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THE WHITE HOUSE
WASHINGTON

June 11, 1975

MEMORANDUM TO: Jim Cannon
FROM: Jim Cavanaugh 

Dick Parsons is preparing a draft report for you to send to the President.



THE WHITE HOUSE
WASHINGTON

June 10, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

JIM CANNON

FROM:

JAMES E. CONNOR



The attached was returned in the President's outbox with the following notation to you:

-- Has Bob McClory's letter
been reviewed?

Please follow-up with the appropriate action.

cc: Don Rumsfeld
Max Friedersdorf



June 5, 1975

Dear Bob:

Many thanks for your June 3 letter and the helpful recommendations you made of areas for consideration in developing proposals for a crime control program.

I have been studying various proposals and working with my advisers on how we can most effectively reach a solution to this problem which is affecting the lives of so many Americans, both directly and indirectly. I appreciate having your input and I have asked my staff to review it most carefully in relation to other proposals now under consideration.

With kindest personal regards,

Sincerely,

15/ Jerry Ford

The Honorable Robert McClory
House of Representatives
Washington, D.C. 20515

~~cc:~~ w/incoming to Dick Parsons for further handling

GRF:NLF:EF:VO:vo



ROBERT McCLORY
13TH DISTRICT, ILLINOIS

ROOM 2452
RA/BURN HOUSE OFFICE BUILDING
(202) 223-5221

JUDICIARY COMMITTEE

SELECT COMMITTEE ON
INTELLIGENCE

U.S. INTERPARLIAMENTARY
UNION DELEGATION

Ru. U.S. House

Congress of the United States
House of Representatives
Washington, D.C. 20515

June 3, 1975

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KANE COUNTY
MUNICIPAL BUILDING
150 DEXTER COURT
ELGIN, ILLINOIS 60120
(312) 697-5005

LAKE COUNTY
POST OFFICE BUILDING
326 NORTH GENESEE STREET
WAUKEGAN, ILLINOIS 60085
(312) 335-4334

McHENRY COUNTY
McHENRY COUNTY COURTHOUSE
2200 SEMINARY ROAD
WOODSTOCK, ILLINOIS 60098
(815) 338-2040

The Honorable
Gerald R. Ford
The White House
Washington, D. C.

Dear Mr. President:

MA
In connection with your forthcoming message to the Congress on the subject of crime, I would strongly recommend that you would include a number of subjects which can contribute to the reduction of crime in America.

First, it seems to me extremely important to emphasize the need to create additional Federal judgeships. The measure which I cosponsored earlier this year to add 65 additional Federal District Court Judges is languishing in the House Judiciary Committee with no hearings scheduled. My requests to the Chairman of the Judiciary Committee urging hearings on this legislation have gone unheeded.

Second, extension and even expansion of the Law Enforcement Assistance Act should be recommended as the principal means of encouraging and expanding control of crime by local and state authorities. Any diminution of this principle would appear to be a retreat from the goal of more effective investigation and prosecution of criminals.

Third, an affirmative response should be provided to the demand for improved gun control laws. Such laws can be directed primarily against the criminal misuse of handguns without imposing substantial inconvenience on law-abiding citizens who purchase and possess handguns for legitimate purposes. In the light of the escalating rate of handgun crime, the following improvements and changes in current federal law seem essential:

(a) The loopholes in the Gun Control Act of 1968 which have permitted the increase in the illicit interstate traffic and criminal misuse of handguns should be closed. This would require in the first place the prohibition of the domestic manufacture of the cheap poorly constructed handgun known as the "Saturday Night Special," which currently accounts for approximately fifty percent of traceable handguns used in crime. These "Specials" can not be imported into the United States, but there is no prohibition of either the importation of their parts or their domestic manufacture. Closing the loopholes would also require a reduction in the number of federally licensed firearms dealers to include only persons legitimately engaged in the firearms business and a limitation on the ability of pawn-brokers to deal in firearms. Other minor gaps in the 1968 Act should be closed such as the failure of that Act to regulate firearms replicas which

U.S. HOUSE OF REPRESENTATIVES
GERALD R. FORD

are increasingly being used in violent crimes.

