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FOR IMMEDIATE RELEASE

JUNE 19, 1975

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT
ON HIS
MESSAGE ON CRIME

THE BRIEFING ROOM

3:32 P.M. EDT

Mr. Attorney General, two months ago, at Yale University Law School, I spoke about a subject that touches the lives of all Americans -- crime.

Today, I am sending to the Congress a special message spelling out in concrete terms the program for curbing crime and insuring domestic tranquility, which I advocated in that speech.

First, and foremost, our effort should be directed toward the protection of law-abiding citizens. For too long, the law has centered its attention more on the rights of the criminal than on the victim of crime.

It is high time that we reverse this trend and put the highest priority on the victims and potential victims.

Even though the chief responsibility in combating crime lies with State and local officials, the Federal Government can provide leadership. It can improve the quality of existing Federal laws and the Federal judicial system.

It can enact and vigorously enforce new laws governing criminal conduct at the Federal level, and it can provide financial and technical assistance to State and local governments in their efforts to stem lawlessness.

For example, I propose that the Congress enact mandatory prison sentences for Federal offenses committed with firearms or other dangerous weapons, and for hijackers, kidnappers, traffickers in hard drugs and repeated Federal offenders who commit crimes of violence.

I urge State and local authorities to take similar steps.

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I am unalterably opposed to Federal registration of guns or gun owners. I do propose that the Congress enact legislation to deal with those who use handguns for criminal purposes.

I also propose further Federal restrictions on so-called Saturday night specials.

We can and must make our legal system what it was always intended, a means of insuring domestic tranquility in making America safe for decent and law-abiding citizens.

This is a matter of deep personal concern to all Americans. So, I urge the Congress to reflect this concern for the victims of crime by acting on this message in a prompt, positive and nonpartisan spirit.

To provide more details concerning the message and the program that we have put together, I will now ask the Attorney General, Mr. Edward Levi, to fill you in on the details.

Thank you very, very much.

END (AT 3:35 P.M. EDT)

EMBARGOED FOR RELEASE UNTIL 6:00 P.M., EDT
THURSDAY, JUNE 19, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

FACT SHEET

CRIME MESSAGE

The President is today transmitting to the Congress a special message on crime in which he advocates enactment of mandatory minimum sentences for offenders who commit violent Federal crimes. In addition, he asks the Congress to improve Federal fire arms laws and their enforcement. The President also recommends the extension of the Law Enforcement Assistance Administration through 1981.

BACKGROUND

The Federal Bureau of Investigation has estimated that the rate of serious crime was 17 percent higher in 1974 than in 1973. This is the largest annual increase in the 44 years the Bureau has been collecting statistics. Moreover, these figures reflect only the reported crimes. A study of unreported crime sponsored by the Law Enforcement Assistance Administration indicates that the actual level of crime in some cities is three to five times greater than that reported. Significantly, and tragically, the number of crimes involving threats of violence or actual violence has also increased.

Two months ago, at the celebration of the 150th anniversary of the Yale Law School, the President delivered a speech on the problem of crime in America. In that address, the President stressed his concern for the innocent victims of crime and the impact which crime -- particularly violent crime -- has had on domestic tranquility in America. The message which the President is sending to Congress today spells out his program for combatting crime.

HIGHLIGHTS OF MESSAGE

While acknowledging that the Federal role in the fight against crime is a limited one, the President sets forth three important responsibilities of the Federal government in this vital area:

- Providing leadership to State and local governments by ~~improving~~ the quality of Federal laws and the criminal justice system.
- Enacting and vigorously enforcing laws covering criminal conduct that cannot be adequately regulated at the State or local level.
- Providing financial and technical assistance to State and local governments and law enforcement agencies, and thereby enhancing their ability to enforce the law.

I. PROVIDING FEDERAL LEADERSHIP

A. Improving the Quality of Federal Laws

Noting that Federal criminal laws should be a model upon which State and local governments can pattern

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their own laws, the President recommends to the Congress the enactment of a comprehensive criminal code.

In codifying the Federal criminal law, the President recommends that criminal fines be increased from a maximum of \$10,000 to a maximum of \$100,000 if the defendant is an individual, and \$500,000 if the defendant is an organization.

The President also recommends the enactment of mandatory minimum sentences for persons who:

- (1) commit Federal offenses involving the use of a dangerous weapon,
- (2) commit such extraordinarily serious offenses as aircraft hijacking, kidnapping and trafficking in hard drugs, and
- (3) are repeat offenders who commit Federal crimes that cause or have the potential to cause personal injury to others. Limited exceptions to the imposition of mandatory minimum sentences would be set forth in the statute.

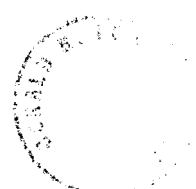
The President recommends that Federal appeals courts be given limited authority to review sentences imposed by Federal trial court judges.

B. Improving the Federal Criminal Justice System

In addition to reform of the criminal law, the President believes that we must improve the manner in which our criminal justice system operates. In the message, he makes numerous suggestions and recommendations designed to improve the quality of the Federal criminal justice system. These include:

1. Establishment of "career criminal" programs designed to assure quick identification and prosecution of persons who repeatedly commit serious offenses.
2. Continuation and expansion of programs designed to divert certain first offenders into rehabilitation prior to trial.
3. Creation by the Congress of additional Federal District Court judgeships and expansion of the criminal jurisdiction of United States Magistrates.
4. Up-grading of prison facilities, including the replacement of large, outdated prisons with smaller, more modern ones.
5. Directing that the Attorney General, as Chairman of the Cabinet Committee on Crime Prevention and Rehabilitation, ensure that the Federal government is making the best possible use of its resources in the area of offender rehabilitation.
6. Enactment by the Congress of legislation to provide limited compensation to victims of Federal crimes who suffer personal injury.

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Additionally, the President calls upon employers, including Federal agencies, to keep open minds on the hiring of persons formerly convicted of crimes.

II. BETTER LAWS AND ENFORCEMENT

- A. The President is unalterably opposed to Federal registration of guns or gun owners. He has directed the Attorney General to prepare legislation prohibiting the manufacture, assembly or sale of "Saturday Night Specials." The President also proposes to strengthen current law so as to strike at the illegal commerce in handguns and to emphasize the responsibility of dealers to adhere to the law. He has also ordered the Treasury Department's Bureau of Alcohol, Tobacco and Firearms to double its investigative efforts in the nation's ten largest metropolitan areas and to immediately employ and train an additional 500 firearms investigators for this priority effort.
- B. The President believes there are several other areas in which Federal law and enforcement can be improved to strike at those who have made crime a business. Laws relating to organized crime, consumer fraud, white-collar crimes and protection of civil rights can and should be improved.
- C. The President also has directed the Domestic Council to conduct a comprehensive, priority review of the Federal effort in the treatment and prevention of drug abuse, to ensure that Federal programs and policies are appropriate to meet the current and mounting threat.

