

→ S-301
CAPITOL

TO: John Stewart

FROM: Julie

RE: A DRAFT ON "PEACE-IN-OUR-CITIES"

This is the theme the Senator
called me twice on - to send over.

It would be for some "Prop-stop"
or other statement - in a Big City.

Encl: Draft - "Charter for Civil Peace"

SENATOR HUMPHREY SAYS
JOHNSON VICTORY "WILL STRENGTHEN
LAW ENFORCEMENT"

File - [1964]
Crime

The American people are nearing an historic decision at the polls on November 3rd. I am confident that our people will make a sound decision in the election booth.

Our people will, I am certain, overwhelmingly re-elect one of the greatest Chief Executives in our history, Lyndon B. Johnson.

Two eventful months have passed since the Democratic Convention in Atlantic City. In this period, one issue has emerged above all. It is the issue of preserving world peace - of preventing a nuclear catastrophe.

The best "insurance policy" for peace that the American people can "acquire" - is the inauguration of Lyndon Johnson as President in January, 1965.

There is another type of peace. It involves our home front. I refer to civil peace. That means harmony, teamwork between all Americans - in our cities and on the farms.

For this domestic peace, we need to strengthen unity among all our people, irrespective of geographic region, or level of income, or national origin, race, religion or any other factor.

Here, again, victory for Lyndon Johnson will mean a mandate for peace - for concord - for brotherhood.

You and I know that divisive tendencies do, unfortunately, exist in our land. These tendencies are aggravated - inflamed - by extreme-ists and by those who condone extreme-ism - the Goldwater-ites. They tend to separate American from American.

The Goldwater-ites raise suspicions, fear, enmities between groups.

By contrast, Lyndon B. Johnson has proven his ability to heal divisions within our society. He has demonstrated his genius in reconciling - what might otherwise be - opposing groups.

Lyndon Johnson is a statesman. He fosters a voluntary consensus on issues on which there has too often been strife. He has achieved a consensus in countless areas. One such is

Civil Rights. Today, on the law books of our Nation is his masterwork - the Civil Rights Act of 1964. This historic law was supported overwhelmingly by both Parties - but not by the "temporary spokesman" of the Republican Party.

This law is an instrument of justice. It is an instrument for peace in our land. President Johnson will use this instrument with care and with judgment.

His election on November 3rd will mean closer Federal-State-local cooperation in sound enforcement of this and other laws.

On the U. S. Supreme Court in Washington, you can see an inspiring motto: "Equal justice under law." "Equal Justice" helps to assure respect for the law. "Equal Justice" is Lyndon Johnson's creed and it is my creed.

It is not the Goldwater-ite creed, unfortunately. The Goldwater-ites act as though they believe in what amounts to unequal justice. They favor, in effect, separate classes of citizenship - what amounts to - "first," "second" and "third-class" citizenship. The Goldwater-ites don't mind if minorities

are treated as 2nd or 3rd class citizens.

The Goldwater-ites ignore social injustice. Indeed, they seem to want to perpetuate it. They want to "freeze" discrimination, instead of eliminating it. All the while, they ignore the evil consequences of discrimination. What are those consequences? They are: - Frustration among law-abiding citizens, anxiety, resentment.

These conditions inevitably have an unsettling effect in our society. These conditions fester; they breed trouble. The Goldwater-ites don't care. In this respect, the Birch-ites, the Goldwater-ites are trouble-breeders, trouble-makers, trouble-perpetuators.

They reject constructive efforts to head off trouble - to root out the causes of trouble.

Thus, the Goldwater-ites sneer at the War Against Poverty. They ignore the fact that it is this "war" which will help millions of unhappy, disadvantaged Americans raise their children

in dignity and achieve a better life.

The Goldwater-ites are indifferent to the school drop-out problem. This problem is part and parcel of the "pockets of poverty" problem. It is no accident that the rate of unemployment is 3 times as high for school drop-outs as it is for high school graduates. 1 out of every 6 in the 16-21 age group is unemployed. 15% of all teenagers are out of school and out of work.

Idle youths - frustrated, hopeless, untrained - can and do get into mischief. The way to prevent this is to channel youths' energies into constructive tasks. That is why the Nation is establishing a Job Corps, among many other forward steps, sponsored by the Democratic Administration.

The Goldwater-ites profess to see no relationship between the drop-out problem and the youth crime problem. But this relationship is crucial.

Yet, in utterly contradictory fashion, the Goldwater-ites do profess to see a relationship - (which does not really exist) -

between the law-abiding Civil Rights movement and the law-breaking forces of crime. To confuse the two is both unfair and harmful.

Let the true facts be clear. Let no American be deceived into accepting the reactionaries' efforts to sow confusion. Let no thinking American accept the Birch-ite view that there is something allegedly "wrong" with Americans' exercise of their peaceful right to petition. This right is sacred; it is guaranteed by the U. S. Constitution.

Lawful assembly and lawful petition must never be confused with such unlawful acts - as vandalism or looting.

For guidance on this point, we may turn to the Nation's foremost Agency of law enforcement - the Federal Bureau of Investigation.

On September 18, 1964, the F.B.I. reported to President Johnson. He had requested the F.B.I. to investigate a series of tragic riots which had occurred in 9 American cities in July, August and September of this year.

In its state~~sman~~like report, the F.B.I. stated

unequivocally:

"While in the cities racial tensions were a contributing factor, none of the nine occurrences was a 'race riot' in the accepted meaning of the phrase. They were not riots of Negroes against whites or whites against Negroes. And they were not (I repeat - they were not) a direct outgrowth of conventional civil rights protest. Victims of the rioting were often Negro store owners as well as white. Their assaults were aimed at Negro as well as white police officers struggling to restore order."

Let that factual F.B.I. statement be remembered by those who would unfairly mis-use news of street assaults - in order to try to smear the Civil Rights Movement.

And now, let us hear further what the F.B.I. had to say

about the causes of the street disturbances of the Summer of 1964 - causes which the Goldwater-ites ignore.

"The social and economic conditions in which much of the Negro population lives are demoralizing. While steady improvement of these substandard conditions is a long-term goal, the Anti-Poverty Program as well as other private and public activities should result in steady improvement. In addition, coordinated and concerted programs to keep teenagers in school should increase the level of education and diminish the drop-outs who have been an increasingly serious source of trouble."

What do the Goldwater-ites propose to do about this

"source of trouble"? The answer is: Nothing. The Goldwater-ites will ^{harmful} ~~denounce~~ effects; but they will not lift a hand to remove causes.

That is not the way of the American people. Our tradition is to get to work to remove the roots of social injustice.

That type of constructive action is precisely what President Lyndon B. Johnson is doing. Under his inspired leadership, the 88th Congress was encouraged to become a Congress for Human Rights. The Congress took the longest strides in American history to remove the deep, underlying causes of social disorder. The 88th-Democratic-Congress likewise became an Anti-Poverty Congress^{and} an Education Congress.

Meanwhile, the Chief Executive is carrying out, in effect, a broad 4-point Anti-Crime program:

- 1) The President directed the F.B.I.'s excellent National Police Academy to make anti-riot training available to all U. S. police departments.
- 2) He announced that, at an appropriate time, he will call a conference of state and city officials "to discuss ways in which the Federal Government can continue to be of

assistance in this whole area."

3) He is giving his continued strong support to Federal scientific research ^{to} -/studies on prevention and reduction of crime. Many such studies are supported by the National Institute for Mental Health, others by juvenile delinquency experts.

4) He has stepped up the attack against one of the most insidious types of crime - narcotics offenses.

The Administration's enlightened program is designed to help make sure that Americans will be safe - in their person and in their property - in their home, in their office and on the streets.

It is not, in contrast to the Goldwater-ites effort, an appeal to fear or to hate. It is not demagogery. It is statesmanship in action. This constructive effort is what America wants. And this is what America will get after the victory of the Johnson-Humphrey Ticket on November 3rd.

File - [1964]
Crime

CRIME AND LAW ENFORCEMENT DRAFT --

HUBERT H. HUMPHREY

I want to take this occasion to discuss some allegations made by Senator Goldwater -- allegations about the resurgence of violence and lawlessness on the streets of America -- allegations about the renewed and increasing threat to public safety.

Now, these are serious charges. Public safety and a respect for law and order are bulwarks of a democratic society. Though there is no certain way of knowing whether crime and violence are really on the increase, still, any threat is a matter of considerable concern for all Americans -- rich or poor, city-dwellers, suburbanites or rural citizens, White or Negro, men or women. Since these issues are so important, we must be grateful to Senator Goldwater for having raised them so dramatically.

But though we should be grateful to him for raising the issue, we owe him no gratitude for the irresponsible way in which it has been raised. For the Senator from Arizona has proceeded in his typical way. In his haste to make political capital and in his misguided fervor, he has succeeded in confusing complicated issues and glossing over deep and persistent problems. In matters so vital to national welfare and so central to a democratic and just society, we need to apply all the skill and knowledge at our command.

Let us get down to cases. When Senator Goldwater refers to the violence on the streets of America, he confuses, and encourages his audience to confuse a variety of different phenomena. Whether he does

so intentionally or not is difficult to say since no one is ever very sure of his intent. Let me take three examples of recent events which are very different in their nature, and thus require different sorts of solutions.

First, there is the civil rights movement which has dedicated itself to the pursuit of equal rights for Negroes. Occasionally, members of some of the organizations that make up the civil rights movement have used the technique of civil disobedience or in other ways taken it upon themselves to go beyond what is permitted in law. In the south, many have violated local ordinances; in the north, there have been demonstrations that have gone beyond what is legally permissible. Americans differ in their thinking on the tactics used by various arms of the civil rights movement, and many Americans have felt that such tactics are a disservice to the larger cause of equal rights. In many instances, law enforcement officials after weighty consideration have decided that certain kinds of civil disobedience could not be tolerated and they have arrested civil rights militants. To take such legal action is often unavoidable, but that should not lead us to confuse civil rights militancy with "violence on the streets." It makes good sense to limit what is permissible in demonstrating against injustice, but it makes no sense at all to confuse idealistic persons with criminals. Law enforcement personnel do not make such a confusion and we citizens should not either. Take, for example, the actions of the Sheriff of San Mateo County during the Republican Convention.

