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TO: JAYCEE D.S.A. BANQUET
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"ON LAW AND ORDER"

I'D LIKE TO TALK TO YOU ABOUT A SUBJECT ON WHICH THERE'S NOTHING NEW TO BE SAID. IT IS A SUBJECT WHICH HAS COME TO STAND FOR THE EMPTY RHETORIC THAT TOO OFTEN SUBSTITUTES FOR IDEAS IN POLITICAL CAMPAIGNS. IN FACT, IT IS A SUBJECT THAT BRINGS SMILES TO THE FACES OF SOME INTELLECTUALS, AND STRIKES BOREDOM INTO THE SOULS OF THE SOPHISTICATED. IT IS, NEVERTHELESS, A SUBJECT THAT IS BASIC TO ALL OTHER ISSUES IN OUR SOCIETY.

THAT SUBJECT IS LAW AND ORDER. SOME PEOPLE CONSIDER THIS ONLY A TRITE PHRASE THAT IS USED BY CANDIDATES LIKE MYSELF ON OCCASIONS LIKE THIS. SOME PEOPLE CONSIDER IT A SYMBOL OF RIGHT-WING THINKING AND POLITICAL REPRESSION. FOR SOME OTHERS, IT IS ONE OF THE TERMS THAT LIES ON THE OTHER SIDE OF THE GENERATION GAP, AND STANDS FOR THE OPPOSITE OF PROGRESS AND CREDIBILITY.

NOW THIS ATTITUDE IS VERY DANGEROUS, FOR THE CONCEPT OF LAW AND ORDER IS THE FOUNDATION OF OUR SOCIETY. WE THINK OF THOMAS JEFFERSON AS THE GREAT EXPONENT OF PERSONAL LIBERTY AND OF INDIVIDUALITY. BUT WHAT DID JEFFERSON SAY WAS THE FIRST PRINCIPLE OF A REPUBLIC? NOT TO INSURE INDIVIDUAL RIGHTS, BUT "TO CONSIDER THE WILL OF THE SOCIETY ANNOUNCED BY THE MAJORITY OF A SINGLE VOTE, AS SACRED AS IF UNANIMOUS." HE CONSIDERED THAT OBEDIENCE TO THE MAJORITY WILL, AS EMBODIED IN THE LAW, TO BE "THE FIRST OF ALL LESSONS IN IMPORTANCE, YET THE LAST WHICH IS THOROUGHLY LEARNT." JEFFERSON CAUTIONED THAT IF "THIS LAW (IS) ONCE DISREGARDED, NO OTHER REMAINS BUT THAT OF FORCE."

AS JEFFERSON AND THE OTHER FRAMERS OF OUR CONSTITUTION KNEW, YOU MUST HAVE LAW AND ORDER BEFORE YOU CAN ATTAIN OTHER SOCIAL GOALS. LIFE, LIBERTY AND THE PURSUIT OF HAPPINESS -- ALL OF THESE REQUIRE THAT WE LIVE IN A SOCIETY GOVERNED BY LAWS. THEY ARE POSSIBLE ONLY IN A SOCIETY WHERE HUMAN CONDUCT FOLLOWS AN ORDERLY COURSE, PRESCRIBED BY LAWS. ANARCHY IS THE ANTITHESIS OF TRUE FREEDOM, FOR NO MAN'S LIFE OR LIBERTY IS SAFE IN THE ABSENCE OF LAW.

THIS IS THE FUNDAMENTAL AIM OF OUR SOCIETY -- To ACHIEVE A RULE OF LAW THAT ALLOWS THE INDIVIDUAL TO FLOURISH. AMERICA, DESPITE ITS DISCORDS AND ITS DIVISIONS, HAS COME CLOSER TO REACHING THIS AIM THAN ANY NATION IN HISTORY. FOR WE ARE, BASICALLY, COMMITTED TO LAW AND ORDER. ALMOST A CENTURY AND HALF AGO A FRENCHMAN, ALEXIS DE TOCQUEVILLE, VISITED AMERICA. HIS COMMENTS ON OUR NATIONAL CHARACTER STILL HOLDS TRUE. ONE WAS THAT "THE PEOPLE IN AMERICA OBEY THE LAW, NOT ONLY BECAUSE IT IS THEIR OWN WORK, BUT BECAUSE IT MAY BE CHANGED IF IT IS HARMFUL..." THIS REMAINS THE KEY TO LAW AND ORDER IN AMERICA.