III. PROVIDING FINANCIAL AND TECHNICAL ASSISTANCE

The Federal government must continue to help State and local governments in carrying out their law enforcement responsibilities. Therefore, the President will submit to the Congress a bill that will continue the Law Enforcement Assistance Administration through 1981.

The Bill will authorize \$6.8 billion for the Law Enforcement Assistance Administration to continue its work through 1981. Further, the bill will increase LEAA's annual funding authorization of \$1.25 billion to \$1.3 billion so that additional funds may be made available to urban areas with high crime rates. Finally, the bill will place additional emphasis on improving State and local court systems.

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June 19, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

TO THE CONGRESS OF THE UNITED STATES:

I address this message to the Congress on a subject that touches the lives of all Americans: crime.

Two months ago, at the celebration of the 150th anniversary of the Yale Law School, I spoke about law and respect for the spirit of the law.

Law makes human society possible. It pledges safety to every member so that the company of fellow human beings can be a blessing instead of a threat. It is the instrument through which we seek to fulfill the promise of our Constitution: "to insure domestic tranquility."

But America has been far from successful in dealing with the sort of crime that obsesses America day and night -- I mean street crime, crime that invades our neighborhoods and our homes -- murders, robberies, rapes, muggings, hold-ups, break-ins -- the kind of brutal violence that makes us fearful of strangers and afraid to go out at night.

I sense, and I think the American people sense, that we are facing a basic and very serious problem of disregard for the law. Because of crime in our streets and in our homes, we do not have domestic tranquility.

Ever since the first Presidential message on crime, in 1965, strenuous Federal efforts, as well as State and local initiatives, have been undertaken to reduce the incidence of crime in the United States. Yet, throughout this period, crime has continued to increase. Indeed, the Federal Bureau of Investigation's latest estimates are that the rate of serious crime -- murder, forcible rape, robbery, aggravated assault, burglary, larceny and auto theft -- was 17 percent higher in 1974 than in 1973. This is the largest increase in the 44 years the Bureau has been collecting statistics.

Since 1960, although billions of dollars have been spent on law enforcement programs, the crime rate has more than doubled. Moreover, these figures reflect only the reported crimes. A study of unreported crime sponsored by the Law Enforcement Assistance Administration indicates that the actual level of crime in some cities is three to five times greater than that reported.

More significantly, the number of crimes involving threats of violence or actual violence has increased. And the number of violent crimes in which the perpetrator and the victim are strangers has also increased. A recent study indicates that approximately 65 percent of all violent crimes are committed against strangers.

The personal and social toll that crime exacts from our citizens is enormous. In addition to the direct damage to victims of crime, violent crimes in our streets and in our homes make fear pervasive.

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In many areas of the country, especially in the most crowded parts of the inner cities, fear has caused people to rearrange their daily lives. They plan shopping and recreation during hours when they think the possibilities of violent attacks are lower. They avoid commercial areas and public transit. Frightened shopowners arm themselves and view customers with suspicion.

The individual, political and social costs of crime cannot be ignored. They demand our attention and coordinated action. With the firm support of the American people, all levels of government -- Federal, State and local -- must commit themselves to the goal of reducing crime.

For too long, law has centered its attention more on the rights of the criminal defendant than on the victim of crime. It is time for law to concern itself more with the rights of the people it exists to protect.

In thinking about this problem, I do not seek vindictive punishment of the criminal, but protection of the innocent victim. The victims are my primary concern. That is why I do not talk about law and order and why I turn to the Constitutional guarantee of domestic tranquility. The emphasis in our efforts must be providing protection for the victims of crime.

In this message, I shall address myself to what I believe the Federal government can and should do to reduce crime. The fact is, however, that the Federal role in the fight against crime, particularly violent crime, is a limited one.

With few exceptions, the kinds of crimes that obsess America -- murders, robberies, rapes, muggings, hold-ups, breakins -- are solely within the jurisdiction of State and local governments. Thus, while the programs that I will propose in this message will, if enacted, contribute to a safer America, the level of crime will not be substantially reduced unless State and local governments themselves enact strong measures.

I see three ways in which the Federal government can play an important role in combating crime:

First, it can provide leadership to State and local governments by enacting a criminal code that can serve as a model for other jurisdictions to follow and by improving the quality of the Federal criminal justice system.

Second, it can enact and vigorously enforce laws covering criminal conduct within the Federal jurisdiction that cannot be adequately regulated at the State or local level.

Third, it can provide financial and technical assistance to State and local governments and law enforcement agencies, and thereby enhance their ability to enforce the law.

I. Providing Leadership

Law Enforcement in a democratic society depends largely upon public respect for the laws and voluntary compliance with them. We do not have and do not want a police state. Respect and compliance are undermined if individuals conclude that law

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enforcement efforts are ineffective and that crimes may be committed with impunity -- conclusions which are buttressed by rapidly rising crime rates and by statistics showing only one arrest for every five serious crimes committed.

A decline in respect for the law leads to the commission of more crimes. The necessity to investigate these additional crimes, prosecute those accused, and punish those convicted places even greater strain on the already overburdened capacities of police, prosecutors, public defenders, courts, penal institutions and correctional authorities. As a consequence, the percentage of offenders apprehended, prosecuted and appropriately sentenced is further reduced. This leads to an even greater decline in respect for the law and to the commission of even more crimes. To succeed in the effort to reduce crime, we must break this spiral.

There are two direct ways to attack the spiral of crime. One is through improvements in the law itself. The other is through improvement of the criminal justice system so that it functions more swiftly, surely and justly.

Federal criminal laws should be a model upon which State and local governments can pattern their own laws. At the present time, they are not. These Federal statutes developed haphazardly over the decades. They have been revised here and there in response to changing judicial interpretation. They are complicated, and sometimes conflicting, leaving gaps through which criminal activity too often slips unpunished. Because of their complexity, the laws invite technical arguments that waste court time without ever going to the heart of the question of the accused's guilt or innocence.

For several years, the Federal government has engaged in a massive effort to reform the Federal criminal laws into a uniform, coherent code. The product of this effort was recently introduced in Congress, with wide bipartisan support, as S. 1, the "Criminal Justice Reform Act of 1975."

Since it covers every aspect of criminal law, some of the proposals in this Act have stirred controversy and will undoubtedly precipitate further debate. For instance, concern has been expressed that certain provisions of the bill designed to protect classified information could adversely affect freedom of the press. While we must make sure that national security secrets are protected by law, we must also take care that the law does not unreasonably restrict the free flow of information necessary to our form of government. Responsible debate over this and other provisions of S. 1 will be very useful. Issues can be clarified and differing interests accommodated.

I think everyone will agree, however, that comprehensive reform of the Federal criminal code is needed. Accordingly, as a legislative priority in the Federal effort against crime, I urge the 94th Congress to pass the kind of comprehensive code reform embodied in the Criminal Justice Reform Act.

In connection with this overall effort, let me suggest some specific reforms I believe essential.