(b) The funds and personnel of the Bureau of Alcohol, Tobacco and Firearms should be increased above the current law levels which are totally unacceptable in the light of the responsibilities of that Bureau in the regulation of firearms, explosives, alcohol, tobacco, and wagering. Moreover, your administration should move against the gun traffickers and criminals who use firearms in violent crimes, much as the Federal government moved against organized crime in the early 1960's.

(c) The recordkeeping requirements of current law should be improved to enable the federal government to trace firearms to facilitate the investigation and apprehension of persons who use firearms in the commission of crime. Current federal law constitutes sufficient authority to require firearms dealers to submit to the Treasury Department the records of sales of handguns; these records could be retained on a confidential basis and used in the tracing process. Equally as important is the need for a requirement that handgun owners record with either the federal government or the states their ownership of handguns, and any transfer, loss or theft of such handguns. Finally, a system of the identification of handgun owners should be created to ensure that only law abiding citizens can acquire and possess handguns. Such systems could be designed to be financially self-supporting.

(d) Mandatory criminal penalties, especially mandatory prison sentences, should be imposed for all crimes of violence, but especially for crimes with firearms.

Fourth, I strongly urge that you omit any specific recommendation to provide compensation for victims of crime. While such a measure has been passed by the Senate in previous Congresses, and several such bills are currently pending in both the Senate and the House, I have my doubts about the efficacy and wisdom of such a program. The potential expense to the U. S. Treasury of such a program could rival that of a National Health Program -- and would certainly involve Federal expenditures which might be estimated in terms of billions of dollars. Your assurance that no new spending programs would be approved by your Administration would seem to preclude a new massive Federal program aimed at compensating all who are victims of crime. At the very least, I would recommend deferring such a recommendation until an opportunity for more thorough study of this subject has been undertaken.

Fifth, the causes and cure of crime cannot possibly be set forth in a single message to the Congress, nor even in the delineation of a number of recommendations. The principal elements in relation to human behavior are the family, the church, the school, the neighborhood -- and the essentially local environment. Stricter enforcement of the law, more responsible behavior on the part of the Judiciary, and improvements in criminal rehabilitation are vital ingredients to a comprehensive solution to the problem of crime in America. There is no reason for a single individual to feel that he or she is excused from making a contribution to a law-abiding society. Public officials at all levels and representatives of management and labor should



be particularly circumspect in helping to provide examples of honorable behavior which can contribute to a more law-abiding society.

Sincerely yours,

Robert McClory

Robert McClory
Member of Congress

RMCC/gc



~~ASAP Ford~~

Draft 5
~~6-8-75~~
6-11-75

PB

TO THE CONGRESS, CRIME MESSAGE

Ever since the first Presidential message on crime, in 19 ⁶⁵, 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 increased. It touches the lives of all Americans. ~~And there are~~ ^{And there are} ~~no signs that the magnitude of~~ ^{of decline} ~~the crime problem will soon decline.~~

Indeed, the Federal Bureau of Investigation's latest figures indicate that the rate of serious crime -- murder, forcible rape, robbery, aggravated assault, burglary, larceny, and auto theft -- was 17 per cent higher in 1974 than in 1973. ^{This} ~~That~~ is the largest increase in the ⁴⁴ ~~5~~ 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} ~~virtually~~ 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 seriously,) ~~It is not only the absolute increase in crime which merits national concern; the change in the types of crimes committed is equally significant.~~

The number of crimes involving threats of violence or actual violence has increased. ^{And the same number} ~~The increased percentage~~ of violent crimes ^{has increased} in which the perpetrator and the victim are strangers ~~is~~ ^{is} alarming. A recent study indicated ⁵ that ~~now~~ approximately 65 per cent of all violent crime is committed against strangers.



~~(FBI to PT - Jim Falk has a copy of this message)~~

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

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} ~~around~~ hours when ^{the possibility} ~~they think the~~ chances of violent attacks are ^{low} ~~low~~. They avoid commercial areas. Frightened shopowners arm themselves and view customers with suspicion. Public transit is ~~also affected and~~ not fully utilized because of the safety factor.