Those of us who witnessed the Republican National Convention recall it as a gloomy affair, overshadowed by the ^{strident} ~~student~~ conduct of assorted extremists. But above the boos and the beer-hall hisses, there was one bright light -- provided through the courtesy of San Mateo County, and the office of its Sheriff, Earl B. Whitmore. The Sheriff is a modern Western sheriff. Faced with a civil rights demonstration against the Republican platform and the nomination of Barry Goldwater, ~~the~~ Sheriff of San Mateo County offered the Republican National Convention, and indeed the nation, an example of fine police work -- patient, careful, always moderate, never extreme; he respected both the rights of the demonstrators and those who were being demonstrated against.

The Sheriff of San Mateo County did not shoot from the hip. He did not see himself as a 19th century romantic Western hero. Instead, he showed us a 20th century Sheriff dealing with a complex issue -- an able administrator who had planned long in advance, who had held numerous conferences with staff, with other law enforcement officials, with civil rights leaders, with members of the Republican National Committee. The outcome was an orderly demonstration which fully recognized the rights of the civil rights groups to air their grievances before the nation and the rights of the delegates to move peaceably toward their hotels.

A second set of events is more complicated and requires even closer scrutiny and evaluation. I refer to the unfortunate and misguided riots during the past summer which occurred in a number of American cities. These events are different from both the demonstrations of the civil

rights movement and conventional criminal behavior. The riots of the past summer were alarming because in them we sometimes saw a dangerous joining together of political extremism and hoodlumism, both of which can be seen as having roots in deep political and economic frustration. We need no reminder from Senator Goldwater to realize how dangerous such rioting can be. But we do need to be reminded that while such behavior cannot and will not be tolerated, it is not the same as conventional crime. We must deal firmly with rioters regardless of their race, but it is impossible to work on reducing the sources of the tensions which result in riots if, to begin with, we confuse rioters with ordinary criminals.

Once locating what concerns us we must conceive of the causes of crime and delinquency and develop a program along a variety of fronts, each designed to get at different facets of the problem. We must proceed on three familiar fronts. But we must proceed with greater dedication, with more ample funds, with a greater sense of imagination, and, above all, with a recognition of the complexity of the problems.

There are many things which must be done. First there is the urgent need for broad programs to prevent and ameliorate the social and emotional conditions which produce juvenile delinquency and crime. Those who live in poverty without hope, who go to substandard schools, who live in dilapidated housing have, as far as can be seen, always been more vulnerable to the attractions of crime and delinquency than those who are afforded more decent upbringing. This does not mean that most or even many who are poor become delinquents. It merely means

that those who grow up in dismal surroundings have a somewhat higher chance of becoming delinquents than those who are better off. This seems true of the Negro today just as it seemed true of the children of European immigrants who preceeded the Negro in many American slums. In the 19th and early 20th centuries, Know Nothings, Ku Kluxers, and other nativist and anti-Catholic politicians frequently pointed to the high crime rates of then impoverished foreign-born groups such as the Irish, the Germans, the Poles and many others as evidence that they should be barred from citizenship as hopelessly corrupt.

Social research indicates quite clearly that no racial group or nationality has had a monopoly on crime and delinquency. It is interesting to note that Phoenix, Arizona, with approximately a five per cent Negro population has a higher crime rate than Washington, D.C., the majority of whose citizens are Negroes. It is the slum with its disorganization of family life, its antagonism toward the agents of law-enforcement and its hostility toward the school, which is the breeding ground of crime and delinquency. And no nationality or race that has been forced to experience the disappointments and frustrations of slum or rural poverty has been able to remain immune from its demoralizing effects.

It is for this reason that President Johnson's War on Poverty is part of the basic solution to the problem of violence and disorder on the streets of America. Without the reduction of poverty, without the improvement of education, without the creation of a new climate of hope among currently cynical youth, there is little chance that we will effectively cope with the crime problem.

Second, we must develop new and imaginative programs to deal with the offender once he is apprehended. This is indeed a complex question on which much knowledge and wisdom is needed. Under the Johnson administration a commitment was made to sponsor programs to deal with this problem. The President's Committee on Juvenile Delinquency and Youth Crime has been sponsoring many programs around the nation which seek to develop effective ways of dealing with the offender. Whatever we may eventually find, we can be confident that different individuals will require different approaches. It is only in the slogans of Senator Goldwater that we may find a simple and monolithic criminal, similar to all others, and dealt with in automatic and glib fashion.

The final front in any concerted attack on crime is, of course, law enforcement. We must bolster our law-enforcement forces so that they may effectively do the job they are supposed to. The life and property of all segments of our nation deserve and need protection. Especially important and high on the agenda of needed reforms is an improvement of law-enforcement capabilities in our slums and depressed areas.

Most Americans know that crime rates tend to be higher in rundown areas than in areas that are well-to-do. But there is a corollary to that fact that many Americans seem unaware of. Persons in depressed areas are more apt also to be the victims of crime, especially crimes of violence. If all Americans are to respect law and order they deserve the equal protection of law, and in some instances they are not receiving their fair share. Moreover, the quality of law-enforcement must be improved along with an increase in the number of law-enforce-

ment officials. It is not a criticism of law-enforcement to say that it could stand improvement. All intelligent policemen are aware of the need to improve the quality of service. In fighting crime, we must remember to maintain standards of procedure and justice that are vital to a free and democratic society. Unfortunately, Senator Goldwater seems to feel that in fighting crime we can afford to sacrifice the fundamental safeguards that insure our freedom.

Senator Goldwater said in St. Petersburg, Florida that the United States Supreme Court was pampering criminals. He promised to try if elected to overturn some of those decisions, especially the ruling in 1961 that illegally seized evidence may not be used in State Criminal trials. When Senator Goldwater comes to campaign in the state of California, it would be well to remind him that this U.S. Supreme Court case has had no particular effect upon the state of California because six years earlier the Supreme Court of California had made an identical ruling. In effect, then, the United States Supreme Court has laid down for the entire nation a standard that had already existed in California for six years.

Did California law enforcement suffer under this decision? Are there dire consequences as a result? It would hardly seem so. The arresting process has not faltered. The conviction rate has not diminished. Indeed, one study made by a California law professor who is noted for his sympathy with the policeman's problems, found that California had developed workable rules of search and seizure after its decision that illegally seized evidence may not be used in criminal trials. Similarly, the Supreme Court decision in the famous Gideon case, which provided that every criminal defendant, even if indigent, was entitled to right to counsel has been attacked for exhibiting undue sympathy for defend-

ants. But here again the United States Supreme Court put into effect nationally what had already existed in the Public Defender systems of California for many years. In this regard, as in many others, in its prison system, in its probation and parole system, in its Juvenile Court reform, the state of California has long been a leader.

Now, I do not mean to suggest that the administration of criminal justice in California has achieved perfection. But I do want to praise the attitude of the police, the prosecutors, the prison officials, the judges of the state of California. The attitude is one of openness, of striving toward a system of justice that is always more rational and humane. The police of California strive toward professionalism, the judiciary toward enlightenment, the prisons toward constructive rehabilitation. Of course they do not always succeed, but they are always trying to achieve higher and higher standards of justice.

The administration of criminal law must always seek to strike a fine balance between the rights of the individual accused and the rights of the people as a whole. The State surely cannot countenance, or turn its eyes from, illegal procedures on the part of the police. But these are complicated issues. It is precisely in these areas that extremism does not serve us. It will not do to embrace the tyranny of the State in order to avoid the tyranny of the mob or of the criminal element in our society. We must strive always to avoid both tyrannies -- the tyranny of the State as well as the tyranny of the mob. And we must be always alert to preserve the Constitutional guarantees of freedom for which our ancestors fought and died.

In this regard, I have always found Senator Goldwater's position both curious and contradictory. Senator Goldwater argues for an increase in the separation of powers among the Executive, Legislative and Judicial branches of government; yet in the South he has promised that as President he will reverse Supreme Court decisions by appointing justices committed to his views. He deplores any interference by the federal government with state or local authorities; yet one of his major campaign issues is the ineffectiveness of local police. How does he propose to keep the federal government out of local affairs and at the same time to improve the quality of local police? Senator Goldwater sees the tyranny of the State as manifesting itself when elderly people are offered medical care or old-age pensions. But he does not see the possibility of tyranny in violations of due process of law. His mentality is that of the vigilante. When he sees something he does not like, he whips out his six gun, shoots it down and asks questions later.

Senator Goldwater is a man of the old West. In my opinion, most of the people of California are of the new West. They are thoughtful, efficient, modern, trained, and committed. Especially in the area of the administration of criminal justice, there is a tradition of rational discourse and cooperation. Last spring, for example, California sent a large delegation to the Attorney Generals Conference on Bail and Criminal Justice. This delegation represented many interests in criminal justice -- police, prosecutors, defense attorneys, civil libertarians, professors -- with divergent views and opinions. But they came together; they reasoned together. And with the cooperation and support of Attorney General Kennedy, several California counties have instituted bail reform programs to insure that poverty will not handicap the administration of criminal justice.

Senator Goldwater implies that if one is for legality, one is also for crime and criminals. This is nonsense. The basic factor that distinguishes the free man from the enslaved, the man in the democratic society, from the man in the totalitarian one, is his right to due process of law. This is the fundamentally American way, and any other subverts and undermines both the ideals and the realities of democracy.

The Johnson administration condemns crime, but it also insists that punishment shall be given only in accordance with the rule of law. We believe that a man is innocent until proven guilty, that a man accused of crime is entitled to counsel, that a defendant must be accorded due process of law, and even if guilty, the opportunity to renew himself, to become a constructive and useful member of society. We pledge that in the next four years we shall cooperate with law enforcement officials of the state of California and of every other state in the Union to reduce crime and to achieve these high ideals of legality.

Speech Material
COPY^{Sf}

SD-Crime

October 6, 1964

Professor Norman Dorsen
School of Law
New York University
Washington Square
New York 3, N. Y.

