unfairness in treating offenders differently from different localities. Many correctional authorities do not even recognize the distinction of the career criminal.
- Indications are that the long-term incarceration of convicted career criminals will result in significant reductions in crime levels. A 1982 study by Rand Corporation (Santa Monica, California) Varieties of Criminal Behavior shows that certain high rate offenders commit as many as 150 to 400 crimes per year but may be convicted only once. It shows significant correlation between robbery and burglary and sets of variables involving prior convictions and incarcerations, extent of heroin and barbiturate use, and length of employment, calculated during adult and juvenile years. This and other methods need to be explored. The National Institute of Justice is also conducting further research in this area. Various congressional bills providing for long term incarceration of career criminals and the assistance by the Federal Bureau of Prisons in housing this type of inmate need to be examined and supported when compatible with our objectives.
- Handgun control is a controversial issue. In 1973, the National Advisory Commission on Criminal Justice Standards and Goals recommended that handguns be taken out of private hands entirely. The Criminal Justice Section of the American Bar Association has taken a similar position. Handgun Control Inc. recommends registration and strict controls on handguns. The National Rifle Association and most other pro-gun groups do not favor any tampering with the right to own a firearm. The Attorney General's Task Force on Violent Crime has taken a moderate and, what it believes, realistic position for stringent sentencing, waiting periods, and controls on importation. It appears all groups favor strong sentencing for anyone convicted of use of a firearm in a violent crime. They want to make it

clear that you must not use a firearm to rob, steal, or assault. If you do, you must suffer the consequences. Our position is similar to that. In addition, we support the reasonable position of the Attorney General's Task Force on Violent Crime for a separate registry of serious firearm violators, reporting of the theft or loss of a handgun, the prevention of the importation of unassembled parts for handguns that would be prohibited when assembled, and a waiting period of least 15 days to check out applicants to determine whether they have criminal backgrounds or are mentally incompetent. Where waiting periods exist, they have not been very effective because the requirement is not national and there are usually not sufficient resources to conduct the investigations. Without these additions, it would appear that that part of the law would be ineffective. Also studies show, including one completed by the Police Foundation, that the "snub-bie" gun is probably responsible for the much greater majority of handgun crimes, so if legislators are unwilling to take a position on this type of weapon, there would be little total affect on gun crime. It appears that this question, in particular, requires further study and analysis. In any case, it seems that both pro and anti-gun groups should agree on almost all strategies of how to attack crime but differ on procedures of how to deal with handguns. Hopefully, this difference would not diminish the cooperation of these groups to reach consensus on all other matters.

INCARCERATION AND ALTERNATIVES

Position

The United States has the highest criminal incarceration rate in the world and one of the highest crime rates. Imprisonment has created an environment that breeds criminals and greater criminal activity. Wherever suitable alternatives can be found, every effort should be made to use them. Long-term incarceration can be justified for the career and dangerous criminal, but it is not likely the most effective policy for some 30 to 50 percent of the inmate population. Only about 47 percent of offenders are sent to prison for crimes against the person, homicide, arson, rape, robbery and assault. Presently we are taking away a great deal of liberty without getting increased benefit in return. Until governments adopt policies that will relieve the pressures on the system, correctional institutions that are over crowded and inhumane need to be replaced or improved to conform to model codes and constitutional standards, including smaller prisons and increasingly restrictive classification settings. Sentencing objectives should include uniformity, fairness, security, rehabilitation, and cost-effectiveness.

Background and Strategy

- General pronouncements about the use of alternatives will not result in practice. Over the past 15 years, only about 8,000 inmates have been placed in alternatives while half a million sit in prison. Imprisonment is over used because the present system does not know what else to do. The best of the alternative programs ought to be promoted and actual demonstrations by private industry set up. For example, the Montgomery County Work Release/Pre-Release Center, although for selective probationers, provides jobs and counseling and has been successfully replicated in two other jurisdictions with residivism rates reportedly under 20 percent and less than 1 percent while clients are in the program. The Patrol Officer Aide Program in Columbus, Ohio used a reservoir of ex-offenders to make it effective. The Iowa State Legislature approved total funding for the successful Community Based Corrections Program in Polk County (Des Moines) that deals with high risk clients, community service sentencing, and an Alcohol Safety Action Program for drunk driving convictions. Lay volunteers are used in the Volunteer Probation Counselor Program in Lincoln, Nebraska to counsel high risk probationers who have averaged 7.3 previous arrests and convictions. Restitution programs in Seattle, Las Vegas, Ann Arundel County (Maryland), and Multnomah County (Oregon), are all successful and have also recognized the importance of staying within the bounds of the probationers ability to pay. A

variety of projects in Prince Georges County (MD), Fairfax County and Alexandria (VA) and the District of Columbia provide alternative sentencing for both adults and juveniles. About 40 similar programs existed at one time and many are seeking private funding now. The Center for Institutions and Alternatives operates in five localities and has gained a high reputation for developing contractual work and activity alternatives at an average cost of \$1500 per client for all categories of convicted persons. This is an ideal program for other private businesses to emulate.

- The ability to predict future conduct requires considerably more research and testing, yet several methodologies exist that have the potential of being more reasonable and fair than the present largely inequitable system. The problem of some false positives (identify incorrectly) we do not believe overwhelms the societal risk of a much larger number of false negatives (failure to identify). Recent Rand Corporation studies show a strong correlation between certain types of convicted lesser offenders and various characteristics, even more highly correlated than for high rate offenders. The Criminal Justice Statistics Association and the National Criminal Justice Association are examining innovations in risk assessment and the use of actuarial data to find reliable variables and fewer problems with "due process." A recent analysis, "Imprisonment in America" (Sherman & Hawkins), suggests criteria of how to depopulate prisons without raising serious "due process" issues by simple distinguishment between serious and non-serious offenders, firearm users, professionals and amateurs, and several other categories. But the adoption of any one of the above methods puts a heavy obligation on society to treat everyone as well as possible within the limits of budget and security. We should support guidelines and acceptable classification systems as recommended by the National Institutes of Justice and Corrections. We should also support existing congressional proposals to develop prison industries, marketable skills, and acceptable literacy levels for all inmates. Private industry (for example, the experiments of Control Data Corporation) can begin by installing computer learning terminals in correctional institutions. We should also support legislation to allow the donation and modernization of surplus federal property for correctional use with the understanding that these facilities be brought up to proper standards.
- Deciding on the fate of one's life, requires adequate defense and examination. To effect this, a variety of exemplary practices should be supported, such as the Pre-Trial Services Agency and the Public Defender Service in the District of Columbia.

**PROPOSED POSITION FOR THE
AMERICAN COALITION AGAINST CRIME**

Exclusionary Rule of Evidence

The American Coalition Against Crime supports the fundamental and legitimate purpose of the exclusionary rule to deter illegal police conduct and promote respect for the rule of law by preventing illegally obtained evidence from being used in a criminal trial. However, the truth should not be barred and we should find ways to ensure that the truth comes forth. It makes good sense that any violation of a constitutional right should be proportional to the magnitude of the violation. Evidence should not be excluded if it has been obtained in reasonable, good faith belief of conformity to the Fourth Amendment to the Constitution. We urge that a rule be established that evidence obtained within the scope of a warrant constitute prima facie evidence of such good faith.

August 20, 1982