THESE ARE THE PRINCIPLES WHICH I BELIEVE ARE BASIC TO STRENGTHENING LAW AND ORDER. NOW, WHAT ABOUT PROGRAMS?

I HAVE SPOKEN OUT ON THE SUBJECT OF CORRUPTION IN PUBLIC OFFICES, AND WILL CONTINUE TO DO SO THROUGHOUT THIS CAMPAIGN. INTEGRITY AND DECENCY AT ALL LEVELS OF GOVERNMENT ARE ESSENTIAL TO LAW AND ORDER. SO IS A COMMITMENT BY EACH AND EVERY CITIZEN TO OBEY AND HONOR THE LAW AND TO SEEK CHANGE ONLY THROUGH LAWFUL METHODS. PUBLIC AND PRIVATE MORALITY ARE INTERDEPENDENT AND INTERRELATED. THESE ARE THINGS THAT CANNOT BE LEGISLATED, ALTHOUGH THEY ARE EFFECTED BY THE LAWS.

THERE ARE, HOWEVER, SPECIFIC AREAS OF LAW AND ORDER THAT ARE SUBJECT TO LEGISLATION. AS YOUR SENATOR, I WOULD BE CONCERNED WITH THESE. THIS IS AN AREA WHERE MY EXPERIENCE AS A STATE ATTORNEY GENERAL WOULD BE PARTICULARLY HELPFUL. THE ATTORNEY GENERAL IS HIS STATE'S CHIEF LAW OFFICER. IN NORTH CAROLINA, HE HAS ADDED RESPONSIBILITIES AS HEAD OF THE STATE BUREAU OF INVESTIGATION. I WOULD LIKE TO MENTION BRIEFLY A FEW AREAS WHERE ACTION COULD BE TAKEN TO STRENGTHEN LAW AND ORDER.

LAW ENFORCEMENT IS BASICALLY A LOCAL RESPONSIBILITY, AND SHOULD REMAIN SO. WHATEVER PRICE WE MAY PAY IN POSSIBLE INEFFICIENCY IS OFFSET BY THE NEED FOR LOCAL CONTROL. NO ONE WANTS A NATIONAL POLICE FORCE. EVEN STATE POLICE ARE LIMITED IN THEIR AUTHORITY, AND SERVE PRIMARILY AS A HIGHWAY PATROL.

SINCE PASSAGE OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT IN 1968, THE FEDERAL GOVERNMENT HAS ASSURED INCREASED RESPONSIBILITY FOR LAW ENFORCEMENT. THIS HAS TAKEN THE FORM OF GRANTS TO STATES AND COMMUNITIES, THROUGH THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION. THE LEAA BUDGET FOR THIS YEAR IS \$870 MILLION, MOST OF WHICH WILL GO TO LOCAL COMMUNITIES, THROUGH STATE PLANNING AGENCIES. AS ATTORNEY GENERAL, I HAVE SERVED AS VICE-CHAIRMAN OF OUR STATE PLANNING AGENCY. I HAVE ALSO BEEN THE RECIPIENT OF MILLIONS OF DOLLARS IN GRANTS, BOTH ON BEHALF OF THE NORTH CAROLINA

DEPARTMENT OF JUSTICE AND THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL. AS YOUR SENATOR, I WOULD THEREFORE TAKE AN ACTIVE AND INFORMED ROLE IN ASSURING THAT THESE FEDERAL FUNDS ACTUALLY RESULTED IN IMPROVED LAW ENFORCEMENT.

WE NEED TO INCREASE THE IMPACT OF THESE FEDERAL FUNDS THROUGH MORE EFFICIENT ADMINISTRATION AND THROUGH MORE CRITICAL EVALUATION OF PROGRAMS. AT BOTH THE FEDERAL AND STATE LEVEL, LEAA HAS BEEN PLAGUED BY CONSTANT CHANGES OF STAFF, OF DIRECTION, AND POLICY. THERE HAS BEEN INADEQUATE FOLLOW-UP TO SEE WHICH PROGRAMS WORK AND WHICH DON'T, AND NOT ENOUGH DISSEMINATION OF INFORMATION ABOUT SUCCESSFUL PROGRAMS. THE FEDERAL DOLLAR SHOULD BE USED TO HELP THE STATE AND LOCAL GOVERNMENTS BETTER MEET THEIR RESPONSIBILITY TO PROTECT PEOPLE AGAINST CRIME.