~~Fear of crime can threaten our political and social liberty. Fearful citizens may consider supporting attacks on fundamental constitutional principles, designed to protect individuals from oppression, in the hope that crime will be reduced. The prevalence of crime creates unwarranted suspicion among our people, turning what once were friendly business transactions into cold and wary exchanges. Fear of crime limits our mobility and constrains us like a prison. Fear of crime disturbs and diminishes our domestic tranquility.~~

with the firm support of the American people,
 The individual, political and social costs of crime cannot be ignored. All levels of government -- Federal, State and local -- ~~with the firm support of the American people,~~ must commit themselves to the goal of reducing 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, I must state*

~~at the outset,~~ however, ~~the constitutional fact~~ that the Federal role in the fight against crime, particularly violent crime, is a limited one.

with very few exceptions,

The kinds of crimes that obsess America -- murder, robberies, rapes, muggings, hold-ups, break-ins -- are ~~with very few exceptions,~~ *solely*

within the jurisdiction of State and local governments ~~and not within~~ ^④

Federal jurisdiction. Thus, while the programs that I will propose in

this Message ~~if enacted,~~ ^{*will not*} ~~undoubtedly~~ contribute to a safer America,

the level of crime will not be substantially reduced unless State and local

governments follow the Federal example ~~and take similar action.~~ ^{*with equally strong measures.*}

There are three ways in which the Federal government can play an important role in combatting crime:

improve the quality of Federal justice and

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 putting the Federal criminal justice ~~system~~ in order.~~ ^{*system*}

Second, it can enact and vigorously enforce laws covering criminal conduct within the Federal jurisdiction, ~~criminal conduct that~~ ^{*which*} 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

~~A major contributing factor to the rapidly escalating level of crime in this country is the increasing crime rate itself. We do not have, and do not want, a police state.~~ Law enforcement in a democratic society depends largely upon public respect for the laws and voluntary compliance with them. Respect and compliance are undermined if individuals conclude that law 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~~ these additional crimes, prosecute ~~those~~ those accused, and punish ~~the~~ the convicted ^{places even greater strain on} ~~strain~~ the already-overburdened capacities of police, prosecutors, ~~officers~~ public defenders, courts, penal institutions, and correctional authorities. As a consequence, the percentage of offenders apprehended, prosecuted, and appropriately sentenced is further reduced. This ~~reduction~~ ^{an even greater} leads to ~~another~~ decline in respect for the law, ^{and} ~~leading~~ leading to the commission of even more crimes. To succeed in the fight against 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.

The 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. ~~They~~ ^{These Federal statutes,} have 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 ~~can~~ ^{too often} slip unpunished. Because of their complexity, ~~they~~ ^{the laws} invite technical argument [&] that waste court time without ever going to the heart of the question of guilt or innocence. ~~The Federal criminal law must be revised into a uniform, coherent code.~~

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 ~~Senate Bill No. 1~~ ^{S. 1}, the Criminal Justice Reform Act of 1975.

~~Since it covers~~ ^{Since it covers} ~~the entire~~ ^{the} ~~legislation of this scope, covering every aspect of the~~ ^{criminal law,} ~~cannot escape criticism.~~ ^{Some aspects of the proposal} ~~Some aspects of the proposed Act are highly controversial and will undoubtedly precipitate~~ ^{debate.} ~~Already great concern has been expressed that the provisions of the bill that are designed to protect classified information could adversely affect the ability of the free press to function.~~ ^{freedom of the press,} While we must make sure that national security secrets are ~~adequately~~ ^{adequately} protected by the law, we must ^{also} take care that the law ^{does} not unreasonably restrict the free flow of information necessary to our form of government.

A responsible

~~The~~ 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 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* ~~type~~ 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, ~~They are~~ often erratic and inconsistent. Defendants who commit similar offenses ~~often~~ *may* receive widely varying sentences. This lack of uniformity is profoundly unfair and breeds disrespect for the law.

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, ^{is} 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 ~~generally~~ can now be ~~fined~~ ^{*is*} a maximum of \$10,000. That amount is ^{*700*} often not commensurate with the crime. ~~We should raise~~ ^{*should be increased*} the maximum level to \$100,000 if the defendant is an individual, and \$500,000 if the defendant is an organization.



of the proposed code should be

~~The most disturbing deficiency in the sentencing provisions,~~
modified to provide
~~however, is their failure to give judges any standards by which to~~
with under
~~s are imposed upon conviction.~~
~~imprisonment too seldom follows conviction~~

for a serious offense. I believe that persons convicted of ~~predatory~~
should
violent crime ~~ought~~ to be sent to prison. ~~There should be a message~~
There should be no question in the number of

~~broadcast by our law, and our enforcement of it, that those who commit~~

violent crimes -- especially crimes involving a gun -- ~~will suffer loss~~ *That they* ~~be~~

sent to prison upon conviction under
of liberty, through legal processes that are fair, prompt and certain.

