

"Crime," New York, Harlem Chamber of Commerce, March 22, 1976

I am here to talk about crime.

It is a subject we have heard a lot about in the past few Presidential campaigns. We remember the slogans about crime in the streets, about law and order.

We recall the names of the upright, law-abiding citizens who have made those speeches: Mitchell, Agnew, and Nixon.

In 1968, and again in 1972, we let the reactionaries take the crime issue away from us. We know what use they made of it. We know -- you here in Harlem especially know -- what their words stood for.

But all their rhetoric and all their repression didn't end crime. It didn't decrease crime. It didn't even hold the line on crime. You don't need Mo Udall to tell you what you already know -- that the streets and hallways and homes of our nation are more dangerous today than ever in our past. In the last 14 years, reported robberies have increased 255%; forcible rapes 143%; aggravated assault 153%; murder 106%.

If you have been smashed in the face or hit over the head, had your purse snatched by hoodlums or your home ransacked by junkies, been knifed in the chest or shot in the back, you do not care what the studies and reports recommend; you want the law to **work**. And you are right. For the first and fundamental test of government is whether it can protect its citizens -- whether it can make "Freedom from Fear" a reality.

So, as we choose a president in 1976, we cannot afford once more to leave the issue of crime to the Wallaces and the Reagans. We must not again let it become an issue of black against white. Because black people are the worst **victims** of crime. Blacks are twice as likely as whites to be assaulted -- two and a half times as likely to be robbed or raped -- and eight times as likely to be murdered. We who believe in social justice must make clear to all America that criminal justice is a central part of **our** agenda.

It's not easy for Americans to talk about this kind of failure. For most of our history, we've not had to. But it's especially uncomfortable to address a failure which has meant: --slow ruin of urban living... --the terror of the infirm and the elderly... --the trauma of the young and the impressionable... --the death of innocence and freedom... --the growth of suspicion and fear...

a failure which has meant --the erosion of our prestige abroad... --the collapse of cooperation at home ... and an end to peace in our land.

I am no stranger to the subject. The law is my background. My father was a judge and I got my start in politics as a prosecuting attorney. I have prosecuted and defended every type of criminal case, from bribery to murder. So I know what the police and courts and prisons can do and what they

can't do. I know what the federal government needs to do to make sure they can perform their jobs effectively.

We must have full employment so that, whatever other cause there may be, our young people are not drawn to crime out of poverty and frustration. When the unemployment rate among black and Hispanic teenagers is 40%, is it any wonder that crime becomes a way of life?

We must have a welfare system that doesn't break up families, so that our next generation of children can grow up with a father's guidance.

We must have a President who understands what it does to people's faith in the law when the man who tried to steal our country gets a pardon and a \$60,000 pension.

And we must have an urban policy that assures our people security in their homes. It is absolutely unacceptable for New York or any other city to have to fire police while more and more people are being mugged and robbed and maimed. As President I can't hire your cops. But I can make sure your Mayor has the resources to pay them.

In the Udall administration, no city is going to die because people move away out of unbearable fear. If Gerald Ford can find money to send guns to Angola, let him instead send cops to New York City. Building a decent, safe society for all the world to see will do more for our people's security and our foreign policy than the billions of dollars of arms trading we are doing today.

While law enforcement is chiefly the job of state and local governments, there are some more direct things a President can do against crime. The first one is to get into the fight on drugs. I don't mean just calling for tougher laws against pushers and addicts -- Nelson Rockefeller did that and it didn't make a dent in the heroin business. We need to use common sense. Do you know what group in the United States is most likely to get addicted to drugs? Not the poor. Not blacks. Not teenagers. Doctors! Doctors are more likely to become addicts than any other group in society. For the simple reason that when drugs are there, they will be used.

Your Congressman Charlie Rangel has done a great job calling attention to how little is being done to cut off the flood of hard drugs. It's time we had a President who will listen to him. If we can get a man to the moon, we can develop the technology to search out and detect smuggled drugs.

If we can improve relations with Russia and China, we can use our diplomatic and economic leverage against Turkey and Mexico and the other countries that funnel hard drugs into the streets of Harlem.

If we have millions to spend so that the FBI and the NSA and the CIA and COINTELPRO and the other alphabet soup agencies can spy and snoop and bug and wiretap political dissenters, we can use those millions instead to find and indict and lock up the death merchants.

At the same time, we have to remember the victims of the pushers -- the hundreds of thousands of addicts, mainly young people for whom these actions will come too late. To the addict, heroin is not a luxury; it is as necessary as food or water. If we cut down the supply, the price will go up, and they will have to steal -- or steal **more** -- so long as they remain chained to the needle. We cannot afford

to reduce treatment programs, as many cities are doing in this time of tight budgets, when those programs offer the only chance many addicts have to break their deadly habit.

Another thing that a President can do is lead the fight against illegal interstate traffic in handguns. Despite state and federal laws, you or I could buy a gun today on almost any streetcorner in this city -- because the laws we have, laws that could stop the flood of cheap, deadly weapons into New York, are not being enforced.

The first step toward adequate enforcement is to take the responsibility for that law away from the Bureau of Alcohol, Tobacco and Firearms, which is underfunded, undermanned and ill-suited to the task. That agency is part of the Treasury Department, and Bill Simon is in charge. Perhaps you remember Bill Simon? He is the Wall Street wizard who told us that the worst victims of the recession were the stockbrokers.