WE NEED TO KNOW MORE ABOUT CRIME ITSELF - WHAT CRIMES ARE COMMITTED, BU WHAT KIND OF PEOPLE FOR WHAT REASONS. UNTIL RECENTLY, EVEN STATISTICAL REPORTS ON CRIME HAVE BEEN VERY HAPHAZARD AND INACCURATE. THROUGH FEDERAL FUNDING, THIS HAS IMPROVED. IN NORTH CAROLINA, OUR POLICE INFORMATION SYSTEM IN THE DEPARTMENT OF JUSTICE HAS PROVIDED THE FIRST DEPENDABLE DATE WE HAVE EVER HAD ON CRIME IN THE STATE. WE NEED TO IMPROVE AND EXPAND SUCH SYSTEMS. WE ALSO NEED LEGISLATION TO PROTECT THE PRIVACY OF INDIVIDUAL RECORDS AND TO ASSURE THAT THEY ARE USED ONLY BY PROPERLY AUTHORIZED OFFICIALS, FOR PROPER PURPOSES.

WE NEED BETTER COMMUNICATION BETWEEN THE POLICE AND THE PUBLIC, AND IMPROVED POLICE SYSTEMS. RECENT STUDIES SHOW THAT ALMOST HALF OF THE VICTIMS OF ASSAULT, ROBBERY, BURGLARY AND LARCENY DID NOT EVEN REPORT THE CRIME TO THE POLICE, MOSTLY BECAUSE THEY DIDN'T THINK THE POLICE WOULD SOLVE THE CRIME. FEDERALLY-FUNDED PROJECTS CAN, AND HAVE, SHOWN HOW TO BRIDGE THIS COMMUNICATIONS GAP. THEY CAN SHOW HOW TO IMPROVE POLICE PERFORMANCE, SO MORE CRIMINALS ARE INDICTED AND CONVICTED.

WE NEED TO LAUNCH PROGRAMS TO HELP PEOPLE LEARN MORE ABOUT HOW OUR SYSTEMS OF POLICE, COURTS AND CORRECTIONS ACTUALLY WORK. WE NEED TO INVOLVE CITIZENS MORE CLOSELY IN FINDING OUT WHAT IS RIGHT AND WRONG WITH THOSE SYSTEMS, AND HOW THEY CAN BE IMPROVED. WE NEED PROGRAMS TO EDUCATE PEOPLE ABOUT THE NATURE AND THE CONTENT OF LAWS ITSELF. PEOPLE TOO OFTEN THINK THAT THE LAW IS THE PRIVATE PROVINCE OF LAWYERS, AND THIS CREATES NOT ONLY APATHY AND IGNORANCE, BUT DISTRUST.

RESPECT FOR LAW MUST BE BASED ON UNDERSTANDING OF THE LAW. UNFORTUNATELY, MANY PEOPLE KNOW VERY LITTLE ABOUT OUR CRIMINAL JUSTICE SYSTEM OR ABOUT OUR LAWS -- AND MUCH OF WHAT THEY KNOW IS INCORRECT AND DISTORTED.

LET ME GIVE AN EXAMPLE OF THE KIND OF PROGRAM I THINK IS HELPFUL. I WROTE A BOOK, YOUTH AND THE LAW, ESPECIALLY FOR TEEN-AGERS. IT IS WRITTEN IN THEIR KIND OF LANGUAGE, WELL ILLUSTRATED, AND FULL OF CASE HISTORIES THEY CAN RELATE TO.

WITH LEAA FUNDS, WE MADE COPIES OF THIS BOOK AVAILABLE TO EVERY EIGHT GRADE STUDENT IN THE STATE, ALONG WITH COURSE MATERIALS FOR THE TEACHER. THE BOOK EXPLAINS NORTH CAROLINA'S CRIMINAL JUSTICE SYSTEM AND TALKS ABOUT THE MOST FREQUENT CRIMES AND THEIR PUNISHMENTS. THE BOOK HAS BEEN VERY WELL RECEIVED BY THESE YOUNG PEOPLE AND, HOPEFULLY, WILL MAKE THEM THINK TWICE BEFORE COMMITTING A CRIME.