~~Since Federal authority is limited, it can only~~

~~I propose that incarceration be made mandatory for: (1) Federal~~

under Federal jurisdiction
offenders who commit violent ~~predatory~~ offenses 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 incarceration should apply only if.~~
~~urge Congress to pass a law making incarceration mandatory for persons~~

~~convicted of these crimes unless the judge specifically finds that the~~

defendant was under 18 when the offense was committed, or was

mentally impaired, or was acting under substantial duress, or was

~~only implicated in a crime actually committed~~
in a crime actually committed
~~by others and participated~~

only
in the actual crime in a very minor way. I have asked the Attorney

General to assist the Congress in drafting ~~such a law.~~ *this modification.* I call upon the

call upon ~~the~~ States to set up similar mandatory sentencing systems. *Since* ~~because~~ most

violent crime is in the jurisdiction of State and local criminal courts,

*Too many
loop holes*

at this state level

~~and~~ ^{persons} Too many ~~of those~~ tried and convicted 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 means of separating the criminal from the community. These victims -- most of them 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.

Rationale

Mandatory minimum sentences can restore the sense of certainty of imprisonment upon which the deterrent impact of the criminal law is based. Mandatory sentences need not be long sentences; the range of ^{in sentencing} 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} ~~Perhaps it is~~ 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 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} ~~well~~. Prosecutors often lack ~~the~~ ^{on a} informational ~~base~~ ^{to be aware of a} defendant's criminal history and thus cannot identify career criminals who should be tried by experienced prosecutors and, if convicted, incarcerated. ^{to} In 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, I have 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 career criminals, (2) according priority to their prosecution by ^{the most} experienced prosecutors, and (3) assuring that, if convicted, they receive appropriate sentences ~~which will prevent them from returning to society to once again~~ and are not quickly released to victimize the community ~~once again~~.

Programs to deal with career criminals will be encouraged at the State and local levels through the use of Law Enforcement Assistance Administration model programs and discretionary grants.

immediately

the Bronx County District Attorney's
Office, City of New York,

WAL
10/2

The results of a career criminal project recently launched in ~~the~~
~~large urban area~~ are hopeful. The first year's experience showed a
97 per cent 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, jail sentences were secured in 95 per cent 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 which will achieve two
important goals. First, it will reduce the caseloads of Federal courts
and prosecutors through expeditious treatment of offenders who are
good prospects for rehabilitation. Second, it will enable the offenders
who successfully satisfy the requirements of the diversion programs to
avoid a criminal record and thus increase the likelihood that they ~~may~~ ^{will}
return to productive lives.

Experimentation with pretrial diversion programs should continue
and expand. However, careful efforts must be taken to prevent ~~them~~ ^{these programs}
from either treating serious offenders too leniently or, on the other hand,
violating defendants' constitutional rights. By coupling this pretrial
diversion program with a mandatory term of imprisonment for violent
offenders, we will ensure that ~~offenders who deserve to go to jail~~ ^{deserving} will
go to jail, while those who ~~need not be imprisoned~~ ^{may not} ^{must} 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 ~~grown~~ ^{kept pace.} ~~proportionately~~. 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, this 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 ~~to~~ ^{to} 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~~ ^{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 which ~~will~~ ^{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 sentence him to prison, in part because prison conditions are sometimes inhumane. Moreover, a cruel and dehumanizing penal institution can actually be a breeding ground for criminality. In any case, a civilized society cannot condone prisons where murder, vicious assault and homosexual rapes are not uncommon occurrences.

The Federal Bureau of Prisons has embarked on a program to replace old, overcrowded 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 by the wardens and ~~guards~~ ^{correctional officers} rather than by the most brutal and inhuman prisoners. In addition, the Bureau ~~is opening~~ ^{has opened} new

institutions in three major cities ~~where prisoners in Federal custody were~~ ^{used to be housed} in crowded, antiquated local jails ~~while they awaited~~ ^{which formerly housed}

^{Federal prisoners awaiting} trial. This 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 ~~continue to hesitate to~~ ^{only then reluctantly} commit offenders to them, even if they are convicted of serious crimes and have previous records.