Dear Professor Dorsen:

Many thanks for your draft speeches on civil rights and crime. I do apologize for this belated reply, but this actually is the first opportunity that I have had to dictate past correspondence. The past three weeks have been the most hectic of my life.

The speeches were helpful and they are currently out with the Senator in a large book of background material which he will use from time to time.

We could use a memorandum which attempts to make a clear and easily understood distinction between the issue of civil rights and the issue of crime in the streets. The joining of these two issues by Senator Goldwater has been most unfortunate, and we are going to try, in the next few weeks, to disassociate ~~one~~ from the other. Any ideas or suggestions you would have along this line would be most appreciated.

Best wishes.

Sincerely,

John G. Stewart
Research Director

NEW YORK UNIVERSITY
SCHOOL OF LAW
WASHINGTON SQUARE
NEW YORK 3, N.Y.

September 23, 1964

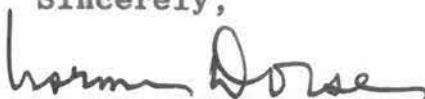
Mr. John Stewart
Offices of Hon. Hubert A. Humphrey
United States Senate
Washington 25, D.C.

Dear Mr. Stewart:

We have been wondering whether the two short speeches we sent you turned out to be of help to Senator Humphrey. I know you must be very busy right now, but if you have a few spare minutes, perhaps you could let us know how it turned out.

Things look very good for the ticket around here.

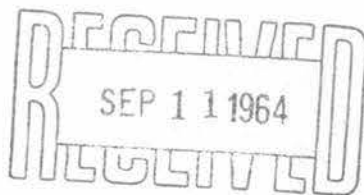
Sincerely,

A handwritten signature in dark ink, appearing to read "Norm Dorsen", written in a cursive style.

Norman Dorsen
Associate Professor of Law

ND:df

NEW YORK UNIVERSITY
SCHOOL OF LAW
WASHINGTON SQUARE
NEW YORK 3, N.Y.



September 10, 1964

Mr. John Stewart
Offices of Hon. Hubert A. Humphrey
United States Senate
Washington 25, D.C.

Dear Mr. Stewart:

Enclosed are two copies each of the two 20 minute speeches for Senator Humphrey that we discussed over the telephone last week. I prepared them with James M. Edwards, a close associate of mine, who is with the Cravath law firm in New York. I hope I correctly interpreted your request and that our work is useful. Please do not hesitate to call if you have any questions or if you think we can be of further assistance.

Sincerely,

Norman Dorsen
Associate Professor of Law

ND:df
Encs.

The Crime Problem in a Modern Urban Society

This is a time to face squarely the challenges of an increasingly urban and complex society. We may not retreat into a wishful yearning for the return of the more simple social order of an earlier era. The industrial revolution and the population explosion have combined in this century to alter profoundly the character and composition of our society -- from a nation of farmers and shopkeepers to one dominated by heavily industrialized, densely populated metropolitan agglomerations. The urban population of the country has been rapidly growing. From 1950 to 1960 the urban population increased from 90 million to 125 million. Meanwhile, the rural population has declined so that only 54 million Americans lived in rural areas in 1960, and the number of persons at work on farms has declined from 10 million in 1940 to only 3 million today. Despite the expansion by the United States into a vast continent, the density of our population has increased from less than 5 persons per square mile in 1790 to more than 25 in 1900, and more than 50 today. In many metropolitan centers the average population density is over 10,000 persons per square mile, and it is over 50,000 per square mile in the most heavily populated neighborhoods.

There are many Americans who hope for a return to more simple days, and the Senator from Arizona does not hesitate to play irresponsibly upon these false hopes. But we must instead look forward to the modern problems created by a modern, urban society.

One of the social problems created by the fact that more Americans are living more closely together in the big cities is a higher incidence of some types of crime and violence although the overall urban crime rate for 1963 was no higher than in 1945. The highest crime rates today we found in our newer urban areas with less stable living patterns in the Pacific Coast and Mountain states and in the metropolitan areas of Las Vegas, Los Angeles, Miami and Phoenix. On the other hand, the crime rate in the big industrial complexes of the East and Midwest -- where the Al Capones flourished in the 1920's and 1930's -- has increased less rapidly and has even shown a decline in many types of crime. Throughout the nation, the urban murder rate of the early 1930's was over 40 percent higher than that of the early 1960's. The number of prisoners admitted to state and federal institutions in the United States has grown less rapidly in recent years than the population. Between 1931 and 1962 the number of criminals sent to prison each year increased only 25% (from 71,520 to 89,402) while the population increased almost 50% (from 125 million to 186 million).

Nevertheless, the crime rate is a disturbing aspect of city life which must be dealt with realistically and effectively. But it is not enough to engage, as does Senator Goldwater, in easy and irresponsible demagoguery about the safety of women in the streets -- the sort of demagoguery which only stirs up unreasonable fears and passions, which is divisive but not constructive. It is necessary to understand the source of the problem and attack its roots as well as its manifestations.

To understand the crime problem it is necessary to grasp the problems of the cities and especially of the desperately over-crowded slum areas where millions of Americans live in subsistence level squalor -- in Harlem, for example, where 235,000 Americans, 94% of them Negroes, are jammed into an area of 3.5 square miles, and in the underprivileged quarters of all of our urban centers. The Negro and Spanish speaking ghettos are not limited to the traditional big cities of the Northeast and Midwest. Of the some 78,000 Negroes and Spanish speaking residents of Phoenix, Arizona, for instance, all but about 20,000 are in the lowest quarter of the city's population in income level and educational attainment and all but 6,000 are in the lower half. Less than 500 of Phoenix's 20,000 Negroes are above the lowest quarter in income level and educational attainment. The condition of our urban slums is reflected in the fact that the nation's current unemployment rate for Negroes is nearly 11% whereas the unemployment rate for whites has been reduced to about 4%. Unemployment in some of the worst Negro and Spanish speaking ghettos is often well over 15% of those willing and able to work. Negroes are the first to be fired and the last to be rehired. Although some 12% of all urban families and single consumers are not white, nonwhites constitute less than 5% of spending units earning more than \$5,000 per year. The life expectancy of a nonwhite American at birth is now 7 years less than that of a white American.

It would of course be possible to suppress crime and violence in these urban ghettos by harsh police state methods, as the Senator from Arizona, by his loose talk about violence and lawlessness, unaccompanied by any evidence of ~~his~~ comprehension of

the underlying problems, seems to suggest. But a federal gestapo is not an answer which we Americans can accept. Nothing could be more of an intrusion upon the constitutional prerogatives of the states than a federal police power on the local level. Nothing in our system of government is more traditionally and justifiably reserved to the states and localities than the maintenance of ordinary law and order and the prevention of crimes against person and property. The role of the federal government in this sphere is to render whatever assistance may be specifically requested by local authorities in the interstate and international aspects of law enforcement.

The federal government has another role. It is to create a national economy of prosperity and full employment and thereby assist states and localities to establish social and economic conditions in the cities which make possible the elimination of crime and violence at its source. Expressions of frustration with the growing urbanization and complexity of modern society from Senator Goldwater and his followers are worse than useless. They add nothing to the solution of difficult problems. Rather than these false hopes, we should foster positive programs such as President's Johnson's War on Poverty and the full employment programs of the Kennedy-Johnson and every previous Democratic administration of this century -- programs which Senator Goldwater and his supporters have so ardently opposed at every point.

The federal government also has a critical role to play in eliminating the interstate crime syndicates, the racketeers in labor unions, and the international narcotics rings. These are

the criminal elements which, organized and controlled by outsiders, feed upon and sap the resources of the Negro and Spanish speaking ghettos, giving rise to further crime and violence. The Kennedy-Johnson Administration has done more than any other in history to strike at these cancerous elements in society. It is that Administration that passed the Anti-Rackets Law and set up a special unit in the Department of Justice to cope with organized crime. We pledge to continue these efforts with renewed vigor.

But in our zeal to control crime and violence we must not encourage police brutality among enforcement authorities in violation of the constitutional right of every American to be secure in his life and property. Nothing could better serve to encourage further contempt for law and order than official lawlessness. And we must also ensure that criminal justice is evenly and fairly applied -- to the Klansmen of the South as well as to the Negro looters of the North. Unless comparable crimes bring comparable punishment, respect for the rule of law will evaporate.

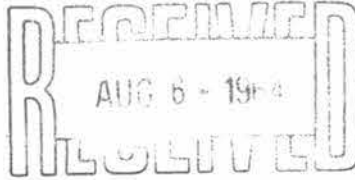
Whatever we do, it is essential that we sharply draw the line between criminal activity and peaceful demonstrations by those legitimately seeking equality before the law. The deliberate and dangerous political attempt of the Senator from Arizona to blur that distinction in the hope of stirring up and taking advantage of racist sentiment -- the so-called backlash -- only encourages those who would suppress the constitutional rights of Americans peaceably to assemble -- rights so carefully set forth by the Founding Fathers and so jealously guarded by the courts. Rioting and looting must be punished to the full extent

of the law, and federal authorities must and will continue to render whatever assistance is required by local authorities.

But we must jealously protect the right of every American to assemble peaceably, to petition his government for redress of grievances, and to communicate with his fellow citizens in every peaceful way. There was a day when the states were free to deprive certain groups of citizens of their constitutional rights. But just 100 years ago we were waging a brutal and bloody civil war that was fought not only to eliminate slavery but also to create a more perfect union -- a union possible only if states were no longer free to deprive American citizens within their borders of the equal protection of the laws or of due process of the law. The ~~Constitutional~~ amendments adopted immediately following the Civil War embodies these principles in our Constitution and brought about a fundamental change in our federal structure, a change which the Senator from Arizona and his followers frequently fail to understand. A Constitution which originally condoned slavery was transformed by four years of war into a Constitution which required all states not only to end slavery but also to treat all Americans equally. Only if this mandate is effectively carried out can we eliminate divisiveness and devision that will be destructive of the union.