LET ME CAUTION, HOWEVER, THAT ANY PROGRAM TO INVOLVE OR EDUCATE CITIZENS WILL NOT BE EFFECTIVE UNLESS IT IS BOTH HONEST AND IMAGINATIVE. WE HAVE SEEN TOO MANY CITIZENS ADVISORY GROUPS NAMED MERELY TO GIVE OFFICIALY APPROVAL TO PLANS PUT FORTH BY SOME BUREAUCRATS. WE HAVE ALSO SEEN TOO MANY PROGRAMS BASED ON OUTMODED APPROACHES.

WE NEED TO DEFINE OUR PRIORITIES IN LAW ENFORCEMENT, TO CONCENTRATE OUR RESOURCES ON PERSON-TO-PERSON CRIME AND DEVELOP ALTERNATIVE WAYS OF DEALING WITH SO-CALLED "VICTIMLESS" CRIME. NOW, A POLICEMAN MAY LEAVE HIS BEAT AND SPEND THREE OR FOUR HOURS BOOKING A HARMLESS DRUNK. NEXT WEEK, THE DRUNK WILL BE BACK AT THE SAME SPOT, HAVING COST THE TAXPAYER THE POLICEMAN'S TIME, THE COSTS OF A COURT HEARING, AND A NIGHT'S LODGING IN JAIL, WITH NO BENEFIT EITHER TO THE DRUNK OR TO SOCIETY. IT HAS BEEN SHOWN REPEATEDLY THAT DRUNKS ARE HANDLED MORE EFFECTIVELY AND ECONOMICALLY BY BEING TURNED OVER TO A DETOXIFICATION CENTER, WITHOUT THE FORMALITY OF LEGAL CHARGES. THIS IS ONLY ONE EXAMPLE OF THE KINDS OF CRIMES WHICH CAN BEST BE DEALT WITH OUTSIDE OF OUR NORMAL LAW ENFORCEMENT SYSTEM, LEAVING POLICE FREE TO FIGHT CRIME.

WE NEED, WITH FEDERAL LEADERSHIP, TO CHANGE OUR CORRECTIONS SYSTEM. AS ATTORNEY GENERAL, I HAVE HAD THE RESPONSIBILITY OF DEFENDING THE STATE IN HUNDREDS OF SUITS BROUGHT BY PRISONERS, WHO CLAIM THEIR RIGHTS HAVE BEEN VIOLATED IN ABOUT ANY AREA YOU CAN NAME, FROM HOLDING PRESS CONFERENCES TO DIETARY RESTRICTIONS. NOW, SOME OF THESE SUITS HAVE HAD A WHOLESOME RESULT, AND HAVE MADE PRISON OFFICIALS MORE AWARE OF INMATES' NEEDS. AS ATTORNEY GENERAL, I HAVE ALSO INITIATED A PROGRAM WHEREBY THERE WILL BE A PRISON "OMBUDSMAN", WHO WILL SEE THAT PRISONERS' GRIEVANCES ARE HEARD FAIRLY, WITHOUT THEIR HAVING TO GO TO COURT.

IN OUR CONCERN FOR PRISONERS, WE MUST NOT FORGET THE RIGHTS OF SOCIETY. REHABILITATION IS ONLY ONE PURPOSE OF IMPRISONMENT; A MORE COMPELLING NEED IS THAT OF PROTECTING SOCIETY. NO ONE ENDS UP IN PRISON UNLESS THEY HAVE VIOLATED OUR SOCIETY'S CONCEPT OF LAW AND ORDER, AND CANDIDATES FOR PROBATION AND PAROLE SHOULD BE CAREFULLY SCREENED TO ASSURE THEY WILL MEET THESE STANDARDS. WITHIN THE CORRECTIONS SYSTEM, WE NEED TO CREATE MORE DIVERSIFIED PROGRAMS, RECOGNIZING THAT SOME INMATES CAN BE REHABILITATED, WHILE OTHERS ARE LESS LIKELY PROSPECTS. NOW, MANY PERSONS WHO GO TO PRISON COME OUT WORSE THAN THEY WENT IN. WE MUST LEARN HOW TO MOTIVATE THEIR EFFORTS INTO PRODUCTIVE CHANNELS AND TO EQUIP THEM FOR PARTICIPATION IN THE COMMUNITY.