I know that grave questions have been raised by qualified experts about the ability of the corrections system to rehabilitate offenders. The ~~se~~ ^{re} ~~questions about the effectiveness of rehabilitation~~ are important and

^{questions} serious. They go to the very heart of the corrections system. While the problem of ^{criminal} rehabilitation is difficult, we must not give up our efforts to ~~find ways to achieve greater success~~ ^{achieve it}. This is especially true in dealing

with youthful offenders. Crime by ^{young people} youth represents a large part of crime in general. The 1975 ~~crime~~ statistics indicate that 45 per cent of persons arrested for ^{all} ~~violent~~ ^s crime are under 18 years of age. Whatever the difficulty we have in our efforts, we must commit ourselves to trying



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, therefore to work in close cooperation with the Secretary of Labor and other concerned agencies of the Executive Branch with the Secretary of Health, Education, and Welfare 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 jail and cannot find a job because he has been convicted of a crime. Nothing makes it more likely that an ex-convict will turn to crime again than an

imposed inability to find a way to make his living honestly. I want to urge employers to keep an open mind on the hiring of persons formerly convicted of a crime and to not discriminate in the job market against any person who has been convicted of a crime. 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 United States Governors Conference to consider what steps the States might take to eliminate unjustified discriminatory practices. Giving ex-offenders who have paid their penalty and seek now to "go straight" a fair shake in the job market can be an effective means of reducing crime and improving our criminal justice system.

OPTIONAL:

14

[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 shown that the government will not neglect the law-abiding citizens whose cooperation and efforts are crucial to the effectiveness of law enforcement. For too long, law has centered its attention on the criminal defendant. It is time for law to concern itself more with the people it exists to protect.

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

Except in limited circumstances, street crime is a State and local law enforcement ^{responsibility, of} ~~problem~~ and not directly ^{criminal} ~~a~~ Federal ~~problem~~. There is a dimension to this problem, however, that cannot be adequately dealt with on just the State and local levels -- the regulation of handguns. It is indisputable that handguns play a key role in ^{The rise of violent} crime in America. They are involved in one-fourth of all aggravated assaults and one-third of all robberies. Hundreds of policemen have been killed ^{in the past decade} through the ~~criminal~~ use of handguns ^{by criminals,} ~~in the past decade~~. These ~~old, undeniable~~ statistics ~~unmistakably portray the handgun as an important cause in the rise of violent crime.~~ ^{element}

Can't document this figure

Many State and local governments have already ^{enacted stiff laws} ~~taken drastic steps~~

against possession of handguns, with varying degrees of effectiveness.

In: This effort, The Federal government can be helpful.
 In ~~my judgment~~, ~~additional Federal help is needed~~. I feel that Federal

assistance to State enforcement efforts in this difficult area should be

^{directed toward} ~~focused on~~ (1) tighter ^{NING} control over the ^{sale of} ~~commerce~~ in handguns ^{in order}

that the ~~gun control~~ measures taken by State and local governments will ^{strengthened} ~~not be engulfed~~ in interstate firearms trafficking; (2) ^{strengthened} ~~strengthened~~ enforcement

efforts ⁱⁿ ~~in~~ metropolitan areas with a high incidence of handgun

violence; and (3) ^{NING} ~~prohibition~~ of the manufacture of handguns that have no apparent use other than against humans.

Thus, current Federal gun laws should be revised to provide that

only ^{be} ~~only~~ ^{to sell weapons.} ~~responsible~~, bona fide gun dealers ~~are~~ permitted to obtain Federal licenses. ^{also} ~~Dealers'~~ licenses should be withheld from persons who ~~are not~~

no way to engage in what?