Rioting and looting must of course be eliminated from the American scene. But force is not the sole means or even the best means of doing this. Riots are not~~ing~~ new to our society, or to any society for that matter, not matter how stable. The worst riots in Harlem were not in 1964, but in 1935 and 1943. And the riots of 1964 pale before the riots bordering upon

insurrection which have marred our history in times of prior crisis -- the "whiskey rebellion" following the Revolution, the draft riots during the civil war, the labor riots during the early part of this century, the marches on Washington at the height of the depression. But destructive riots and violent demonstrations have been eliminated in the long run not by force of arms, but by removing their underlying causes. Labor peace did not come to this country until, under President Franklin Roosevelt, the fundamental right of the working man to organize and bargain collectively with his employer to improve wages and working conditions was recognized and protected by federal law and the power of the courts to punish ~~and~~ peaceful labor demonstrations was abolished. Similarly, only through President Johnson's war on poverty, the newly-enacted Civil Rights Act and other programs of this Administration can we confidently look forward to the end of unlawful attempts by our disadvantaged citizens to register violent protests at their plight.



Jul

To: Democratic Senators

From: Ronald F. Stinnett, Research Director
Democratic Senatorial Campaign Committee

Re: The Kennedy-Johnson Administration record on solving problems
of juvenile delinquency

Enclosed is material which outlines the problem of juvenile delinquency and other youth problems, and what the Kennedy-Johnson Administration has done on the Federal level to meet these problems.

It is suggested that this material may be useful in connection with the remarks made at the Republican National Convention by former President Eisenhower and Senator Goldwater.

You may be able to use this in some of your speeches or other communications.

July, 1964

July 1964

Attached is material outlining the problem of juvenile delinquency and other youth problems, and what the Kennedy-Johnson Administrations have done on the Federal level to meet those problems. This material may be useful in connection with the remarks made at the Republican National Convention by former President Eisenhower and Senator Goldwater.

July 21, 1964

JUVENILE DELINQUENCY

Size and Nature of Problem:

-- Each year from 1.5 to 2 million children get into trouble with the law. Of these, more than 1 million are arrested; about half of them are referred to the courts.

-- The problem is especially serious in the slum areas of our cities.

-- A prime factor contributing to juvenile delinquency is the high rate of school dropouts. Facts: 95 percent of 17-year-old delinquents are dropouts; 85 percent of 16-year-old delinquents are dropouts.

-- Chances of employment for school dropouts are slim. Of the 13 million additional jobs anticipated by 1970, about 12 million will require special education and skill.

-- Compared to older workers, youths are at a disadvantage in finding a job. The unemployment rate in May among youths 14 to 19 was 16.7 percent as against 3.8 percent for those 20 years of age and over.

-- Discrimination is also a factor in the job market. In May, the unemployment rate for non-white youths, 14 to 19 years old, was 25.7 percent as compared to 15.6 percent for white youths the same age.

What the Administration had Inherited:

When the new Administration took over in 1961:

-- no coordinated Federal programs were available to combat juvenile delinquency.

-- the hardest hit delinquency areas in this country were helpless to cope with the problem.

-- cities were overburdened by slums and blight -- the main breeding grounds for delinquency in metropolitan areas.

-- three economic recessions in less than eight years and the expanded use of automation had all but dried up job opportunities for the unskilled and under-educated youth.

-- 800,000 young people were out of school and out of work, and the number was increasing at an alarming rate.

-- no Federal programs of manpower development and job training were available for the unemployed and under-trained youth.

-- racial discrimination had inflicted even more severe opportunity penalties on young people from minority groups.

-- the Selective Service System reported a most disturbing number of male youths being rejected because they failed to meet educational standards. Fact: up to 8 percent of the military rejectees had been turned down because they had once been involved in crime.

-- although guidance and counseling are key elements in the struggle against juvenile delinquency, thousands of our Nation's high schools lacked such a program.

What the Administration has Done:

-- Created in 1961 the President's Committee on Juvenile Delinquency and Youth Crime to coordinate and expand all Federal activities relating to juvenile delinquency and to recommend new programs for its prevention and control.

-- With passage of the Juvenile Delinquency and Youth Offenses Act of 1961, this Administration began a vigorous drive to combat the rising tide of juvenile delinquency. On June 29, 1964, President Johnson signed a bill extending this program for 2 years. Under this Act:

* a planned attack on juvenile delinquency is under way in the Nation's toughest slum areas in 17 cities.

* programs in these cities are hitting at the basic problems of youth--unstable family life, inadequate education, lack of job opportunities and training, substandard housing, and financial need.

* anti-delinquency programs will be developed this year in 30 additional communities.

* "Half-way Houses" have been established in New York, Chicago, Los Angeles, and Detroit to provide a testing ground where youthful prisoners can spend the last few months of their sentence under supervision that will ease their return and adjustment to normal life. Two years of operation have shown that these boys are three times less likely to return to prison than those released through conventional methods.

* 105 grants have been awarded to public and private institutions across the country to provide skilled manpower and up-to-date knowledge necessary to combat juvenile delinquency. As a result:

- . more than 12,000 persons, including juvenile court judges, probation and parole officers, teachers, police, community leaders, lawyers, and others, received training in the prevention and control of delinquency.

- . a nation-wide, computer-based system has been developed to inform communities about delinquency program results which might benefit them.

- . a coast-to-coast network has been established to train anti-delinquency personnel at leading university centers.

-- Since the passage of the Housing Act of 1961, nearly 300,000 delinquency-breeding slum units had been or were slated to be cleared, with the families relocated in decent housing.

-- The 1962 Amendments to the Social Security Act for the first time spelled out a variety of child welfare services aimed specifically at helping solve problems which may result in juvenile delinquency. The Amendments specify that:

- * protective services must be provided for abused, neglected, and exploited children who may turn to delinquency.

- * State welfare agencies, as a condition of receiving Federal money, must make a plan for each dependent child receiving aid, with special attention to those children in danger of running into trouble with the law.

-- A Division of Juvenile Delinquency in the U.S. Children's Bureau is giving technical assistance to States and local communities to develop programs and services for the control and treatment of juvenile delinquency. Requests for such assistance in 1963 came to 1,500, a 50 percent increase over the preceding year.

-- The Children's Bureau is helping States to map out plans for work with youth gangs, and develop recreational facilities in high-risk delinquency areas.

-- The first action by any Administration to combat the school dropout problem was undertaken in the summer of 1963. Results:

* 59,301 young people identified as dropouts or potential dropouts were contacted.

* 30,361, or 51.5 percent of the total, returned to school in September.

* 28,078 or 92.4 percent of the youths who returned to schools remained there as of November 1.

-- Administration assistance under the National Defense Education Act increased the number of full-time counselors in the schools by 156 percent since the school year 1957-58. As a result, the number of drop-outs has turned downward.

-- Passage of the Vocational Education Act of 1963 will provide on-the-job training for millions of students still attending school, thus averting possible future joblessness, idleness, and delinquency among such students.

-- The Manpower Development and Training Act of 1962 is training about 400,000 persons, many of them school dropouts, for skilled jobs. An amendment to this act, signed by President Johnson on December 19, 1963, lowered the age-limit to benefit 17-year olds and increased the number of training projects aimed especially at youth.

-- The Area Redevelopment Act of 1961, twice vetoed by President Eisenhower, is creating jobs for 100,000 persons, many of them youths.

-- A new Institute of Child Health and Human Development at the National Institute of Health is studying factors--medical, social, and psychological--responsible for delinquent behavior.

-- A nationwide attack on mental retardation--one of the causes of juvenile delinquency--was begun with the passage of two new laws in 1963: the Maternal and Child Health and Mental Retardation Amendments, and the Mental Retardation Facilities and Community Mental Health Construction Act.

-- Since 1960, the National Institute of Mental Health has sponsored 200 projects in juvenile delinquency at a cost of more than \$24 million -- nearly five times the amounts spent for this purpose in the previous eight years. Its projects include:

- * basic research on the causes and nature of delinquency.
- * helping parent learn to raise children so they do not become delinquents.
- * direct work with delinquents and youth gangs.
- * work with juvenile offenders in institutions.
- * training professional and non-professional personnel to work with youth.

-- The Food and Drug Administration has stepped up criminal prosecutions against firms and individuals charged with selling such dangerous drugs as "pep pills."

-- Unemployed youths, rejected for service in the Armed Forces because of educational failure, are being assisted by the Department of Labor through job counseling and training.

-- As of this month, the Selective Service System has begun to examine all prospective draftees at age 18 in order to reach such youths at as early an age as possible to forestall the possibility of delinquency or other serious consequences.

-- Recent anti-discrimination measures affecting housing, education, and job opportunities have benefited disadvantaged Negro youths.

Administration Proposals:

-- President Johnson's Economic Opportunity Act of 1964 strikes at the heart of two main elements of juvenile delinquency: poverty and unemployment. Under the Act:

* almost a half million underprivileged youths would be given an opportunity to develop skills, continue education, and find useful work.

* a JOB CORPS would provide education, work experience and vocational training in conservation camps and residential training centers to 40,000 young men and women, 16 to 21, this year, 100,000 next year.

* WORK-TRAINING PROGRAMS would provide useful work opportunities for unemployed youths through State and community projects to enable 200,000 young people to increase their employability or resume their education.

* WORK-STUDY PROGRAMS would stimulate and promote part-time employment in the first year of 140,000 youths from low-income families who need money to complete their education.

* COMMUNITY ACTION PROGRAMS would make a significant impact on the broad problems of juvenile delinquency by establishing pre-school programs for 3- and 4-year old children who are poor and culturally deprived and who, unless helped early, are likely to become school failures and potential delinquents.

How the Administration Views the Problem of Juvenile Delinquency:

Juvenile delinquency cannot be suppressed by police action alone. It can be solved only through the kind of social action now underway on many fronts.

Police activities, of course, are necessary wherever outbreaks of juvenile delinquency occur. But sole reliance on police action simply masks the symptoms without removing the causes of juvenile delinquency.

The solution to juvenile delinquency is to give purpose and meaning to aimless young lives. When a potential school dropout is encouraged to stay in school--as is now being done on an ever-increasing scale--a potential delinquent is turned into a potentially responsible and productive citizen.