WE NEED TO CONCERN OURSELVES MORE WITH WHITE COLLAR CRIME; THE KIND OF SCHEMES AND SWINDLES THAT ROB US OF MILLIONS, AND TOO OFTEN ARE NOT PROSECUTED. AS ATTORNEY GENERAL, I HAVE BUILT A CONSUMER PROTECTION DIVISION THAT HAS HANDLED THOUSANDS AND THOUSANDS OF COMPLAINTS, MOST OF THEM INVOLVING SOME DEGREE OF CRIME. I HAVE ALSO STARTED AN ORGANIZED CRIME PROSECUTORS UNIT, THAT IS AIMING AT SOME OF THE BIGGER CRIMINALS IN THIS AREA. WHITE COLLAR CRIME HAS FLOURISHED BECAUSE IT IS OFTEN HARD TO RECOGNIZE, HARD TO PROSECUTE, AND HARD TO PUNISH. IF A ROBBER HOLDS UP A VICTIM AND TAKES HIS WALLET, IT IS RELATIVELY SIMPLE TO PROVE WHAT HAPPENED, AND TO GET A CONVICTION. BUT, IF A RESPECTABLE CITIZEN CHEATS SOMEONE OUT OF MONEY THROUGH A SHADY SALES SCHEME, IT IS HARD TO PROVE THAT A CRIME REALLY WAS COMMITTED, AND EVEN HARDER TO CONVINCING A JURY THAT THE PERPETRATOR BELONGS IN JAIL. ALL LEVELS OF GOVERNMENT MUST COOPERATE IN WIPING OUT WHITE-COLLAR CRIME, WITH ITS GREAT COST IN DOLLARS AND IN RESPECT FOR THE LAW.

THESE ARE A FEW OF THE PRACTICAL STEPS I THINK WE CAN AND SHOULD TAKE TO STRENGTHEN LAW AND ORDER. BUT, WHILE WE TRY AND REDUCE THE CRIME RATE AND TO INCREASE RESPECT FOR LAW, I THINK WE SHOULD ALSO BE CAREFUL TO KEEP OUR PROBLEMS IN PERSPECTIVE. WE AMERICANS PROBABLY HAVE A TENDENCY TO ROMANTICIZE THE PAST. WE FORGET THE VIOLENCE OF THE FRONTIER, THE BLOODSHED OF THE CIVIL WAR, THE RUTHLESSNESS OF THE "ROBBER BARONS" DURING THE INDUSTRIAL REVOLUTION, THE ALMOST

UNIVERSAL DISREGARD FOR PROHIBITION LAWS, AND THE OTHER LAPSES OF LAW AND ORDER THAT HAVE MARKED OUR HISTORY. UNTIL RECENTLY, FEW CRIMES AMONG THE POOR OR THE BLACK WERE EVER REPORTED. THERE WAS LITTLE PUBLIC OR JUDICIAL CONCERN WITH POLICE METHODS. WHEN WE JUDGE OUR PRESENT PROBLEMS AGAINST THE SPECTRUM OF OUR HISTORY, I THINK WE NEED NOT DESPAIR.

BASICALLY, IT IS A REFLECTION OF THE STRENGTH OF THE AMERICAN CHARACTER THAT WE HAVE SURVIVED SO MANY CRISES SO WELL, WITH OUR VALUES INTACT. AS A NATION, WE ARE IN A CRISIS OF DEEP DISTURBANCE AND DISTRUST, A LACK OF CONFIDENCE IN OUR LEADERSHIP AND OUR FUTURE, FACING PROBLEMS RANGING FROM THE WATERGATE SCANDALS TO THE ENERGY CRISIS. BUT, AS A NATION, WE ARE RESPONDING WITH STRENGTH, WITHIN A FRAMEWORK OF LAW AND ORDER. THERE ARE NO RIOTS OR REVOLUTIONS, AND NO REAL REJECTION OF OUR SYSTEM. WE ARE MEETING THE CONSTITUTIONAL CRISIS CREATED BY RECENT EVENTS IN THE MANNER PROVIDED BY THE CONSTITUTION -- AN ORDERLY DISPOSITION BY THE COURTS AND THE CONGRESS. WE ARE MEETING THE ENERGY CRISIS, NOT BY SEIZING REFINERIES OR TOPPLING GOVERNMENTS, BUT BY ADMINISTRATIVE AND LEGISLATIVE ACTION, AND BY THE ORDERLY COOPERATION OF A LAWFUL CITIZENRY. WHILE AMERICA FACES GRAVE PROBLEMS I HAVE NO DOUBT IN OUR ABILITY TO SOLVE THEM WITHIN THE FRAMEWORK OF THE LAW.