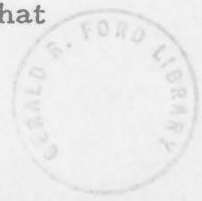
~~legitimate gun dealers~~ ~~or~~ who have violated State laws, ^{particularly} ~~including~~ ^{controls} firearms laws. Additional administrative powers over ~~gun dealers~~ ^{The sale of handguns,} ~~and a prohibition~~ ^{including a ban on} of multiple sales of ~~handguns~~ ^{these weapons} will help to establish ~~to make sure~~ ^{handgun} ~~assure that~~ ~~dealers in handguns~~ assume greater responsibility ⁱⁿ ~~for~~

stopping illicit gun trafficking. A waiting period between the purchase and receipt of a handgun should be imposed to enable dealers to ~~make sure~~ ^{verify that} ~~that they do not sell~~ ^{are not only} handguns to persons whose possession of them would

be illegal. [OPTIONAL: Handgun sales to persons who reside in localities with strict handgun laws should be prohibited, unless such persons are authorized under local law to own or possess handguns.]

Second, I have ordered the Treasury Department's Bureau of Alcohol, Tobacco and Firearms, which has primary ~~enforcement~~ ^{enforcing} responsibility for Federal firearms laws, to ~~redouble~~ ^{strengthen} its investigative efforts in the nation's ten largest metropolitan areas. This ^{action} will assist local law enforcement authorities ^{in controlling} ~~in their efforts to control~~ ^{with} illegal commerce in weapons. I have directed, therefore, that the Bureau of Alcohol, Tobacco and Firearms employ and train an additional _____ agents and inspectors for this priority function.

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} ~~center~~ 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} they can be shown ^{that they} ~~to have~~ participated in a specific offense, such as gambling, loansharking 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} ~~would~~ make the criminal law apply to organized crime leaders who ^{seek} are ~~sophisticated enough~~ to try to ^{conceal} ~~cover up~~ their ^{role} ~~part~~ in the syndicate's ~~criminal~~ ^{criminal} ~~activities~~ ^{dirty work.}

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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 may be insufficient to secure a conviction. ~~We should~~ ^{done} ~~eliminate~~ ^R restrictions which prevent our laws from protecting the constitutional rights of Americans. *should be eliminated.*

Finally, I am particularly concerned about the ~~crimes~~ of 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, even conservative estimates of the social costs of drug abuse exceed \$10 billion a year, with *The* property crimes committed ~~in order~~ to finance addicts' drug habits *are* estimated ^{at} ~~to account for some \$6 to \$7 billion~~ ^{\$15} *each year.*

~~The~~ 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 ^{program} ~~agency~~ 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.

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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 and treatment effort to ensure that our programs, policies and laws are appropriate and effective.

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 am submitting 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 ~~to assist them~~ in improving the overall operation of their criminal justice systems. Additionally, the LEAA serves as a ~~place where new ideas about how to fight crime are constantly~~ *center for the development of new ideas on* ~~being developed.~~ Examples of several LEAA innovations have already been noted in this Message. The bill that I am submitting ~~would~~ *will* authorize \$6.5 billion for LEAA to continue this work through 1981.

~~Several~~ *Several* aspects of the reauthorization bill deserve special mention.

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The bill ~~would~~ *will* also place special emphasis on State and local court reform, ~~by specifically including this within the statement of purposes for~~ *it will such reform* which LEAA block grant funds ~~should~~ *can* be utilized ~~in the context of~~ *through* an overall State plan. Too often the courts ~~are overlooked in the~~ *are overlooked in the*

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allocation of criminal justice resources. If we are to be at all effective in fighting crime, ~~however~~ ^{which (including prosecution and defense)} State and local court systems must be ~~improved~~ ^{expanded and enhanced.}

In conclusion, I ~~wish to~~ ^{again} emphasize 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 ~~the~~ difficulties that encumber our criminal justice system offer ^s the only hope of achieving a permanent reduction in crime ~~and restoring that domestic tranquility and justice pledged to the law-abiding citizen in the Preamble of our Constitution.~~