The same is true when a youngster is provided with the opportunity to learn a craft or a trade, or when order is brought into a disordered, unstable home through constructive social service.

The story of juvenile delinquency is an immensely complex one. There is no one solution. There are, however, many solutions. Through research and demonstration projects, through guidance and counseling, through vocational education, through skilled social services, through economic incentives, and in many other ways, an environment is being created in which young people will find their own ways toward a constructive rather than a destructive life.

Only in the local communities will the basic causes of juvenile delinquency finally be identified and removed. The central objective of this Administration's broad-scale attack on juvenile delinquency is to encourage and help the States and local communities to deal constructively and effectively with this problem--a national problem as complex as modern society itself.

At the same time, this Administration regards its proposed war on poverty as an assault on the conditions under which juvenile delinquency flourishes. That is one of the major reasons why President Johnson is determined that the anti-poverty proposals be enacted speedily.

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"CRIME ON THE STREETS"

Submitted by: Louis Nizer

PHILLIPS, NIZER, BENJAMIN, KRIM & BALLON
COUNSELORS AT LAW
1501 BROADWAY
NEW YORK

"CRIME ON THE STREETS"

Submitted by: Louis Nizer

I believe that four points ought to be made
in this speech:

I

THE REASON FOR JUVENILE
DELINQUENCY AND OTHER HOODLUMISM

Juvenile delinquency is not an American phenomenon.
It is a world phenomenon. Russia reports bands of youths
attacking the aged in the streets. England, France,
Denmark, Italy - all nations are suffering from the same
rebellion of youth. Therefore, it is obvious at the outset
to understand this problem, we can not look for some
American deficiency, either in government or otherwise.

Since this is a universal disease, we must look
for a universal reason and that reason is the tension, the
uncertainty in which our new generation is being reared.
The danger which every child feels that he is living five
minutes to midnight.

When we were young, we were taught that if we developed our character and worked hard, we would have a fine career - we would have a future. But today when the future isn't what it used to be, children turn to the present. They seize the moment which is real for fear there will be no moment later. The feeling that you are living five minutes to midnight makes for nihilism. It undermines self-restraint and moral precepts. Therefore, if we can achieve greater stability in the world, if we can give the young people as well as the mature citizen the feeling that the world will not be annihilated by reckless men, then we will be able to restore a sense of permanence, a sense of responsibility.

Therefore, it is a curious paradox to me that Senator Goldwater is raising the issue of crime in the streets. His recklessness on the subject of atomic bombs and weapons, his vote against atomic testing treaty, his impulsive threats to proceed by ultimatum and tell the world where to get off - are the very opposite of the medicine that we need to create stability for our nation

and particularly our youth. It is President Johnson's program of patient negotiation, of restraint, of recognizing the real world, in which we no longer can give an ultimatum to people we disagree with, which provides hope for the young and old. It is President Johnson's policy and my policy of honorable search for meeting of the minds rather than threatening to blow out your opponent's brains, which can contribute most to wiping out the uncertainty of life which has caused the youths of the whole world to abandon moral standards.

II

RELATIONSHIP BETWEEN CRIME ON THE STREETS AND DOPE ADDICTION

Crime used to be committed in darkness and in stealth. Today, we have a new phenomenon. It is committed in broad daylight on public squares, in parks, in subways, on crowded streets in the presence of hundreds of onlookers.

This suggests a desperation on the part of the criminal which can only be explained by widespread dope addiction in our country. When a criminal is forced to pay some underworld character a huge sum for a supply of drugs and is desperate for that drug, he can not wait even the few hours until darkness to obtain the money. This, to a large extent, explains the crimes committed in broad daylight in the presence of pedestrians.

We could do much to diminish this cause of crime by taking a new view of the drug addiction problem. In England, France and many other countries of the world, the drug addict is treated as a medical case, rather than a criminal case. The Government supplies free or modest priced treatment just as if it were giving insulin to a diabetic case. Through such control and cure and particularly with new drugs coming to the aid of science in this field, the victim of drug addiction becomes a social problem in the medical realm, rather than in the criminal realm.

(Here insert Senator Humphrey's Legislative Efforts in the Drug Addiction Field.)

So, through enlightened approach to control of drug addicts, we can also help diminish Crime in the Streets.

III

CRIME AND CIVIL RIGHTS LEGISLATION ARE NOT TO BE EQUATED

We know that the communists attempt to confuse people by giving words special meanings which they ordinarily do not have. When they use "peace," they often mean surrender by the victim. In other words, if you resist and fight for your freedom, you are a war-monger and they are seeking peace even though they are invading you. This technique, called *aesopian* language, is now well known and it took us awhile to catch on to this trick.

It is not surprising that the extremists on the right, as well as the extremists on the left, use this semantic technique. When the right extremists talk about crime on the streets, they are trying to get people to

believe that Negroes are the criminals and that the Civil Rights Law is responsible for the outbursts. There is a subtle use of language which other extremists understand but which can fool the average citizen. So let's be clear about this.

The theory that the Civil Rights Law has engendered crime on the streets is simply false. In the first place, we had crime and riots long before the civil rights legislation.

(Here I will obtain statistics. I do not wish to hold up this draft until I get them.)

Furthermore, a thorough investigation was made by the F.B.I. at the President's behest to determine whether there was a pattern or design behind the riots in Harlem, Rochester and other places which could be ascribed to a particular organization, whether communist or otherwise, or Negro leaders, or protestors. The head of the F.B.I., Mr. J. Edgar Hoover, reported that there was no such common design or instigation in these riots. They were simply

hoodlums utilizing an opportunity to loot under the guise of correcting conditions. This again is not a domestic phenomenon alone. It happened in Algeria when the revolution was going on there. It was discovered that looting sprees were conducted by outlaws who simply took advantage of the patriotic fervor to pretend that their robberies and lootings had something to do with an ideal. The responsible Negro leaders and white leaders supporting Negro rights have always condemned lawlessness and there is no connection between civil rights, justice and crime. President Johnson and I stand firmly on the proposition that civil wrongs do not make civil rights and crime must be punished vigorously by police authorities wherever it rears its head. It is the enemy of all progress including civil rights progress.

To the extent that impatience with horrible living conditions and lack of opportunity contribute to crime, let us remember that it is the President's Appalachia program to do away with poverty; the modest priced housing program to provide decent shelter for all citizens; the medicare and

fair employment practice statutes which distribute opportunity as well as wealth, are the corrective measures. Since Senator Goldwater has voted against all of these bills, it comes in poor grace for him to talk of the evil conditions which exist in slum districts when he has voted against all relief measures to wipe out slum conditions.

IV

STATE'S RIGHTS CREATES STATE'S RESPONSIBILITIES FOR THE PREVENTION OF CRIME

Crime in the streets is not a Federal problem. The Federal Government is prohibited by constitutional provisions from interfering with local or state conditions unless there is interstate crime and special statutes which bring into play the Federal prosecuting agencies.

I believe in this distinction. I believe in the State's rights theory with respect to local conditions which are not in the interstate realm.

I believe in State's responsibility as well as State's rights to control crime. It is only when the State or City fails in its function that the Federal Government is pressed by circumstances into action. The situation ought never be permitted to arise in which the Federal Government must intervene in City problems such as crime prevention.

Would Senator Goldwater propose otherwise? He has constantly upbraided the Federal Government for even acting in the clear realm of Federal responsibility and interstate commerce. Does he now wish to take the position that the Federal Government should spread out its hands into City and State problems? If so, let him say so clearly and then try to justify why the Federal Government should not wage war against poverty. Why it should drop or delimit social security, medicare and citizenship rights of all our citizens. Senator Goldwater

can not have it two ways. He can not claim that the Federal Government ought to stop interfering with the rights of States and Cities and then on the other hand blame the Federal Government for crime in the streets, which is a City and State problem.

Submitted by,

A handwritten signature in cursive script, reading "Louis Nizer". The signature is written in dark ink and is positioned to the right of the "Submitted by," text.

PHILLIPS, NIZER, BENJAMIN, KRIM & BALLON

[1964]
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The key to the "great society" that President Johnson envisions for America is its people.

Men and women who want peace and perceive the terror and carnage of thermonuclear war; men and women who see the need for military strength, but who rightly reject the ill-fated Goldwater war diplomacy; men and women who understand the perils, the hardships, the challenges and the frustrations that accompany world leadership.

In short, the men and women in the "great society" will meet the challenges of the future with responsibility, with courage and with wisdom. AND ABOVE ALL THEY REALIZE THAT THE FUTURE IS ALREADY HERE -- AND THEY WELCOME IT.

In utter contrast, those building the "antiquated society" of Barry Goldwater, want to build tomorrow's world with the fragments of a dead past, in their minds, the so-called "good ole days":

- when women and children labored 18 hours a day for a dollar and a half;
- when a highschool education was out of reach for most Americans;
- when bread lines and hobo camps scarred the American countryside;
- when collective bargaining was done with clubs and bombs;
- when the adversity of our farmers and sharecroppers was a national disgrace;
- when free enterprise was ravaged daily by trusts and monopolies;
- when investor protection was non-existent;
- when sickness and disease ran rampant among our people;

Those managing the "antiquated society" of Barry Goldwater have an equally false vision of our elected government -- they see government as some vile monster squatting on the banks of the Potomac waiting to put us in chains. This is a stunted and warped vision -- it is not the vision one would expect from responsible leadership.

And it is clearly not the vision that Franklin Delano Roosevelt, that Harry Truman, that John F. Kennedy saw for America; AND IT IS NOT THE VISION PRESIDENT LYNDON BAINES JOHNSON SEES FOR AMERICA.

And I say to you tonight, that just as sure as we need men and women of courage and vision to achieve the "great society" of tomorrow, it will be the Kennedy-Johnson programs of today that will nurture and develop these qualities in our people.

We Democrats, and most Republicans, reject the antique government hunters of the Goldwater society. We know the world is round -- not flat -- and we know that it is getting smaller every day.

Moreover, and most important, we understand human nature and human institutions -- their weaknesses and strengths. But Barry Goldwater does not understand the hopes and aspiration of man; nor does Barry Goldwater understand man's institutions.

