

SPEECH FOR LAW OFFICERS APPRECIATION DAY

Charlotte, North Carolina. March 21, 1980

I'm sure that you know that the subject of law enforcement is one of continuing interest and concern to me. My life in North Carolina and in Washington has been tied directly to participation in law enforcement.

Despite the excessive criticism during the 1960s and the revelations of certain improprieties during the 1970s, I am convinced that most Americans appreciate and understand the importance of law enforcement in our society. My personal view is that law enforcement is the best guarantee our society has of retaining its freedom. I say this because we live in an imperfect world where freedom is often threatened by the actions of others.

I believe that the importance of your occupations is heightened by the recent crime figures released by the Police Information Network for North Carolina.

For 1979, crime in five major metropolitan areas of North Carolina was up an average of 8.48 percent over 1978.

Serious crimes such as murder were up 7 percent. Crimes against property and persons, a sign of economic troubles, were up. Robbery rose 10 percent, larceny was up 10 percent, and motor vehicle theft up 13 percent.

These are serious increases and come at a time when local, State, and Federal budgets are being tightened to meet inflation and other economic ills. I will touch on this issue later.

While I want to address several issues today, I also want to reaffirm and restate my convictions. I believe in effective and responsible law enforcement. I think that my record in North Carolina reflects my convictions. In order to overcome inefficient and wasted law enforcement, we instituted a program of officer education. We did this at a time when many officers had inadequate training. We did this because education is the best means of insuring that an officer has the tools to do his job and that he does it in such a way that he does not infringe on our freedoms.

There were no real training facilities, and the SBI agents often had to be loaned to local offices to assist law enforcement efforts. There were no minimum standards for law enforcement efforts. We were lucky, with a good deal of work, to be able to create the criminal Justice Academy which I am proud to say

operates as one of the most effective training centers in the country. We established minimum educational and training standards, requiring up to 160 hours of broad training. One effort that I am particularly proud of was the establishment of a State Crime Laboratory.

It is essential that law enforcement at the local level be effective and in my estimation this requires three things: Public support, proper equipment and resources, and education and training. I have in the past and I shall continue in the future to work to see that all three requirements are available to the local law enforcement people.

One of the things that we do in the Senate is to pass laws, and I know you are familiar with that process. I have continued to be concerned about the laws we pass and their impact on law enforcement. I feel that it is incumbent upon a Senator to review a piece of legislation to see if it is good on paper and then to look beyond that to see if it will be workable in the field. To that end, I have tried to insure that laws are clearly drawn and state only a narrow purpose or objective.

There is now before Congress a piece of legislation that has been under consideration for some eight years. It is now

known as the Criminal Code Reform Bill, and this measure would revise and reorganize the Federal criminal statutes.

Presently, criminal offenses are spread throughout the fifty titles of the Federal Code. In other words, crimes relating to use of the mails are located in the part of the law dealing with the post office, etc. The purpose of the reform bill is to centralize the criminal laws in one Title, Title 18. This would ease the burden on the courts and on lawyers in locating, interpreting, and carrying out the laws.

The reform has important implications for law enforcement officers because it would simplify the enforcement of federal laws. But for those of you in State law enforcement, I am concerned about the potential impact of the bill on your operations.

I voted for this bill in 1978, but it did not leave the House of Representatives. It has been reintroduced and will be taken up again soon.

Although the purpose of the Criminal Code Reform bill is to reorganize, modernize, and clean up inconsistencies in the criminal code, a review of the proposed legislation reveals that many of its provisions create new criminal offenses and

expand existing Federal laws. All of this would be objectionable enough, yet much of this expansion and creation of new law is at the expense of State enforcement.

The Criminal Code Reform bill interferes in areas of traditional state responsibility in two ways. First, the bill would create new offenses subject to Federal jurisdiction, and it would do so at a time when Federal resources are already pushed to the limit.

For example, there is a new crime termed "Obstructing a Political Campaign." If someone engages in a criminal act under State law during a campaign preceding a primary, general, or special election for Federal office, then the individual would be charged with a Federal offense.