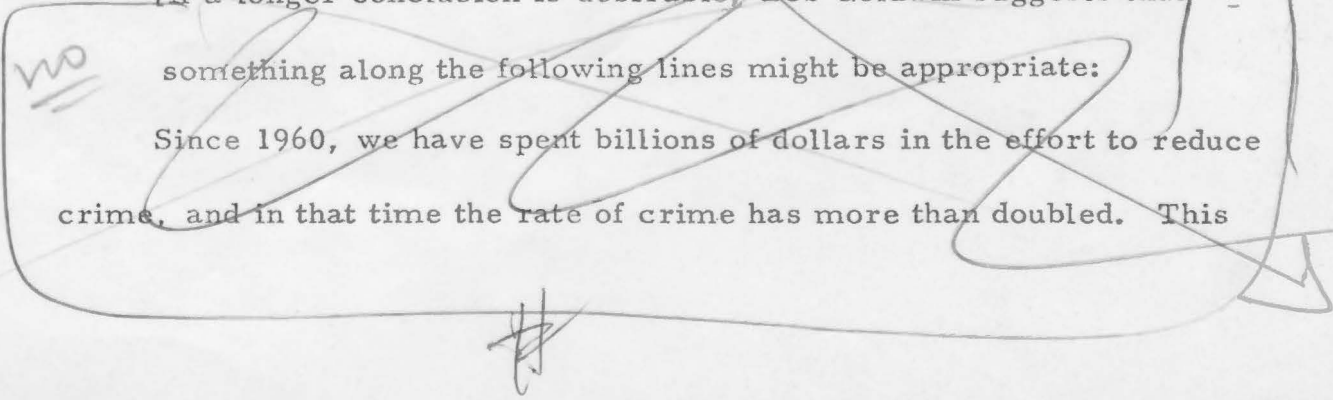
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^{ING} to strengthen their processes of criminal justice. ^{Together, we will remove} ~~Our combined efforts~~ I believe, will ^{bring us closer to the day when we can rest free from the} ~~bring us closer to the day when we can rest free from the~~ ^{America and restore to this nation that domestic tranquility pledged} ~~America and restore to this nation that domestic tranquility pledged~~ fear and anxieties which accompany crime, ~~and domestic tranquility is restored.~~ ^{to the law-abiding citizen in the Constitution.}

[If a longer conclusion is desirable, Bob Goldwin suggests that

something along the following lines might be appropriate:

Since 1960, we have spent billions of dollars in the effort to reduce crime, and in that time the rate of crime has more than doubled. This



is a sobering thought and should have several effects on our proposals and actions:

- we should be modest in any predictions about results of our proposed programs;
- we should not think that we know for sure what will work;
- we should not think that big expenditures will necessarily accomplish commensurate results;
- "crackdowns" are rarely effective and often put the enforcers of law in the embarrassing position of being violators instead of upholders of law; and
- past failures are not an excuse for diminished effort, but rather the reverse: we must redouble our efforts to find effective programs and new ways of thinking and acting to reduce crime of every sort -- and especially violent crime.

It is in the spirit of all of the above considerations that I submit to the Congress this Message on crime.]



CRIME MESSAGE

To the Congress:

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 increased. It touches the lives of all Americans. And there are no signs of decline.

Indeed, the Federal Bureau of Investigation's latest figures indicate 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.



2

More seriously, 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 increased. A recent study indicates that approximately 65 percent of all violent crime is committed against strangers.

The personal and social toll which 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.

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 the possibilities of violent attacks are low. They avoid commercial areas. Frightened shopowners arm themselves and view customers with suspicion. Public transit is not fully utilized because of the safety factor.

The individual, political and social costs of crime cannot be ignored. 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.

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 very few exceptions, the kinds of crimes that obsess America--murder, robberies, rapes, muggings, hold-ups, break-ins--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 follow the Federal example with equally strong measures.

There are three ways in which the Federal government can play an important role in combatting crime:

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

Second, it can enact and vigorously enforce laws covering criminal conduct within the Federal jurisdiction which 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. Respect and compliance are undermined if individuals conclude that law 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 the 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 fight against 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.



The 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 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.

6

A 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 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.

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 \$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 sentences are imposed upon correction. Imprisonment too seldom follows conviction for a serious offense. I believe that persons convicted of violent crime should be sent to prison. There should be no question in the minds of those who commit violent crimes--especially crimes involving a gun--that they be sent to prison upon conviction under legal processes that are fair, prompt and certain.

I propose that incarceration be made mandatory for:

- (1) offenders who commit violent 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 incarceration should apply only if the judge specifically finds 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

8

in the actual crime only in a very minor way. I have asked the Attorney General to assist the Congress in drafting this modification. Since most violent crime is in the jurisdiction of State and local criminal courts, I call upon the States to set up similar mandatory sentencing systems. Too many persons tried and convicted at the state level 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 means of separating the criminal from the community. These victims--most of them 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.