The sentencing provisions of current Federal law are, in my judgment, inadequate in several respects, often erratic and inconsistent. Defendants who commit similar offenses may receive widely varying sentences. This lack of uniformity is profoundly unfair and breeds disrespect for the law.

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The revision of the criminal code should restore a sense of consistency in sentencing, so that the fine or term of imprisonment imposed by the law relates directly to the gravity of the offense. For example, criminal fines are woefully inadequate and provide little deterrence to offenders whose business is crime -- a business profitable enough to support current levels of criminal fines as an ordinary business expense. Other than under the antitrust laws, the maximum fine which can be imposed on serious violators is usually \$10,000. That amount is too often not commensurate with the crime. The maximum level should be increased to \$100,000, if the defendant is an individual, and \$500,000, if the defendant is an organization.

The sentencing provisions of the proposed code should be modified to provide judges with standards under which prison sentences are to be imposed upon conviction. Imprisonment too seldom follows conviction, even for serious offenses. It is my firm belief that persons convicted of violent crime should be sent to prison. Those who prey on others, especially by violence, are very few in number. A small percentage of the entire population accounts for a very large proportion of the vicious crimes committed. Most serious crimes are committed by repeaters. These relatively few persistent criminals who cause so much worry and fear are the core of the problem. The rest of the American people have a right to protection from their violence.

Most of the victims of violent crimes are the poor, the old, the young, the disadvantaged minorities, the people who live in the most crowded parts of our cities, the most defenseless. These victims have a valid claim on the rest of society for protection and personal safety that they cannot provide for themselves; in a phrase, for domestic tranquility.

Imprisonment too seldom follows conviction for a felony. In the 1960's, crime rates went higher, but the number of criminals in prison, state and federal, actually went down. A study of one major jurisdiction showed that of all convicted robbers with a major prison record, only 27% were sent to prison after conviction.

There should be no doubt in the minds of those who commit violent crimes -- especially crimes involving harm to others -- that they will be sent to prison if convicted under legal processes that are fair, prompt and certain.

I propose that incarceration be made mandatory for (1) offenders who commit offenses under Federal jurisdiction using a dangerous weapon; (2) persons committing such extraordinarily serious crimes as aircraft hijacking, kidnapping, and trafficking in hard drugs; and (3) repeat offenders who commit Federal crimes -- with or without a weapon -- that cause or have a potential to cause personal injury. Exceptions to mandatory imprisonment should apply only if the judge finds and specifies in writing one or more of the following: that the defendant was under 18 when the offense was committed, or was mentally impaired, or was acting under substantial duress, or was implicated in a crime actually committed by others and participated in the crime only in a very minor way. I have asked the Attorney General to assist the Congress in drafting this modification to the sentencing provisions of S. 1. Since most violent crime is in the jurisdiction of State and local criminal

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courts, I call upon the States to establish similar mandatory sentencing systems. Too many persons found guilty of serious, violent crimes never spend a day in prison after conviction.

I would emphasize that the aim of this program of mandatory imprisonment is not vindictive punishment of the criminal, but protection of the innocent victim by separating the violent criminal from the community. These victims -- most of whom are old or poor or disadvantaged -- have a valid claim on the rest of society for the protection and the personal safety that they cannot provide for themselves.

Reasonable mandatory minimum sentences can restore the sense of certainty of imprisonment upon which the deterrent impact of criminal law is based. Mandatory sentences need not be long sentences; the range of indeterminacy need not be great. In fact, wide disparities in sentences for essentially equivalent offenses give a look of unfairness to the law. To help eliminate that unfairness, Federal appeals courts should be given some authority to review sentences given by Federal trial court judges -- to increase or reduce them so that the punishments will be more nearly uniform throughout the Federal system. I am also asking the Attorney General to review this problem to ensure that the Federal sentencing structure, which is now based on the indeterminate sentence, is both fair and appropriate. Among other things, it may be time to give serious study to the concept of so-called "flat time sentencing" in the Federal law.

In addition to reform of the criminal law, we must improve the manner in which our criminal justice system operates. Effective deterrence to law-breaking is currently lacking, in part because our criminal justice system simply does not operate effectively.

A logical place to begin discussion of such improvement is the prosecutor's office, for it is there that important decisions are made as to which offenders should be prosecuted, what cases should be brought to trial, when plea bargains should be struck and how scarce judicial resources should be allocated. Many prosecutors' offices currently lack the manpower or management devices to make those decisions correctly. Prosecutors often lack information on a defendant's criminal history and thus cannot identify habitual criminals who should be tried by experienced prosecutors and, if convicted, sent to prison. In too many cases, they lack efficient systems to monitor the status of the numerous cases they handle. If improved management techniques could be made available to prosecutors, the likelihood of swift and sure punishment for crime would be substantially increased.

At the Federal level, last September I directed the Department of Justice to develop and implement a program to deal with career criminals, with the objectives of (1) providing quick identification of persons who repeatedly commit serious offenses, (2) according priority to their prosecution by the most experienced prosecutors, and (3) assuring that, if convicted, they receive appropriate sentences to prevent them from immediately returning to society once again to victimize the community.

Programs to deal with habitual criminals will be encouraged at the State and local levels through the use

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of the Law Enforcement Assistance Administration model programs and discretionary grants already underway.

To illustrate the nature of this problem, let me point out that in one city over 60 rapes, more than 200 burglaries and 14 murders were committed by only 10 persons in less than 12 months. Unfortunately, this example is not unique.

The results of a repeat offender project recently launched in the Bronx County District Attorney's Office, City of New York, are hopeful. The first year's experience showed a 97 percent felony conviction rate and a reduction of time in case disposition from an average of 24 months to an average of three months. In addition, prison sentences resulted in 95 percent of the career criminal cases prosecuted.

A second improvement in the criminal justice system may be obtained by diverting certain first offenders --- not all, but some -- into rehabilitation programs before proceeding to trial. The Department of Justice has begun a pilot program of this kind designed to achieve two important goals. First, it will seek to reduce the caseloads of Federal courts and prosecutors through expeditious treatment of offenders who are good prospects for rehabilitation. Second, it will seek to enable the offenders who successfully satisfy the requirements of the diversion programs to avoid criminal records and thus increase the likelihood that they will return to productive lives.

Experimentation with pretrial diversion programs should continue and expand. However, careful efforts must be taken to prevent these programs from either treating serious offenders too leniently, or, on the other hand, violating defendants' rights. By coupling this pretrial diversion program with a mandatory term of imprisonment for violent offenders, we will make sure that offenders who deserve to go to prison will go to prison. At the same time, those who may not need imprisonment will be dealt with quickly and in a way that minimizes the burden on the criminal justice system.

