

Senator Robert Morgan

Remarks Prepared for delivery to

Huntersville Women's Club

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I want to commend you all for your "Justice for Citizens" Campaign. It is through the interest of individuals and of organizations like yours, that most of the support is gathered, and much of the original thinking done in regard to issues of public interest. It's amazing what people can accomplish when they get together for a good purpose.

Sometimes, when I am walking from the Senate to the Office Building, I look down the mall there, and see the magnificent Washington Monument, and think a little bit about its history.

There was no kind of memorial or commemoration to the Father of our Country for many years after his death. It occurred to a group of interested citizens that the city that bore his name should have some kind of a monument to the first president.

They formed a society called the Washington Monument Society, and they got the money to start building through contributions from the public. They were a group who got together to do something.

Another example that comes to mind is the Statue of Liberty. Back in the 1870's, you know, the government of France gave that beautiful figure of liberty to the United States as a gesture of friendship, but we didn't have a place to put it for a long while. But some interested citizens got together and wanted to do something about it. They organized a mail campaign and a series of visits to the schools around the country, and they got the thousands of school children interested in the Statue of Liberty. The stone base upon which the statue stands was built almost entirely from the nickles and dimes and pennies given by the school children.

So I think you are doing a good thing, by bringing the attention of your community to focus on this issue.

As a lawyer, and as Attorney General, I have naturally been concerned about the problems of crime and criminal justice for a long time, and I've thought a lot about it. But I don't claim to have come up with much that can be called an answer to it. I think we've tried harshness, and we've tried leniency, and we've tried rehabilitation of the criminal, as well as punishment.

I hope you won't think I am belittling your efforts to make the law work better, but I think the answer to the rising crime rate probably is not to be found in the courts or the law enforcement agencies, or the prisons.

Of course, all of these parts of our system need a good overhaul, and I would like to speak about that first.

One of the approaches to the problem of crime is to beef up the local law enforcement agencies. Now, I don't like to do anything that takes away from local control of local law. Remember, in regard to almost all violent crime, it is the local agencies that have the responsibility for enforcement. But one thing the Federal Government has tried to do over the past few years is to provide some support for the local agencies.

The Law Enforcement Assistance Administration was created in 1968, to provide technical and financial assistance to local and state authorities. Now, there has been strong criticism over the years. People have said the money went for "gadgetry" and didn't have a significant effect on crime. Some critics said the problem here, as in many, many government programs, was one of evaluation. There was no concerted effort to study the programs

being conducted under LEAA, to see if they were effective.

With all the opposition to the Agency, it still was extended by the Senate last Fall by a vote of 85-2. Almost everybody was in some measure displeased by the tremendous amount of money being spent--about \$4 Billion so far--and most of the Senators felt there should be more emphasis put on planning and perhaps a little less on equipment, but still, they voted overwhelmingly to give the LEAA another extension, one more chance.

When somebody has been arrested, he enters the world of the American criminal justice system. Our system is at once, the fairest, most democratic, and possibly least effective of the major western countries. Our principles are absolutely unassailable. But in practice, we so often fall short of using our system well.

Now, you understand that the Federal Government does not have the primary responsibility for dealing with most types of "street crime"--there are Federal Laws about narcotics, for example, and an offender--a pusher, for example, might be arrested by either local police or federal agents, but things like muggings and assaults, that exemplify the danger people feel on the streets of even smaller towns nowadays, have to be handled by the local police. From the standpoint of legal structure, that is the way it should be. You don't want to have a national police force in this country.

We have the Federal Bureau of Investigation, of course, and they are our investigatory agency in the Federal government that deals with such things as bank robberies, kidnappings, and other major violent crimes that fall under Federal jurisdiction.

As you may know, I've been very critical of the FBI in the past. As a member of the Senate Intelligence committee, it was my duty to look into allegations of abuses by the FBI, and we found plenty of them. Instead of organizing a Federal effort against organized crime, instead of cracking down on the bank robbers and others who had committed Federal Crimes, the FBI had been spending its time organizing fake Ku Klux Klan chapters. They had been writing letters intended to destroy the reputation of people Mr. Hoover didn't like, and they had been following members of groups that didn't agree with the FBI, and generally spending a lot of time invading the rights of American citizens, who had not committed any crime.