What in the world does an investment banker know about gun control? When was the last time Bill Simon made a speech or even read a study on the traffic in guns? We **have** an agency whose job it is to control this deadly business. That agency is the FBI, and in the Udall administration the FBI will be given responsibility for the gun laws -- and we will make it a law enforcer -- not a law breaker.

Another thing the President can do is to reallocate the Federal money, that goes through the Law Enforcement Assistance Administration -- money that the Republican Administration put into anti-riot equipment and helicopters and other hardware. We need to look at the rest of the criminal justice system.

It does no good for the police to arrest more criminals when the court can't handle the load. The log-jam at the courtroom door delays not only the **swiftness** but the **certainty** of justice as well. That speed and that sureness are the best deterrent to crime -- indeed, the only one that we **know** works.

Case backlogs mean more time for criminals on the streets -- time to commit more crimes, to intimidate witnesses, to beat the system.

Case backlogs also create irresistible pressures for plea bargains simply because the judges, the prosecutors, and the defenders don't have enough time to take more cases to court. Those pressures often mean that the innocent are swept into prison -- while the guilty are let out too soon.

When a criminal is more often out on the street before his victim is out of the hospital ... when a man who used a gun in a crime in the morning, is arraigned in the afternoon, and released on \$1500 bail by nightfall ... with a new gun and a new victim by midnight ... it's hard to know just who our system protects.

The only way to stop this revolving door is with more efficient procedures and more judges, prosecutors and defenders. A **lot** more. To decrease plea bargains by just 10%, we would have to **double** the number of cases that go to trial. It is time to use Federal money to speed up the judicial process, not to rack up higher commissions for the hardware salesman.

And once we get the criminals to trial, we ought to ensure consistent treatment for those who are convicted. The flexible, indeterminate sentencing we have pursued for a generation was intended to make the punishment fit the criminal. But too often it make[s] the punishment fit the sharpness of the lawyer, or the preferences and the prejudices of the judges. It bred cynicism -- not justice. When we get reform of the Federal Criminal Code -- real reform, not police-state bills like S.1 -- I intend to make sure it includes certainty of punishment for violent crimes, with a very narrow range of sentencing discretion for judges.

And while we take the offensive against crime, we must also remember the importance of a good defense. We have to do more for crime **prevention**. If we can underwrite defense contractors so that they can't lose even with 100% cost overruns, then surely we can underwrite the development and installation of pick-proof locks for our homes and businesses. And surely we can subsidize the development of cheap reliable burglar-alarm systems for stores and offices. For in our concern over crimes against the person, we had better not forget that when businesses can't survive, communities die.

One more thing -- we have to do more for the victims of crime. Today, nobody pays you for the time you miss from work because of a knife wound or a broken bone. Nobody replaces the door that was kicked in or the TV and silverware that were stolen from your apartment. And if the police catch the criminal, you have to take time from work, and maybe hire a baby sitter for your kids, so you can pay your way down Centre Street and spend a day or two in the halls waiting for them to find a courtroom that's free -- and then get mugged on the subway coming back uptown. We need restitution programs and transportation assistance and emergency aid to rebuild homes and businesses that have been ransacked or burned. And when we catch criminals, we ought to make restitution of their victims a central element of their punishments -- we must forge a link between the crime and the punishment.

There are a lot of familiar things about crime that I **haven't** said today. I haven't given you the old cry for tougher laws -- because we don't need them. We already have the toughest laws of any industrialized country, but they won't deter -- no law will deter -- so long as only three out of every 100 criminals wind up going to jail.

I haven't given you the familiar attack on the Supreme Court, because I don't believe we need to compromise the vital protections our constitution gives us -- protections for the innocent as well as the guilty.

And I haven't brought up the old arguments for rehabilitating criminals. Those efforts were well-intentioned. But we tried it -- we tried a hundred different rehabilitation programs -- and we found they didn't work. The prison that makes every effort to rehabilitate does no better a job than the prison that does nothing. So we ought to admit our mistakes, and recognize that prison is no educational experience from which offenders emerge cleansed of their sins. Prisons exist to punish dangerous criminals, and to keep them out of our midst. That is about all prisons can do, and we ought to use them for that purpose. Humane conditions -- certainly prisons should have them; opportunities for self-help -- of course; but let's stop pretending we are doing something we cannot do.

It is hard to make a speech about crime these days, because for the last 8 years politicians have over-promised so badly. Nixon promised law and order, and gave us instead high crimes and misdemeanors. George Wallace talks tough, but even with a prison system so brutal a judge found it "cruel and unusual punishment," Alabama has a higher murder rate than New York.

I don't have all the answers either. Crime is a problem that concerns nearly everyone. And yet it has grown and flourished. Unlike disease and even war, crime has resisted **all** our efforts to contain and reduce it. The solution has eluded us with greater success for a longer time than any in our history. This impotence breeds fear and fear kills hope.

So I have tried not to promise you things I can't deliver. The truth is that most of the responsibility for fighting crime rests here with your mayors and police commissioners and citizen groups who will work with them. But Presidential commitment can make a big difference, and the things I have proposed today can go a long, long way. And, most important, I know they can be done.

We've had Presidents who ranted for hour after hour against crime. But when it came time to make up the budget, the money was never there. We've had Presidents to whom words were more important than action; Presidents to whom that corrupt and decadent regime in Vietnam was more important than the safety of people in Harlem; Presidents who thought that the B-1 bomber was more important than the real safety of our people. We've had enough!

The job of leaders is to lead. I want to lead the fight to put our money where we need it -- to make our cities safe and livable again.