A vivid example of how little Barry Goldwater understands our people is contained in a speech he gave in my home State of Minnesota on September 10. He tried to tell the good people of Minnesota that "when government is . . . the . . . alleviator of . . . deprivation . . . men . . . believe that they can take the law into their hands. . . ." He further added: "If it is proper for government to take from some to give to others, then won't some be led to believe that they can rightfully take from anyone who has more than they?"

To claim that our State and Federal tax system -- that the social security system -- that our general spending and welfare programs are the causes of crime is pure, unsifted nonsense -- it is pure Goldwater Flubdubbery.

Do our school lunch programs promote crime and violence?

Do our rural housing programs for the elderly promote crime and violence?

Do our community mental health centers?

Do our food stamp programs for the hungry in Appalachia?

Do our Federal programs to establish medical schools, dental schools, and vocational training centers, promote crime and violence?

Our manpower-retraining programs?

Do our programs to get high-school dropouts off the streets and back into

school promote crime and violence? Our Youth Conservation Camps?

This Goldwater idea of crime contains an even more damning inference. If welfare programs are really the source of crime and violence, then poverty is the fastest route to peace and order. If our welfare programs cause crime, says Goldwater, we can stop crime by spreading poverty?

Is this correct, Barry Goldwater? Shall we take the milk from the child? Shall we tear down our rural housing for the elderly? Our mental health centers?

Shall we close up the Youth Conservation Camps, drive our youth back into the streets, and discontinue our retraining programs?

Board them all up, says Barry Goldwater, for they are the source of crime and violence in America.

I shudder at the thought of how the countless thousands of Good Samaritans in America reacted when told by Barry Goldwater that they had been promoting crime and violence every time they assisted the less fortunate. The churches, the private and public groups and institutions, and all good people everywhere, must have been shocked, if not outraged, at the suggestion.

Can you imagine telling these fine people to "stop healing the sick, stop feeding the hungry -- because Barry Goldwater says you're promoting crime and violence." Telling them to "let the needs of these people go unattended because Barry Goldwater says it's the shortest way to peace and order!"

I say that this is foolish advice, simple-minded theory, and certainly not the sound thinking of a man seeking to wear the mantle of the President. And, moreover, such irresponsible thinking is the quickest way to provoke civil disorder and strife. Anyone who sees the neglect of the needy as the cure to crime has ignored all the lessons of history. No, not in America do our leaders tell the deprived "Go eat cake" when there is a shortage of bread. This is not the way Americans treat their fellow man; AND THIS IS NOT THE WAY LYNDON BAINES JOHNSON EVER INTENDS MEN TO BE TREATED.

Now, in rejecting Barry Goldwater's ideas about crime, I don't for one minute intend to condone crime and violence. Time, and time again, President Johnson and I have spoken out against lawlessness.

But while Barry Goldwater talks -- and talks -- and talks -- the JOHNSON ADMINISTRATION HAS BEEN ACTING! President Johnson has offered the full assistance of the Federal Government to any Governor asking for assistance.

Also contributing mightily to restoring order in our streets is the recently launched Poverty Program. Its provisions to curb the highschool dropout problem, to establish Youth Conversation Camps, to improve the education and skills of our youth, will play a crucial role in our effort and to revitalize respect for law and order, and to ease the tensions brewing in our cities and countryside. This is the kind of direction; this is the kind of action that strikes at the causes of crime.

But the roots of crime grow deep, and street disorder is sometimes a surface disturbance. That's why in 1961, this Administration attacked crime at its most entrenched, vicious level -- organized crime, the syndicate, gamblers and dope rings. This drive to combat the spread of organized crime has produced outstanding results.

Racketeer indictments tripled between 1961 and 1962, and doubled again in 1963. And even more significant, convictions have more than tripled since 1961.

Thus, while Barry Goldwater decries violence -- and what sane citizen doesn't -- the Democratic Administration has been taking affirmative action.

In focusing on Barry Goldwater's ideas on crime tonight, we have seen a vivid demonstration of the scatter-gun approach he takes when dealing with national problems and policies. Thus, when Barry Goldwater speaks about giving the people "a choice, not an echo," -- I really wonder which choice he has in mind.

Do we want Barry the Bomber who wants to spend \$10 million for a new bomber and \$400 million for an aircraft carrier -- or do we want Barry the Budget Cutter who wants to reduce spending?

Do we want Barry the champion of Social Security -- or do we want Barry the Foe of Social Security?

Do we want Barry who wants to sell the TVA of the South -- or do we want Barry who wants a TVA for Arizona?

Do we want Barry the Peace Candidate who wants to dismantle our army -- or do we want Barry the War Candidate trying to give nuclear weapons to NATO commanders?

I SUGGEST WE DECLARE TONIGHT THAT BARRY GOLDWATER IS THE "MULTIPLE-CHOICE" CANDIDATE OF THE TWENTIETH CENTURY!

In contrast, examine the solid, responsible leadership of Lyndon Baines Johnson. Here is a man who has seen extensive service in the Congress, and was in the Senate only _____ years before he was elected Majority Leader. In contrast, Barry Goldwater has been passed by time after time by his Republican colleagues in their search for a leader. Why is this? BECAUSE BARRY GOLDWATER HAS NEVER BEEN THE SPOKESMAN FOR THE REPUBLICAN PARTY.

When our Nation's leader was assassinated, President Johnson held the Nation intact, and has brought us to the pinnacle of economic growth and prosperity -- he brought the dignity of citizenship to all Americans -- he averted a national rail strike -- he cut unemployment -- he issued a mandate against the toll of poverty on our citizens and our economy -- he acted with firmness and dispatch in the Gulf of Tonkin crisis.

And most important, President Johnson has demonstrated unparalleled skill in leading Congress, and in bringing a new spirit of unity to our people -- North and South, East and West.

With this outstanding record, and with Barry Goldwater opposing him, it is little wonder that the next President of the United States will be Lyndon Baines Johnson!

August 7, 1964

To: John Stewart

From: Julie

Re: POSSIBLE "CRIME" SECTION
OF AUGUST 12TH COUNTY
SPEECH

If there is "room" in the overall County speech, you might like to consider these few thoughts - on one possible, small sub-topic - crime.

Enc: Draft Section

Release:

Crime
File - Speech
material

Excerpts of Address
Prepared For Delivery
By: Sen. Hubert H. Humphrey (D., Minn.)
At National Association of
County Officials
August 12, 1964

SENATOR HUMPHREY OFFERS

7-POINT ANTI-CRIME PROGRAM

TODAY'S LAW ENFORCEMENT PROBLEM

This great audience is dedicated to the most modern administration of county activities.

In few fields, today, is there a more significant need for modern understanding and methods than in law enforcement.

We know that, as a Nation, we face 2 broad types of crime problem - on the one hand, individual lawlessness; on the other, organized crime.

Both types of crime are repugnant to us, as a people.

Against organized crime, Federal-State and local forces have been making strong headway. Such crime, by its very nature, uses inter-state telephone, mail and transportation. The Federal Government, therefore, has had the right and the duty to go all-out in cooperating with State and local officers to smash criminal syndicates.

Individual lawlessness, however, represents a different set of legal and other problems. Here, as you well know,

it is the States, counties and cities which have almost exclusive direct responsibility. This is as it should be.

Our country does not believe in a "National Police Force."

Under Federal law, U.S. Government Agencies are authorized to take action against only a limited number of specific offenses.

Beyond that limited, direct responsibility, the Federal Government has two indirect tasks:

First, to assist State, county and municipal officials by certain supporting functions, such as through the splendid training of the F.B.I. Police Academy;

Second, to initiate broad economic, health, housing and other constructive programs which will help eliminate the underlying conditions which so often contribute to crime.

I should like to emphasize this latter point. I do so, because some Americans seem to want to ignore the breeding grounds of crime. They seem to act as if crime is generated

in a vacuum. It is not.

You and I know that crime thrives where the forces for good citizenship have declined in strength - the 3 great forces - the home, the school, the church.

Crime flourishes among the hopeless, the helpless and the jobless. It festers in disease-racked slums. It seethes in human frustration and misery.

No matter how able your local police officials are, they cannot possibly catch criminals as fast as some social and economic evils create criminals in mass.

One such evil - let us face it - is the denial of human dignity through racial discrimination.

Some people seem to believe that the fight against discrimination is somehow "causing crime."

These people have their facts mixed up. The reverse is the case. By striving for Civil Rights, this Nation is acting to eliminate conditions which may otherwise result in

acts of desperate lawlessness.

Let us be realists, regardless of any differences on the Civil Rights issue.

Long-standing discrimination has kept millions of Americans - members of racial and ethnic minorities - in a dangerous "pressure-cooker."

There, "steam" keeps building up ^{bitterness,} -/frustration, hostility; without a "safety valve," without constructive outlets for the expanding pressure, without hope, the "cooker" can erupt.

If we are to succeed in cutting down crime, we must relieve pressures, not increase them, lower tensions, not aggravate them.

But because some pressures - some racial grievances, may continue to exist - is not an excuse for lawlessness on anyone's part.

There is no justification under any circumstances for anyone taking the law into his own hands.

The American people will not tolerate mob rule - no matter what slogan the mob professes to defend.

Extremism is indefensible in a society based on law and order.

But let there be no confusion about what is lawful and what is not.

A decent, law-abiding citizen who seeks the right - under Federal law - to be accommodated in a store or restaurant or motel, must not be confused with a brick-thrower, a hooligan, or a vandal who wants to destroy property or to loot.

But, now let's get down to cases.

What are we going to do to fight against crime?

I should like to propose a program of several points.

The first few points concern what individual citizens can do voluntarily and locally; the remainder relate to Federal action for the Nation as a whole.

In every community, we, as individual citizens, must:

(1) Build respect for law enforcement officers in your counties. Give them the means to do their vital job - modern equipment, training and facilities, decent salaries, professional selection, promotion and other career incentives.

(2) Responsible civic leadership must form broadly-representative Citizens' Commissions on Law Observance in the major metropolitan areas and wherever else they are needed.

(3) In Washington, we must expand present Federal support for research and demonstration programs on crime prevention. Curiously enough, in a Nation which spends \$15 billion on research and development, we spend only \$5 million for Federal research on crime.