If someone conducted an illegal sit-in under North Carolina State law at a polling place during a Senate, House, or Presidential election, then the Federal government would have jurisdiction. This simply goes too far.

No such provision exists in current law. The creation of such an offense in the course of a bill which was intended to simply recodify the law is unacceptable. In addition, it would usurp clear State authority.

Second, the new criminal code would expand certain powers of the Federal Government in areas of existing jurisdiction. This is objectionable, again, because it should not be part of a recodification and it would be to the detriment of State enforcement.

There are many examples of such things in the new code, but none is more blatant than what is termed "piggyback" jurisdiction. Throughout the new code, total jurisdiction is granted to the federal government when a crime involves some Federal offense.

If a defendant is charged with robbing a local food store, Federal jurisdiction has been created because the food store products are shipped in interstate commerce. And if the criminal shoots two policemen in attempting an escape, a State violation, then the Federal Government could argue jurisdiction over the entire event, including the murders.

Certainly, North Carolina should be able to prosecute murders perpetrated in the State against its citizens. The criminal code provides for consultation between the State and Federal governments to avoid this situation, but I am afraid that once the precedent is set, consultation will be meaningless.

As you can see, I have some real concerns about this bill. I will restate my fundamental support for the recodification of the Criminal Code, but I will be introducing amendments to strike these objectionable provisions.

I am opposed to legislation which removes powers from our States for several reasons. First, I have and will continue the battle to maintain our system of Federalism which is constantly under attack. Every day we see Federal programs and Federal officials taking over essentially State functions. I am as opposed to an all-powerful central government as were the Founding Fathers.

Additionally, law enforcement is a fundamental power of the States. Erosion of law enforcement at the local level with a corresponding increase in Federal power weakens respect for State laws. The law officer is removed from the local scene.

Local law enforcement is often a crime prevention device; while Federal activities many times come to bear only after violations have occurred. When the people see a local law officer carrying out local laws, then they have confidence

in their own control of the government and of their safety. More importantly, the criminal can count on swift enforcement of the law.

If local law enforcement is eroded, we may move to a national police force. This is a danger we all want to resist. Diversity of law enforcement strengthens our political system by preserving liberty for the innocent and ensuring punishment for the guilty. I will do my best to preserve the role and authority of local law enforcement.

Let me not end without saying that I support with equal vigor the activities of those of you who work for the Federal Government in the FBI, the Secret Service, the IRS, and other agencies. Your performance is vital to the preservation of our rights which may be violated by crimes which go beyond State boundaries. I am confident that you understand that I support effective law enforcement by both our governmental systems. I am sure many of you are uncomfortable with laws which require you to act in areas where your fellow officers at the State level have previously had jurisdiction.

Cooperation between States and between the State and Federal Government is vital. I have supported efforts in that direction. Sharing information and cooperative actions against



cigarette smugglers are examples of successful joint activities.

There has been much talk recently about the budget for the Law Enforcement Assistance Administration.

LEAA has been in the process of reorganization. I have supported this reorganization which consolidates various law enforcement programs and streamlines LEAA procedures. Further, in testimony before the Senate Judiciary Committee, I stated that I will continue to support LEAA. I also made it clear that I believe that LEAA's motto should be "assistance"--not "control." Local people know local needs, and I want a cooperative progressive approach.

I am confident that this reorganization will be beneficial for both State and Federal officials, and I will be looking forward to the oversight of the process by the Senate Judiciary Committee.

As to budget, you are by now familiar that the President has called for severe budget cuts across the board. No one agency or budget is exempt. Naturally, I feel that law enforcement has a high priority, but no doubt cuts will be made.

This will be a time of challenge for you and a time for you to bring all your professionalism to bear. I can assure you that the Congress is sensitive to the need for effective law enforcement and the dangers and risks that you run. I will be doing my best to insure that any cuts in law enforcement funds are in areas where we can cut waste and duplication, while maintaining a strong frontline law enforcement system.