The criminal and civil caseloads in trial and in appellate courts have grown over the years, while the number of judges assigned to handle those cases has not kept pace. In 1972, the Judicial Conference of the United States recommended the creation of 51 additional Federal District Court judgeships in 33 separate judicial districts across the country. Senate hearings on legislation incorporating this proposal were conducted in 1973. To date, however, the legislation has not been scheduled for floor action. The increasing needs of the Federal courts make this measure an urgent national necessity of a nonpartisan nature -- for justice delayed is too often justice denied. In addition, seemingly technical but important reform in the Federal criminal justice system can be achieved by expanding the criminal jurisdiction of United States Magistrates. This reform will enable the relatively small number of Federal judges to focus their efforts on the most significant criminal cases. The Criminal Justice Reform Act contains a provision that will achieve that result, and I am giving it my specific support.

When a defendant is convicted, even for a violent crime, judges are too often unwilling to impose prison sentence, in part because they consider prison conditions inhumane. Moreover, a cruel and dehumanizing penal institution can actually be a

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breeding ground for criminality. In any case, a civilized society that seeks to diminish violence in its midst cannot condone prisons where murder, vicious assault and homosexual rapes are common occurrences.

The Federal Bureau of Prisons has embarked on a program to replace large, outdated prisons with smaller, more modern ones. The Bureau has seven new corrections institutions of this sort under construction. All are designed to be civilized places that can be governed effectively by the wardens and correctional officers rather than by the most brutal and inhuman prisoners. In addition, the Bureau is opening new institutions in three major cities to replace overcrowded, antiquated local jails which formerly housed Federal prisoners awaiting trial. The program to improve Federal prisons must be paralleled by State efforts, because the problem of decrepit prison facilities that are hothouses of crime is worst at the State and local level. Unless prisons are improved, many judges will only reluctantly commit convicted offenders to them, even if they are guilty of serious crimes and have previous criminal records.

I know that grave questions have been raised by qualified experts about the ability of the corrections system to rehabilitate offenders. These are important and serious questions. They go to the very heart of the corrections system. While the problem of criminal rehabilitation is difficult, we must not give up on our efforts to achieve it, especially in dealing with youthful offenders. Crime by young people represents a large part of crime in general. The 1973 statistics indicate that 45 percent of persons arrested for all crimes are under 18 years of age. Whatever the difficulty, we must continue our efforts to rehabilitate offenders, especially youthful offenders. To do less would be to write off great numbers of young people as unsalvageable before they have even come of age. I have directed the Attorney General, as Chairman of the Cabinet Committee on Crime Prevention and Rehabilitation, to work in close cooperation with the Secretary of Labor, the Secretary of Health, Education, and Welfare and other concerned agencies of the Executive Branch to ensure that the Federal government is making the best possible use of its resources in this crucial area.

Whatever the corrections system might accomplish in rehabilitating offenders while they are in prison will be lost if the individual leaves prison and cannot find a job, simply because he has been convicted of a crime. I urge employers to keep an open mind on the hiring of persons formerly convicted of crimes. The U. S. Civil Service Commission currently administers a program designed to prevent Federal employers from unjustly discriminating against ex-felons. I am directing the Commission to review this program to ensure that it is accomplishing its objectives. I am also calling on the National Governors Conference to consider steps the States can take to eliminate unjustified discriminatory practices. Giving ex-offenders who have paid their penalty and seek to "go straight" a fair shake in the job market can be an effective means of reducing crime and improving our criminal justice system.

In addition to this general effort to reform and improve the criminal justice system, the Federal law should be specifically revised to take into greater account the needs of victims of crime. They, as well as the general public, must be made aware that the government will not neglect the law-abiding citizens whose cooperation and efforts are crucial to the effectiveness of law enforcement.

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I urge the Congress to pass legislation to meet the uncompensated economic losses of victims of Federal crimes who suffer personal injury. In order to promote the concept of restitution within the criminal law, the monetary benefits should come from a fund consisting of fines paid by convicted Federal offenders.

II. Better Laws and Enforcement

As I pointed out initially, except in limited circumstances, street crime is a state and local law enforcement responsibility. There is a dimension to this problem, however, that cannot be adequately dealt with on just the state and local levels. Criminals with handguns have played a key role in the rise of violent crime in America. Hundreds of policemen have been killed in the past decade through the use of handguns by criminals. The most effective way to combat the illicit use of handguns by criminals is to provide mandatory prison sentences for anyone who uses a gun in the commission of a crime.

In addition, the federal government can be of assistance to state and local enforcement efforts by prohibiting the manufacture of so-called Saturday Night Specials that have no apparent use other than against human beings and by improving Federal firearms laws and their enforcement.

At the same time, however, we must make certain that our efforts to regulate the illicit use of handguns do not infringe upon the rights of law abiding citizens. I am unalterably opposed to federal registration of guns or the licensing of gun owners. I will oppose any effort to impose such requirements as a matter of federal policy.

Nonetheless, we can take steps to further guard against the illicit use of handguns by criminals.

Current Federal gun laws should be revised to provide that only responsible, bona fide gun dealers be permitted to obtain Federal licenses to engage in the business of selling firearms. Licenses to sell firearms should also be withheld from persons who have violated State laws, particularly firearms laws. Additional administrative controls over the sale of handguns, including a ban on multiple sales, will help to establish dealer responsibility in stopping illicit gun trafficking. A waiting period between the purchase and receipt of a handgun should be imposed to enable dealers to take reasonable steps to verify that handguns are not sold to persons whose possession of them would be illegal under Federal, State or applicable local laws.

Second, I have ordered the Treasury Department's Bureau of Alcohol, Tobacco and Firearms, which has primary responsibility for enforcing Federal firearms laws, to double its investigative efforts in the Nation's ten largest metropolitan areas. This action will assist local law enforcement authorities in controlling illegal commerce in weapons. I have directed, therefore, that the Bureau of Alcohol, Tobacco and Firearms employ and train an additional 500 investigators for this priority effort.

Third, the domestic manufacture, assembly or sale -- as well as the importation -- of cheap, highly concealable handguns should be prohibited. These so-called "Saturday Night Specials" are involved in an extraordinarily large number of street crimes. Most have no legitimate sporting purpose. They are such a threat to domestic tranquility that we should eliminate their manufacture and sale entirely.

These recommendations go to the very heart of the problem of handgun abuse. If enacted, they should add significantly to the efforts of State and local law enforcement authorities to prevent the criminal use of handguns.

There are several other areas in which Federal law and enforcement can be improved to strike at those who have made crime a business.

The leaders of organized crime can be prosecuted under current Federal law only when it can be shown that they participated in a specific offense, such as gambling, loan-sharking or narcotics. A reformed criminal code should strike directly at organized criminal activity by making it a Federal crime to operate or control a racketeering syndicate. This revision will make the criminal law apply to organized crime leaders who seek to conceal their role in the syndicate's criminal activities.

Since current Federal laws restrict the government's ability to attack consumer frauds, the statutes punishing fraud and theft should be revised to make Federal prosecution more effective. Pyramid sales schemes -- clever confidence games, in other words -- should be specifically prohibited. Federal jurisdiction over these frauds should be extended to enable the government to move against them on a nationwide basis.