We have no such program on prisons, although a million Americans pass through or stay in jail each year and although the rate of second offenses remains dismally high.

(4) Convene a National Conference on Crime to be

followed by State and local conferences. These would be designed to plan action programs, not just to talk and pass resolutions.

(5.) Provide Federal grants to establish at several leading Universities, Institutes of Law Enforcement. These would bring together all the many types of experts whose skills are so needed - police officers, judges, private attorneys, social workers, municipal and county officials, psychologists and psychiatrists, criminologists and others. At the Institutes they would exchange views, gain from one another's understanding and benefit from inter-disciplinary training.

(6.) On Capitol Hill, within these next weeks, complete action on the President's Anti-Poverty Program legislation.

(7.) Next year take early action on Federal legislation to curb one particular evil - narcotics addiction. This would include enactment of civil commitment legislation.

None of these 7 points represents a "cure-all." But each step could prove helpful toward the overall objective.

Speech Files
Speech Material
Crime

COPY

October 5, 1964

Mr. Frederick Andrews
790 Madison Avenue, Room 506
New York, N. Y. 10021

Dear Mr. Andrews:

Thank you so much for your interesting statistics on crime. These will be very helpful in the campaign. I plan to make a major address on crime in the near future, and your material will be used in this speech.

Best wishes.

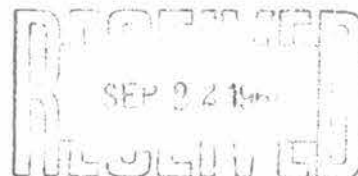
Sincerely,

Hubert H. Humphrey

Stewart

790 Madison Avenue
Room 506
New York, New York 10021
September 14, 1964

The Honorable Hubert H. Humphrey
c/o Mr. William Connell
Democratic National Committee Headquarters
1730 K Street
Washington, D.C.



Dear Senator Humphrey:

I think I have stumbled on some figures that may chop the legs from under Barry Goldwater's important theme of rampant crime. Curiosity impelled me to check the Senator's crime wave against the FBI's annual report. If one digs at all below the surface, the resulting picture is entirely different from Mr. Goldwater's version, which many of us have accepted too uncritically.

It is true that crime has attained distressing proportions in our cities, but. . .

--the worst are not Eastern, Democratic cities, but Western cities. Ten of the fifteen worst are in the West, four in California alone. This is the Goldwater heartland. Of the seventy cities that make up the ten worst in each of seven critical categories, fifty-four are Western or Southern. The notorious Eastern "crime spots" are conspicuous by their absence.

--the worst section is not the industrial North East but the rapidly growing Pacific and Rocky Mountain regions. These two are the only sections worse than the national average.

--Arizona is the third worst state, Phoenix the fourth worst city. Phoenix is fourth in larceny, fifth in burglary, seventh in forcible rape, and tenth in auto theft. In every critical category but one, Phoenix is considerably worse than New York City. (In that one exception, they're even.)

It is also true that crime rates climb directly with population, but. . .

--increase in crime is now most rapid in medium-sized cities and in the suburbs. "Generally," the FBI says, "the states which are reporting the highest crime rates are those which have the fastest growing population." This suggests that Goldwater fans are reacting not to the spectacle of the decadent, Democratic East but to social turmoil in their own backyards.

The Honorable Hubert H. Humphrey

September 14, 1964

I am enclosing several pages of statistics to bear out these views. All are from the annual FBI report on 1963, Crime in the United States. As far as I can tell, there is nothing that would upset these figures or prove them misleading.

My wife and I had the pleasure of meeting you at the reception you co-sponsored for the Fair Campaign Practices Committee. I hope that these findings may be of real use to you in return.

Please let me know if I can be of further help. Both my wife and I are strongly backing President Johnson and yourself.

Very truly yours,

Frederick Andrews
Frederick Andrews

Index of Crime, 1963, by States

The Ten Worst States

(Total Offenses, Rate per 100,000 Inhabitants)

NEVADA	2990.1
CALIFORNIA	2164.2
ARIZONA	1935.3
ILLINOIS	1640.0
FLORIDA	1592.4
COLORADO	1534.5
MISSOURI	1387.0
HAWAII	1357.0
MICHIGAN	1348.6
NEW MEXICO	1313.7
(UNITED STATES	1198.3)

Source: Crime in the United States (1963),
pp. 48, 52-66.

Index of Crime, 1963, Standard Metropolitan Statistical Areas

The Fifteen Worst Areas

(Total Offenses, Rate per 100,000 Inhabitants)

<u>Area</u>	<u>Population</u>	<u>Total Offenses</u>	<u>Rate</u>
Las Vegas, Nevada (includes Clark County)	174,000	5,895	3,386.7
Los Angeles ^c -Long Beach, Calif. (includes Los Angeles County)	6,562,000	192,619	2,935.4
Miami, Fla. (includes Dade County)	1,072,000	26,445	2,466.8
Phoenix, Ariz. (includes Maricopa County)	816,000	19,657	2,408.4
Lexington, Kentucky (includes Fayette County)	139,000	3,098	2,226.1
Chicago, Illinois (includes Cook, Du Page, Kane, Lake, McHenry, and Will Counties)	6,349,000	139,360	2,195.1
Great Falls, Montana (includes Cascade County)	81,000	4,205	2,149.8
Atlantic City, N.J. (includes Atlantic County)	170,000	13,625	2,126.1
Denver, Colorado (includes Adams, Arapahoe, Boulder Denver, and Jefferson Counties)	1,075,000	22,304	2,075.0
Corpus Christi, Texas (includes Nueces County)	230,000	4,672	2,032.9
Houston, Texas (includes Harris County)	1,365,000	27,681	2,028.4
San Francisco-Oakland, Calif. (includes Alameda, Contra Costa, Marin, San Francisco, and San Mateo Counties)	2,865,000	58,043	2,025.7

(continued)

Source: Crime in the United States (1963),
pp. 67-86.

<u>Area</u>	<u>Population</u>	<u>Total Offenses</u>	<u>Rate</u>
Stockton, Calif. (includes San Joaquin County)	264,000	5,257	1,991.1
Nashville, Tenn. (includes Davidson, Sumner, and Wilson Counties)	499,000	9,867	1,975.9
Anaheim-Santa Ana-Garden Grove, Cal. (includes Orange County)	966,000	19,060	1,972.6

Selected Areas

New York, New York (35th in rank) (includes New York City, Bronx, Kings, Queens, New York, Rich- mond, Nassau, Rockland, Suffolk, and Westchester Counties)	11,229,000	189,610	1,688.6
Washington, D.C.-Md.-Va. (includes District of Columbia; Montgomery and Prince Georges Counties, Md.; Alexandria and Falls Church cities, and Arling- ton and Fairfax Counties, Va.)	2,220,000	35,995	1,621.2
Boston-Lowell-Lawrence, Mass. (includes Essex, Middlesex, Norfolk, and Suffolk Counties)	3,136,000	39,593	1,262.5
UNITED STATES TOTAL	188,531,000	2,259,081	1,198.3
Jersey City, N.J. (includes Hudson County)	602,000	6,792	1,129.1
Philadelphia, Pa.-N.J. (includes Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa.; and Burlington, Camden, and Gloucester Counties, N.J.)	4,520,000	48,504	1,073.0

Index of Crime, 1963, by Geographic Divisions

(Total Offenses, Rate per 100,000 Inhabitants)

<u>Area</u>	<u>Population</u>	<u>Total Offenses</u>	<u>Rate</u>
Pacific (includes Alaska, California, Hawaii, Oregon, Washington)	23,407,000	448,173	1,914.6
Mountain (includes Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming)	7,645,000	112,310	1,468.9
East North Central (includes Illinois, Indiana, Michigan, Ohio, Wisconsin)	37,226,000	437,153	1,174.3
South Atlantic (includes Delaware, Florida, Georgia, Maryland, North Caro- lina, South Carolina, Virginia, West Virginia)	27,705,000	313,796	1,132.5
Middle Atlantic (includes New Jersey, New York, Pennsylvania)	35,603,000	395,903	1,112.0
West South Central (includes Arkansas, Louisiana, Oklahoma, Texas)	18,087,000	200,078	1,106.3
North East (includes Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)	10,769,000	107,398	1,005.6
West North Central (includes Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota)	15,664,000	140,726	898.4
East South Central (includes Alabama, Kentucky, Mississippi, Tennessee)	12,425,000	103,544	833.4

Source: Crime in the United States (1963),
pp. 48-51.

Standard Metropolitan Statistical Areas

The Ten Worst in Each of Seven Categories of Serious Crime, 1963

(Rates are Rates per 100,000 Inhabitants)

MURDER, NON-NEGLIGENT MANSLAUGHTER (4.5)*

1. Gadsden, Ala.	16.9
2. Winston-Salem, N.C.	15.0
3. Amarillo, Tex.	12.7
4. Durham, N.C.	11.2
5. Monroe, La.	11.1
6. Charlotte, N.C.	11.0
7. Birmingham, Ala.	10.9
8. Chattanooga, Tenn.-Ga.	10.7
9. Atlanta, Ga.	10.6
10. Little Rock-N. Little Rock, Ark.; and Macon, Ga.	10.3

FORCIBLE RAPE (8.7)

1. Los Angeles-Long Beach, Cal.	26.7
2. Houston, Tex.	22.4
3. Bakersfield, Calif.	21.5
4. Kansas City, Mo.-Kans.	21.2
5. Denver, Colo.	20.3
6. Chicago, Ill.	20.0
7. Phoenix, Ariz.	18.6
8. Great Falls, Mont.	18.5
9. Anaheim-Santa Ana-Garden Grove	17.0
10. St. Louis, Mo.-Ill.	16.5

ROBBERY (53.1)

1. Chicago, Ill.	283.3
2. Los Angeles-Long Beach, Cal.	153.0
3. Miami, Fla.	146.5
4. Detroit, Mich.	144.3
5. Jacksonville, Fla.	133.0
6. Kansas City, Mo.-Kans.	131.0
7. Las Vegas, Nev.	126.4
8. St. Louis, Mo.-Ill.	123.2
9. Savannah, Ga.	120.0
10. Denver, Colo.	108.7