The FBI situation is improving, and will steadily get better. Mr. Bell, at the Justice Department, has set up a task force to

study the administration of Justice. This seems like a good idea, and may result in some useful information that will help us answer the biggest question we face right now in the area of law enforcement: What to do about the courts?

There are two problems in the courts. One, there are too many cases for the courts to handle, and two, there is not a strong commitment among some judges, some prosecutors, and others that the accused has a right to a speedy trial.

There is no better way to have a beneficial effect on the criminal's future, than to catch him, and deal with him swiftly and fairly, while the reason for his being in court is still remembered.

My own feelings about law enforcement, and especially about laws themselves, is that statutes dealing with most crimes



should be left to the states. I trust the states to do what's best for their people. For example, I have opposed any kind of a national gun control measure. What I have favored is a mandatory sentence for anybody that commits a crime using a firearm. But I think that should be a state law, not a federal law. This is a big country, and the way we feel about something in North Carolina may not be the same way people feel about it in New York. They should make their laws, and we should make ours. That's the heart of the Federal system, which recognizes that the governments of the various states have all the powers not specifically given to the central government by our constitution.

But to get back to the philosophy of crime prevention and justice, for a minute. Let's review a little history. Back in

the early 60's, there was a widespread feeling among sociologists, political scientists, and criminologists, that the steadily rising crime rates were related to economics. They felt that in the inner city ghettos of the major metropolitan areas, the reasons for crime were poverty, alienation, and, in some cases, racism. Now, that was certainly true to some extent--and it is still true to some extent. But the Federal government planners said that prosperity and increased government social programs would help the situation. They predicted that the rise in per capita income and the better standard of living that were expected, would cause a drop in the crime rate. Under the "War on Poverty" programs, conditions in those slum areas of the big cities were improved. The people there, who had been neglected, were given better education, better housing, health care, and so on. But the crime rates soared at the same time that economic

conditions improved.

A Harvard professor, James Q. Wilson, did a study of the role of governments in the field of crime prevention, and he concluded that the problem in the ghettos was a "failure of community." By that, he meant that the people who lived in an area had ceased to disapprove of crime or anti-social behavior.

He concluded that there is very little the government can do that will prevent crime. You know, the police cannot prevent crime. The FBI cannot prevent crime. There is very little anyone can do to prevent crime, except to prevent criminals from deciding to become criminals. There are several ways to try to do this.

--one, there is the deterrent theory, that says you need to have quick justice, tough sentences, and prison waiting for anybody who breaks the law.

--two, very closely related to the first, is high visibility of the law enforcement agencies.

--three, and most important of all, I think--

is teaching people what is right and what is wrong, and giving out the rewards and punishments accordingly.

The Attorney General of the United States, Mr. Levi, said

last summer, there was an "amazing public acceptance of crime..."

and that the way to improve law enforcement was to "change the

attitudes of the American public." I think there is a lot of

truth in that, and that this is a more permanent and meaningful

attack on crime than anything else. Whatever we do to foster

a "sense of community" will help to remove the atmosphere in

which crime can breed. It's not just poverty--look at the kids

who went on a bloody rampage when Charles Manson told them to--

they were the children of fairly well-off families. They were

never poor, but I would bet you that their family life was

poor, and their lives were not given much direction and their minds had no model to respect. They were fair game for a false "messiah" like Manson, who made them feel important.

The sense of community is created by understanding, by honesty down to the finest point of moral choice, it is created by the teaching and encouragement of true, loving values that really get to the heart of morality. I think probably a lot of parents neglect to tell their children that kindness and consideration are the most important things in their moral makeup. We neglect that because we assume that the children will already know to be kind and considerate. Instead, a lot of us are strict about other things--what they read, where they go, who they associate with, and whether they smoke, for example. As parents, as leaders, as a community, it is our duty to set an example, and to do all we can to make young people want to do good instead of evil. It all starts at home, the same as always. Thank you.