The protection of constitutionally guaranteed civil rights is a primary duty of the Federal government. Yet, a private citizen can be punished for violating constitutional rights only if he acted in concert with others. Under current law, even if a State official intentionally commits acts that violate an individual's constitutional rights, proof of these acts alone may be insufficient to secure a conviction. Restrictions which prevent our laws from protecting the constitutional rights of Americans should be eliminated.

I am particularly concerned about the illegal trafficking in narcotics and dangerous drugs. These crimes victimize the entire Nation, bringing personal tragedy and family destruction to hundreds of thousands. In addition to the human toll, the property crimes committed to finance addicts' drug habits are estimated at \$15 billion each year.

Federal, State and local governments must continue their vigorous law enforcement efforts aimed at major traffickers in narcotics and dangerous drugs. This Administration is committed to maintaining a strong Federal Drug Enforcement Administration to provide leadership in this fight. At the same time, I continue to recognize our responsibility to provide compassionate treatment and rehabilitation programs for the hapless victim of narcotics traffickers.

Recent evidence suggests an increase in the availability and use of dangerous drugs in spite of the creation of special Federal agencies and massive Federal funding during the past six years. I am deeply concerned over these developments and have, therefore, directed the Domestic Council to undertake a comprehensive review and assessment of the overall Federal drug abuse prevention, treatment and enforcement effort to ensure that our programs, policies and laws are appropriate and effective.

Finally, white-collar crime is taking an increasing toll in terms of financial and social costs. The United States Chamber of Commerce recently reported that in 1974 white-collar crime cost the public approximately \$40 billion, excluding the costs of price-fixing and industrial espionage. In

addition to direct economic losses, white-collar crime can destroy confidence in and support for the nation's economic, legal and political institutions. In recognition of the gravity of the impact of white-collar crime, I have directed the Attorney General to undertake new initiatives to coordinate all Federal enforcement and prosecutorial efforts against white-collar crime.

III. Providing Financial and Technical Assistance

The Federal government must continue to help State and local governments in carrying out their law enforcement responsibilities. Therefore, I will submit to Congress a bill that will continue the Law Enforcement Assistance Administration through 1981.

The LEAA annually provides millions of dollars of support to State and local governments in improving the overall operation of their criminal justice systems. Additionally, the LEAA serves as a center for the development of new ideas on how to fight crime. Examples of several LEAA innovations have already been noted in this Message. The bill that I will submit will authorize \$6.8 billion for LEAA to continue its work through 1981.

Several aspects of the reauthorization bill deserve special mention. It will increase the annual funding authorization for LEAA from \$1.25 billion to \$1.3 billion. The additional \$250 million over five years will enable the agency's discretionary program to place greater emphasis on programs aimed at reducing crime in heavily populated urban areas. It is in these areas that the problem of violent street crime has reached critical proportions. The LEAA "High Impact" program, which is designed to provide additional assistance for cities and counties with high crime rates, has had encouraging success. This additional authorization will permit LEAA to build upon that success.

The bill will also place special emphasis on improving the operation of State and local court systems. Specifically, it will include such improvement within the statement of purposes for which LEAA block grant funds can be utilized. Too often, the courts, the prosecutors and the public defenders are overlooked in the allocation of criminal justice resources. If we are to be at all effective in fighting crime, state and local court systems, including prosecution and defense, must be expanded and enhanced.

In conclusion, I emphasize again that the Federal government cannot, by itself, bring an end to crime in the streets. The Federal government can seek the cooperation and participation of State and local governments. Such cooperation is vitally important to this effort. The cumulative effect of persistent Federal, State and local efforts to improve our laws and eliminate difficulties that encumber our criminal justice system offers the only hope of achieving a steady reduction in crime.

I am confident that, if the Congress enacts the programs that I have recommended, the means available for an effective attack on crime will have been substantially strengthened. I call upon the Congress to act swiftly on these recommendations. I also call upon State and local governments to move rapidly in strengthening their processes of criminal justice. Together, we will restore to this nation that sense of domestic tranquility so essential to the pursuit of happiness.

GERALD R. FORD

THE WHITE HOUSE,

June 19, 1975.

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OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE
PRESS CONFERENCE
OF
EDWARD H. LEVI
ATTORNEY GENERAL
OF THE UNITED STATES

THE BRIEFING ROOM

3:26 P.M. EDT

MR. NESSEN: Mr. Attorney General, may I just make clear that the message, which you do not have in your hands, but you will very shortly, the fact sheet, which you do have in your hands, the Attorney General's briefing and the President's statement, which we have in writing for you and will pass out at the end of this briefing, are all embargoed for 6 o'clock.

Q How about the bill itself?

Q Will the President's remarks still stand in all cases?

MR. NESSEN: Yes.

The bill itself, actually three separate bills will go to Congress by June 25. The draft legislation, the message to Congress, will spell out --

Q Will we get that today?

MR. NESSEN: No, because it isn't ready yet.

Q Do you have the message, Ron? We don't have that.

MR. NESSEN: You will by the end of this briefing.

Mr. Attorney General?

ATTORNEY GENERAL LEVI: I will run quickly through the principal points of the message, and then be glad to answer questions, if I can, about particular items.

I think it is fair to say that, at least in my view, this is a strong message, concerned, as the President has said, about domestic tranquility and concerned about the victims of crime.

I think it is a balanced message, which tries to look at the entire system of criminal justice.

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As the President said, the message calls for mandatory minimum prison sentences in three areas, the first being where there is a crime of violence, or the use of a dangerous weapon; the second, where there are specific crimes, such as trafficking in hard drugs and skyjacking and the like; and the third where there is a crime committed by a recidivist, a crime with the great potentiality for personal injury, whether or not there has been the use of a dangerous weapon.

Now, in connection with these mandatory prison sentences, a judge is permitted not to give them under very specific conditions where he must make specific findings; namely, that the offender was under 18 years of age, under mental difficulty, or duress, or was not very much involved.

With the exception of those very specific findings, mandatory sentences are required, and I believe it is correct to say that the intention is that these mandatory prison sentences cannot be cut down through parole.

Secondly, the message calls for the revision of the criminal code. The Senate has before it S. 1, which is a revision. The message indicates that there are parts of that revision which are controversial and needs a great deal of discussion, and the message specifically refers to the attempt to recodify the Espionage Act and to control the leakage of national security information, as one of the areas requiring further work and discussion and revision.

The message says -- and I think quite correctly -- that we need a model Federal criminal code in this country, that the way our Federal law has grown up has resulted in great inequities, different kinds of punishments for similar offenses, a crazy quilt, in fact.

We have the opportunity now to provide a revision which will not only operate for the Federal system, but can be a model for State systems.

The message calls particularly for further laws to make the prosecution of commercial fraud easier, to prevent what is called pyramiding, to make possible an offense of owning or operating a racketeering syndicate so that convictions can be obtained without proof of the specific crime in each case; that is, the participation by the owner of the syndicate in the specific criminal act, other than running the syndicate as such.