Rational mandatory minimum sentences can restore the sense of certainty of imprisonment upon which the deterrent impact of the criminal law is based. Mandatory sentences need not be long sentences; the range of indeterminacy in sentencing 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 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 career criminals who should be tried by experienced prosecutors and, if convicted, incarcerated. 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, I have 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 career criminals, (2) according priority to their prosecution by the most experienced prosecutors, and (3) assuring that, if convicted, they receive appropriate sentences which will prevent them from immediately returning to society to once again victimize the community.

Programs to deal with career criminals will be encouraged at the State, and local levels through the use of Law Enforcement Assistance Administration model programs and discretionary grants.

The results of a career criminal 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, jail sentences were secured 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 which will achieve two important goals. First, it will reduce the caseloads of Federal courts and prosecutors through expeditious treatment of offenders who are good prospects for rehabilitation. Second, it will enable the offenders who successfully satisfy the requirements of the diversion programs to avoid a criminal record 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' constitutional rights. By coupling this pretrial diversion program with a mandatory term of imprisonment for violent offenders, we will ensure that deserving offenders will go to jail, while 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, this 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 which 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 sentence him to prison, in part because prison conditions are sometimes inhumane. Moreover, a cruel and dehumanizing penal institution can actually be a breeding ground for criminality. In any case, a civilized society cannot condone prisons where murder, vicious assault and homosexual rapes are not uncommon occurrences.

The Federal Bureau of Prisons has embarked on a program to replace old, overcrowded 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 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. This 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 offenders to them, even if they are convicted of serious crimes and have previous 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 our efforts to achieve it. This is especially true in dealing with youthful offenders. Crime by young people represents a large part of crime in general. The 1975 statistics indicate that 45 percent of persons arrested

for all crimes are under 18 years of age. Whatever the difficulty we have in our efforts, we must commit ourselves to trying 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 other concerned agencies at 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 jail and cannot find a job because he has been convicted of a crime. I urge employers to keep an open mind on the hiring of persons formerly convicted of a crime. 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 United States Governors Conference to consider steps the States might 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.

OPTIONAL: 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 shown that the government will not neglect the law-abiding citizens whose cooperation and efforts are crucial to the effectiveness of law enforcement. For too long, law has centered its attention on the criminal defendant. It is time for law to concern itself more with the people it exists to protect.

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

Except in limited circumstances, street crime is a State and local law enforcement responsibility, and not of direct Federal concern. There is a dimension to this problem, however, that cannot be adequately dealt with on just the State and local levels--the regulation

of handguns. It is indisputable that handguns play a key role in the rise of violent crime in America. They are involved in one-fourth of all aggravated assaults and one-third of all robberies. Hundreds of policemen have been killed in the past decade through the use of handguns by criminals.

Many State and local governments have already enacted stiff laws against possession of handguns, with varying degrees of effectiveness. In this effort, the Federal government can be helpful. I feel that Federal assistance to State enforcement efforts in this difficult area should be directed toward (1) tightening control over the sale of handguns; (2) strengthening enforcement of Federal firearms laws in metropolitan areas with a high incidence of handgun violence; and (3) prohibiting of the manufacture of handguns that have no apparent use other than against humans.

Thus, current Federal gun laws should be revised to provide that only responsible, bona fide gun dealers be permitted to obtain Federal licenses to sell weapons. Licenses 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 verify that handguns are not sold to persons whose possession of them would be illegal. OPTIONAL: Handgun sales to persons who reside in localities with strict handgun laws should be prohibited, unless such persons are authorized under local law to own or possess handguns.

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 _____ agents and inspectors for this priority function.

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, loansharking 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.

Finally, 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 program 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 and treatment effort to ensure that our programs, policies and laws are appropriate and effective.

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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 am submitting will authorize \$6.5 billion for LEAA to continue this work through 1981.

Several aspects of the reauthorization bill deserve special mention. It will increase the funding authorization for LEAA from \$1.25 billion to \$1.3 billion annually. 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 State and local court reform. Specifically, it will include such reform 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 permanent reduction in crime.

I am confident that, if the Congress enacts the programs which I have recommended, the arsenal for an effective attack on crime will have been substantially fortified. 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 remove the criminal from the streets of America and restore to this nation that domestic tranquility pledged to the law-abiding citizen in the Constitution.