It calls for a clarification and strengthening of laws protecting civil rights so that it will not be necessary to prove a conspiracy where there has been an intentional act to deprive a citizen of his civil rights.

MORE

Then the message calls for better enforcement throughout the whole criminal law system. In that connection, it asks for the renewal of the authorization for the Law Enforcement Assistance Administration -- the LEAA program -- giving it a five-year extension to 1981, and the authorization to start with the amount of \$1,250,000,000, increasing over the five-year period by \$50 million a year, that added \$50 million a year to be specifically used to increase law enforcement efforts in the great urban centers where the crime problem is most serious.

The message calls for a better use of statistical and computerized information for prosecutors in order to weed out and to pay special attention to the recidivists or habitual criminals, pointing out that this is the area where one can do probably the most good in eliminating people from the system who do commit the most crimes.

As I have said before, throughout the message there is an emphasis, regional emphasis, on trying to help the situation in the urban areas. It calls for more judges; it also asks for the increased use of magistrates. Federal magistrates strictly limited in their jurisdiction will have their jurisdiction under this message, if it is enacted into law, greatly increased for the handling of misdemeanors.

It refers to the work that has been carried out in the Justice Department, in some of the U.S. Attorney offices, starting in Chicago, in pretrial diversion, as a way of doing two things -- keeping the criminal system from being clogged by so many cases, and also taking care of first offenders who in this way can be saved from being sent through the criminal system.

The message warns that this has to be handled carefully, both to be fair to the punitive defendant and to make sure that it is not a way of removing actual criminals from the reach of the law.

The message, because of its emphasis on protection of the victim, calls for a Federal compensation system for victims of personal injury crimes under the Federal law. I should add that the amount of money that we think that this will cost is comparatively, considerably less than the amount of fines paid into the criminal system from convicted criminals, and from a small share of the amount of money earned on the work of offenders in the penitentiary system.

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The message points to the necessity for doing more work in the field of juvenile justice and with juvenile offenders. It comments that the system has not been too successful in terms of rehabilitation. It points to the area of youth offenders as an area where the emphasis has to continue to be on rehabilitation.

Similarly, the message calls for the upgrading of prisons, specifically for the upgrading of prisons in the Federal system, to bring them up to minimum standards.

The message does not mention, I think, the figure, but over time that would cost \$200 million. Since this is a message which recognizes the narrow scope of the Federal system, but its leadership role for the whole country, one has to recognize that the upgrading of prisons so that they do reach minimum standards throughout the country, would cost a great deal more, somewhere above, apparently, \$12 billion a year, as we figure it. Of course, that is not the kind of expenditure which can easily be made.

I should go back to say that the contributions by LEAA to the enforcement system of the States would be in the form of matching grants, but the amount from LEAA would provide 90 percent.

The message also asks for better treatment of ex-prisoners, offenders who have served their time and are now back in society and who, if they are excluded from society unjustly, are likely to become recidivists.

And finally, the message, while it is quite clear, as the President said, it does not provide for the registration of guns, or the licensing of gun-owners, it does call for the prohibition of the manufacture and sale of what are called "Saturday Night Specials," which will have to be defined.

Treasury regulations have defined them and they will have to be redefined in terms of length of the barrel, cheapness of the construction, the absence of various safety devices.

And it also calls for an improved administration and some slight modification of the present law, or improvement in the law dealing with the dealers in guns, providing that dealers who are now subject to the Federal law should go through a waiting period before a sale is consummated to make sure that the purchaser is authorized by the place where he will have the gun, and the terms of other laws, whether he is an ex-felon and so on, to make sure that the dealers live up to these obligations.

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It also provides that the dealer will have to scrutinize and be careful that he is not making multiple sales to the same purchaser, so as to suggest that the purchaser is in fact a dealer himself, and that the purpose of the purchase is a purchase for resale as an unlicensed dealer.

And the message also calls for a substantial increase in the Treasury staff dealing with the enforcement of the present gun control law, adding 500 agents to the Treasury staff for that sole purpose, to operate in the 10 major cities of the country -- again, I would say regional approach recognizing that these urban areas are the areas where their own gun control laws have to be backed up by making sure that illegal shipments, illegal under the present law, do not come in to thwart the present law.

That is a once-over-lightly of what I think is a rather strong and complete message, and I would be glad to try to answer questions.

Q Mr. Attorney General, do you take a position on the death sentence?

ATTORNEY GENERAL LEVI: The message does not take a position on the death sentence. The death sentence is included in S. 1 and I suppose it would have to be regarded as among those provisions which the President referred to, various provisions, as being controversial for discussion.

Q Doesn't the Administration have a position on it, though, for some time?

ATTORNEY GENERAL LEVI: I can't answer that question. I personally have said that I was in favor of the death sentence under special circumstances.

Q Mr. Attorney General, attempts have been made from time to time to impose mandatory minimums, most controversially in New York State in narcotics cases. Can you cite any instances in which mandatory minimums have worked?

ATTORNEY GENERAL LEVI: I don't think I can cite an incidence where the attempt has been made in this way. This is a mandatory minimum. By the way, it doesn't necessarily call for enormously severe penitentiary sentences. It does take away a good deal of the discretion of the judge so that he will not impose any penitentiary sentence. But it does not require long-term sentences and it does permit, as I have said, these four categories of particular findings where the judge can avoid the imposition.

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Q What makes you think it will work? That is my question.

ATTORNEY GENERAL LEVI: I think it will work because I think it is a moderate approach. I think that the four categories are sufficient so as to allow a judge who takes his job seriously to make a proper finding and I think that we have come to a time in our society where people do realize that something has to be done to toughen up the enforcements.

Q How many Federal crimes are there committed in a year, to which these mandatory sentences would apply?

ATTORNEY GENERAL LEVI: I can't answer that, but I can say that our belief is in comparison with the more or less 25,000 prisoners in the Federal system at the moment, if we had had this law, this proposed law in effect now, there would be about an additional 900 in one year added to that.

Q Mr. Attorney General, does the message make any recommendation regarding the laws on marijuana, such as decriminalization?

ATTORNEY GENERAL LEVI: No, it does not. It does refer to the commercial traffic in hard drugs, but does not refer to the ---

Q Is there going to be a recommendation in the future? The reason I ask this is that we have been told by the Present recently at the press conference that that matter was under study in your office, and he was going to withhold his decision until you had a recommendation. Do you have a recommendation?

ATTORNEY GENERAL LEVI: It is in my office and I have asked Mr. Dogin, the Acting Director, the Administrator of DEA, to give me the recommendation of his agency. I should say, or add, that that S. 1 the President talks about in his message does provide for a minor in the categories of S. 1 -- penalty for the possession of small amounts of marijuana -- and I have at various times said that it seemed to me this was the direction in which one might well go.

The problem of decriminalization is complicated because the drug enforcement program requires the cooperation of Government officials, really, around the world, because we are trying to keep out the supplies of drugs, and I don't think anyone wants to take a position which is going to convince people in other countries that while we want to be tough on them we want to be very soft on ourselves.

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I just mention that as the kind of problem we face, and I frankly don't know what my recommendation will be because I don't think I should make it, for one thing, until I have heard what the DEA people have to say.

Q Mr. Attorney General, since so many of the crimes do involve fire arms, why doesn't the President call for stricter control of handguns, and why is he so unalterably opposed to registration?

ATTORNEY GENERAL LEVI: I think the President has thought this through, as I have tried to think it through. Since I don't want to quote the President -- he speaks for himself -- let me say, on a television program which is rather dull that I was on some nights ago, I did hear myself saying that I thought the problem was to do the minimum amount which would be effective. I think that that is what this message does.

As you know, I was urging a regional approach. I think this message adopts that approach in the sense that its heavy emphasis is on enforcement in the greater urban areas. The problem in the urban areas is not to get tougher laws -- they have tough laws -- but to do something about the interstate commerce.

There the weakness, I think -- I believe the President thinks -- has been that the present legislation, which involves the dealers, has in fact really not been enforced. And the way to enforce it is to get this rather large group of agents who will not be doing anything else but will center their attention in the 10 major cities and will be concerned with the illegal flow from dealers into these areas.

Now, I have discussed this matter with the group that probably knows most about it; namely, the U.S. Attorneys, and they regard this as a helpful solution.

Q Mr. Attorney General, how does your proposal on Saturday Night Specials differ from Senator Bayh's proposal?

ATTORNEY GENERAL LEVI: Well, I am not sure, except in a very general way, that I know what Senator Bayh's proposal is.

Q He has a bill in that has been in for some weeks. Didn't you people look at that when you were drafting yours?

ATTORNEY GENERAL LEVI: No, we had been working on this for a long time and Senator Bayh and I have had some discussions from time to time. I would suppose that the banning of Saturday Night Specials may be very much the same, but I don't know.

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Q Mr. Attorney General, previous questions have referred to the fact that the President was inalterably opposed to gun control and registration. I am not sure the question was answered, sir. Nobody who advocates gun control and gun registration wants to eliminate illegal flow -- in your words -- of guns. They wanted to eliminate, they wanted to just register these guns and where they were and who was selling them, all that.

I would appreciate a little more illumination on the question.

Also, sir, the President in his talk -- I wonder if he was not talking in slogans now -- the law centers its attention more on the rights of the criminal than the victim of the crime.

This is the second question: Aren't the rights of the criminal, sir, the rights -- at least until he becomes a criminal -- at least the same rights you and I have and must be protected?

ATTORNEY GENERAL LEVI: Of course.

Answering the second question first, the problem is not only does our system operate so that it does not detect the criminal, and when it detects him he is not convicted; but when he is convicted, nothing very much happens to him, and we have had, I think, a notion that we had other ways of rehabilitating and preventing this kind of harm, which is harm both to the criminal and to the society at large.

I think the general feeling of criminologists today is that a much tougher approach, one which recognizes for the kind of dangerous conduct with a dangerous weapon which is killing our cities, that that kind of conduct has to be met with a quick sentence, and normally a penitentiary sentence. That is the approach.

Now, as to the first question, which I am not quite sure I understand, but that deals with, I think, registration and the objections to registration, the President has always said that he was opposed to registration and the licensing of each owner of a gun.

Of course, the argument is always made and it has something to it, that when the criminal wishes to have a gun he isn't going to be worried about whether he is registered or whether he is licensed.

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The problem which the 1968 Act tried to get at was the interstate sales by dealers, and the dealer is not under the present law supposed to sell a handgun to a purchaser who lives in another State, nor is he supposed to sell it to a purchaser who lives in a place where the local law makes his possession illegal, but that has not been enforced, at least it has not been effectively enforced.

So until one starts talking about the needs for legislation, one has to really look at what we presently have, and this is what we presently do have. If we can enforce that and cut down the flow from the dealers to people who do live in other States, or who do live where they should not have them, if we can do that, then I think we have made a considerable step forward.

Q The message apparently calls for the compensation of victims of crime.

ATTORNEY GENERAL LEVI: Yes.

Q Has any thought been given to the innocent victims of, apparently, false crimes? They apparently lose their freedom if they don't fight it, and if they fight it they lose their fortune?

ATTORNEY GENERAL LEVI: I am sure many of us have given thought to that, from time to time. It is not in the message, and I don't know where that would take us. It obviously is a point, but a different kind of point.

Q On that point, how much is your proposed appropriation for the victim's compensation program, and how did you arrive at your estimate?

ATTORNEY GENERAL LEVI: What we did was to look at the kinds of injuries and the crime statistics for the Federal system, and so far as we could tell,-- I think it was two years ago here the statistics came from--it would have been on the order of \$7 million-plus, but not including such compensation as might be paid for loss of wages.

There is a formula for that purpose where someone has been out of work for a 90-day period. But we are confident that it will not rise to the \$15 million level, which is the amount of money paid in through penalties and fines, and a 20 percent take from penitentiary industries.

Q What are those fines for now, Mr. Attorney General?

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ATTORNEY GENERAL LEVI: They just go into the coffers of the Treasury. We wish to make the point that if you wish to make the point it costs money, of course it does.

Q Is the President asking for \$7 million for that, sir?

ATTORNEY GENERAL LEVI: Well, the message does not state that, but the legislation -- we will have to assume that this fund will be adequate.

I am giving you the background papers, at the moment, which convinced me that it will.

Q Do you ask for a specific authorization?

ATTORNEY GENERAL LEVI: Well, you set this up as a specific program. It will have to be authorized; it will have to have an awarding panel created, I believe, in the Department of Justice, appointed by the President. It will follow to a considerable extent the laws which now exist in 11-plus States, at the present time.

Q Mr. Levi, would you be a little more specific about the size of the minimums, please? You said they were quite low in some instances. Can you tell us ---

ATTORNEY GENERAL LEVI: No, I can't.

Q Six months?

ATTORNEY GENERAL LEVI: It might very well be. The message does not cover that. The message, however, at one point, does talk about the fact of the unequal sentencing which now goes on, in part as a result of the discretion of judges, and in part as a result of the hodge-podge of the Federal laws, and then makes the point that in asking for a codification, clarification, regularizing of this, that it is not advocating necessarily severe penalties, so that a one-year penalty would, I think, fit very much, many of the things we are talking about.

Q Why do you call this a tough message, then?

ATTORNEY GENERAL LEVI: I think it is tough to take criminals who have been convicted and behaved this way and who, as our present system operates, are really not punished. I think the tone of this message -- and it keeps coming through all the time -- is that it is intended to be an effective approach. It is not what would be called a law and order approach. The President has referred to it as a domestic tranquility approach, in his presentation.

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Q What are the three pieces of legislation that are going to go up? How is this going to be packaged?

ATTORNEY GENERAL LEVI: The LEAA extension and the indication of the increased emphasis on more judges, the use of its funds in the judicial and prosecutorial system, and in the usual areas, will be in the legislation.

The S. 1, of course, is before the Congress. The mandatory prison sentences could either be handled in a separate bill or as part of S. 1. The mandatory prison sentences, which the President has proposed, is a deviation from the proposals which are now in S. 1.

In that sense, it is a tougher approach because S. 1 allows paroling and, as I understand it, this would not, and the gun control question will require legislation.

Q You don't have specific mandatory minimums in mind yet? They have not been drafted? Is that what you are saying?

ATTORNEY GENERAL LEVI: The precise amount has not been drafted.

Q Mr. Levi, would anything in the mandatory minimums legislation preclude the use of plea bargaining in those cases and, if not, would you expect plea bargaining to become more widespread?

ATTORNEY GENERAL There may be some greater effort at plea bargaining because of the tougher consequences, and this is recognized in the message itself in calling for additional judges.

Q Earlier, you mentioned the tougher approach being taken by sociologists or criminologists. One of these approaches is flat time sentences, the theory being if nothing else will work, at least removing from the streets those who commit most crimes should have some effect.

If, in fact, that is one of the thoughts in here, would you explain it a little bit?

ATTORNEY GENERAL LEVI: It seems to pop out from the words. The notion is that rather than given determinate sentences or given sentences which have time off for good behavior or any uncertainty of that kind, or parolable, it might be better just to say this is the sentence, it is a year, and you know it is a year, and that is what it is going to be.

That is what the judge will have to give and the prisoner will know what he is up against. The message discusses that, and I guess asks the Department of Justice to give it further study.

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Q Is the idea to get these people off the streets?

ATTORNEY GENERAL LEVI: It is partly that. It is partly that, but it is also partly to make sure that we have an opportunity to sort out the recidivists or deal with the recidivists.

Recidivists ought to be kept off the streets until we find some better way of handling them.

It also, I must say on the notion that this kind of toughness, which I don't think, as I say, is so terribly tough, will deter. I believe that, and I think criminologists believe it.

Q Sir, will you tell me why the President deliberately avoided a law and order approach, which many people associate with President Nixon and John Mitchell and some of the figures of the past and took, I believe you called it, a domestic tranquility approach?

ATTORNEY GENERAL LEVI: My own view of it is that the President -- that is the kind of President he is.

Q He is not for law and order? (Laughter)

ATTORNEY GENERAL LEVI: I think it is the part of wisdom to view this kind of national problem we have. It is a national problem. It is one that is not just solved by being vindictive. There is nothing vindictive in this message. I think vindictiveness would really destroy the objective that the President had in mind, which is to find a workable solution to a very severe problem, which our society has.

Q Mr. Levi, in the consideration of S. 1, will the Administration have a position on the subject of confidentiality in the protection of classified information?

ATTORNEY GENERAL LEVI: I am sure it will. I think the problem is that it is terribly complicated to thread through -- if you have tried to do it, I am sure you would agree -- the recodification attempts which appear in S. 1.

S. 1, in recodifying the espionage and other laws, left out much of the judicial gloss on the legislation, which I think in fact would be the gloss if S. 1 were to be enacted. It would really not do what it seems to say it would do.

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You have to read it with the cases. It was an extremely difficult and technical job of trying to take statutes from various places and put them together, and I think, my own view is, it was overkill and that it doesn't accomplish what most of us would agree ought to be accomplished.

So, it is going to have to be reworked, and it is going to have to be reworked so that we do have a law which is enforceable under some circumstances but is not overkill.

Q I wonder if I could ask you to project just a little bit. If this entire bill as proposed were enacted by the Congress, could you make any estimates of what kind of a cut in the crime rate you could expect and how soon could the American people expect to see it?

ATTORNEY GENERAL LEVI: No, I can't do that. We don't have the figures for the crime rate for the first quarter of the year as yet, but we will have them and I assume that they will show a further increase over last year.

The crime rate is going up. What I would say is that the enactment of this program will, so far as we believe, have a decisive effect in minimizing an increase, and it ought to result in a decrease.

Q What do you say to judges that say mandatory sentences tie their hands by taking away a good deal of discretion from their sentencing power?

ATTORNEY GENERAL LEVI: I would say they are right, and I am for it.

Q Why?

ATTORNEY GENERAL LEVI: Because they have, in my view, failed to live up to a very hard part of their job; namely, dealing with a problem which they have not handled very well and which is threatening to destroy American society.

Q Mr. Levi, do you have any assessment on whether or not this bill will be easier to get through now that we are headed into a Presidential election in 1976?

ATTORNEY GENERAL LEVI: I thought I was supposed to be a nonpolitical Attorney General, and I don't really know about those matters.

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Q Do you have any people who are involved in liaison within the Justice Department or within the Administration that have discussed this with you?

ATTORNEY GENERAL LEVI: No, I am proud to say there has been no one who has discussed that problem with me.

Q Mr. Attorney General, aren't you in fact reducing Federal aid to local communities for crime fighting by increasing the amount only \$15 million a year, which is much less than the rate of inflation?

ATTORNEY GENERAL LEVI: What this bill does is to build on an authorization of \$1 billion 250 million for LEAA. The reference which I think you are making is to the present budget of LEAA, which is around the \$800 million level.

LEAA was cut back so that we could give consideration to the program. This program developed enormously quickly. You can't give away that much money without making mistakes.

We think it has been very effective, and we think that this period of somewhat reduced amounts, giving us time to rethink and to evaluate the LEAA program -- I have on my desk a study which is about so high evaluating the whole program -- would put LEAA on a much better basis. Some of the recommendations in the President's report, in fact, build on those recommendations.

Q How much does the Administration believe the recession is responsible for the increase in crime, and how much more has it contributed to crime?

ATTORNEY GENERAL LEVI: I don't know what the Administration believes. My own belief is that when people are without work, either because there are so affluent that they don't have to work, or because they can't find jobs, that that is one of the factors leading to crime.

So, I would expect crime during an unemployment period.

Q Dr. Levi, is any thought being given to the kind of aid that LEAA is going to be emphasizing now? There had been, sir, as you know, considerable criticism of LEAA's earlier policies when seemingly a lot of hardware was shoveled out.

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ATTORNEY GENERAL LEVI: I think it will be much more targeted and directed in seeing to it that the criminal justice system can operate much more quickly and decisively, and I think we are beyond what we call the hardware approach.

Q Thank you, Mr. Attorney General.

MR. NESSEN: I have one other announcement.

As you know, right about now the President is beginning his meeting with Secretary General Luns of NATO and other representatives of NATO.

Around 5 o'clock, Secretary General Luns will be available here in the briefing room.

THE PRESS: Thank you, gentlemen.

END (AT 4:08 P.M. EDT)