AGGRAVATED ASSAULT (78.4)

1. Durham, N.C.	354.6
2. Huntsville, Ala.	263.3
3. Flint, Mich.	221.2
4. Houston, Tex.	219.2
5. Los Angeles-Long Beach, Cal.	218.9
6. Monroe, La.	215.4
7. Winston-Salem, N.C.	204.7
8. Austin, Tex.	203.9
9. Corpus Christi, Tex.	198.3
10. Galveston-Texas City, Tex.	193.2

BURGLARY (517.6)

1. Los Angeles-Long Beach	1305.4
2. Las Vegas, Nev.	1213.9
3. Miami, Fla.	1156.3
4. Atlantic City, N.J.	1084.5
5. Phoenix, Ariz.	1043.7
6. Houston, Tex.	1042.4
7. Anaheim-etc., Calif.	1010.3
8. Chattanooga, Tenn.-Ga.	997.8
9. Tampa-St. Petersburg, Fla.	995.6
10. Lexington, Ky.	988.7

LARCENY (\$50 AND OVER) (324.3)

1. Las Vegas, Nev.	1162.8
2. Lexington, Ky.	738.7
3. Los Angeles-Long Beach, Cal.	733.3
4. Phoenix, Ariz.	708.0
5. New York, N.Y.	693.2
6. Miami, Fla.	689.0
7. Corpus Christi, Tex.	671.1
8. Stockton, Calif.	668.5
9. Anaheim-etc., Calif.	610.8
10. Louisville, Ky.-Ind.	601.8

AUTO THEFT (211.6)

1. Las Vegas, Nev.	799.1
2. Great Falls, Mont.	594.4
3. Chicago, Ill.	550.9
4. Los Angeles-Long Beach	493.5
5. Tucson, Ariz.	469.4
6. Boston-Lowell-Lawrence	464.3
7. Denver, Colo.	449.2
8. Jersey City, N.J.	448.0
9. Nashville, Tenn.	447.8
10. Phoenix, Ariz.	436.0

* - Figures in parentheses are rates for the entire United States.

Source: Crime in the United States, 1963, pp. 48-49, 67-86.

Index of Crime, 1963, Standard Metropolitan Statistical Areas

Entire United States, Phoenix, and New York City

(Rates are Rates per 100,000 Inhabitants)

<u>Category</u>	<u>UNITED STATES</u>		<u>PHOENIX, ARIZONA</u>		<u>NEW YORK, NEW YORK</u>	
	<u>Number</u>	<u>Rate</u>	<u>Number</u>	<u>Rate</u>	<u>Number</u>	<u>Rate</u>
Population	188,531,000	--	816,000	--	11,229,000	--
Total Offenses	2,259,081	1,198.3	19,657	2,408.4	189,610	1,688.6
Murder & Non-negligent Manslaughter	8,504	4.5	52	6.4	583	5.2
Forcible Rape	16,404	8.7	152	18.6	894	8.0
Robbery	100,156	53.1	611	74.9	7,349	65.4
Aggravated Assault	147,757	78.4	985	120.7	13,641	121.5
Burglary	975,879	517.6	8,519	1,043.7	56,016	498.9
Larceny (\$50 and over)	611,391	324.3	5,779	708.0	77,844	693.2
Auto Theft	398,990	211.6	3,559	436.0	33,283	296.4

Note: Phoenix includes Maricopa County.

New York includes Bronx, Kings, New York, Queens, Richmond, Nassau, Rockland, Suffolk, and Westchester Counties.

Source: Crime in the United States (1963), pp. 48, 49, 79, 80.

Index of Crime, Offenses Known to the Police, 1963, by Population Groups

(Rates are Rates per 100,000 Inhabitants)

<u>Population Group</u>	<u>Index Total</u>	<u>Mur- der</u>	<u>Rape</u>	<u>Rob- bery</u>	<u>Agg. Asslt.</u>	<u>B ur- glary</u>	<u>Larc. \$50 Up</u>	<u>Auto Theft</u>
Over 1,000,000 Includes 6 cities Pop. 18,634,000	2502.0	7.9	21.6	205.8	229.6	850.5	695.0	491.8
500,000 to 1,000,000 Includes 18 cities Pop. 11,907,000	2102.7	9.0	14.4	129.1	142.4	815.8	464.6	527.4
250,000 to 500,000 Includes 24 cities Pop. 8,184,000	2081.2	6.5	12.0	111.6	115.7	929.1	491.4	414.9
100,000 to 250,000 Includes 81 cities Pop. 11,705,000	1659.5	5.6	8.9	61.2	103.8	731.5	446.0	302.6
50,000 to 100,000 Includes 210 cities Pop. 14,505,000	1380.3	3.2	6.5	42.8	61.1	600.6	413.6	252.4
25,000 to 50,000 Includes 420 cities Pop. 14,574,000	1105.2	2.9	4.6	24.5	43.6	493.2	353.1	183.3
10,000 to 25,000 Includes 1,053 cities Pop. 16,323,000	811.7	2.2	4.0	16.3	36.4	385.7	243.9	123.4
Under 10,000 Includes 2,052 cities Pop. 11,359,000	616.2	1.7	3.3	11.1	30.3	302.0	179.0	88.8
Suburban areas 1,963 agencies reporting Pop. 45,790,000	919.8	2.3	2.7	21.9	38.6	448.9	269.1	132.3
Rural areas 1,439 agencies reporting Pop. 26,803,000	524.7	4.1	4.9	10.7	38.0	271.2	144.2	49.6
TOTAL, ALL AGENCIES 5,568 agencies reporting Pop. 157,044,000	1271.7	4.4	9.1	57.9	80.4	547.1	345.0	227.8

Source: Crime in the United States (1963),
pp. 90-91.

Crime Trends, Offenses Known to the Police, 1962-63, by Population Groups

Percentage Increase in Number of Offenses Over 1962

<u>Population Group</u>	<u>Index Total</u>	<u>Mur- der</u>	<u>Rape</u>	<u>Rob- bery</u>	<u>Agg. Asslt.</u>	<u>Bur- glary</u>	<u>Larc. \$50 Up</u>	<u>Auto Theft</u>
Over 1,000,000 Includes 6 cities Pop. 18,634,000	5.6	3.2	-11.6	-1.2	7.2	3.5	8.6	8.9
500,000 to 1,000,000 Includes 18 cities Pop. 11,907,000	10.7	8.8	-1.5	7.6	3.8	10.8	8.5	15.8
250,000 to 500,000 Includes 24 cities Pop. 8,184,000	8.7	-2.5	11.9	8.6	13.7	10.6	9.5	2.6
100,000 to 250,000 Includes 81 cities Pop. 11,705,000	10.6	3.2	12.9	14.6	7.4	8.1	13.4	13.2
50,000 to 100,000 Includes 210 cities Pop. 14,505,000	13.9	-1.7	11.1	16.7	13.5	12.2	15.0	16.3
25,000 to 50,000 Includes 420 cities Pop. 14,574,000	12.3	2.4	7.0	10.9	15.0	10.7	13.9	13.4
10,000 to 25,000 Includes 1,053 cities Pop. 16,323,000	12.1	-1.7	2.9	10.5	13.9	11.3	14.9	9.4
Under 10,000 Includes 2,052 cities Pop. 11,359,000	10.8	7.1	14.0	8.4	19.3	7.4	15.9	11.0
Suburban areas 1,963 agencies reporting Pop. 45,790,000	13.2	-2.4	9.0	9.7	11.0	12.0	15.0	15.6
Rural areas 1,439 agencies reporting Pop. 26,803,000	6.8	-3.4	-0.2	1.3	3.2	6.8	9.6	5.0
TOTAL, ALL AGENCIES 5,568 agencies reporting Pop. 157,044,000	9.7	1.3	-0.1	4.8	8.3	8.8	11.5	11.4

Source: Crime in the United States (1963),
pp. 88-89.

Stephen J. Spingarn

1900 Que Street, N. W.

Washington, D. C., 20009

DU pont 7-0668

Jim Crane

Sunday, October 11, 1964

The Editor, The Evening Star, Washington, D.C.

Sir:

Senator Goldwater's bogus war on crime & delinquency typifies the ignorance of the solutions which he puts forward for the nation's serious problems.

Crime & delinquency are indeed serious problems in this country. There are many complex causes: slums, over-crowded cities, broken homes, poverty and squalor, economic and social injustice, racial discrimination, underpaid police, inadequate schools and recreation facilities, and others. A great many dedicated men and women have devoted their lives to the many aspects of these problems: in law enforcement, in social work, in the academic world, in mental institutions, in civic and fraternal organizations, in parents' groups, in churches, and in other areas.

Senator Goldwater has not only been absent from this struggle, has had nothing meaningful to say about these complex causes of crime & delinquency, but when proposals have been brought forward in Congress to deal with these causes he has consistently opposed them. He has been against the Anti-Poverty Program, against Slum Clearance, against Public Housing, against creating a "Domestic Peace Corps" to work in city and rural slum areas, against providing training and employment for out-of-school, out-of-work youngsters, against Aid to Education, against Civil Rights legislation.

But, of course, Barry Goldwater has a simple solution for every problem, no matter how complex, so naturally he has a simple solution for crime & delinquency. What does he propose?

He proposes "moral persuasion" which he would exercise from the White House, if elected. Of course, everyone is in favor of moral persuasion (and against sin), but for Senator Goldwater to contend that he can reverse the crime rate by the power of his own example is as preposterous as trying to topple a chimney by grabbing hold of its smoke.

Far more than good intentions and moral persuasion is needed to wage any real war on crime & delinquency. Barry Goldwater himself has unwittingly helped to furnish the proof of this statement.

Here is how he has done it: He has tried to make Washington, D.C., the main symbol of his bogus war on crime & delinquency. He has painted a very dark picture of the crime & delinquency situation in Washington which, he says, as the Nation's Capital should be peculiarly under the President's influence and "moral persuasion".

But Washington is by no means the most glaring example of a high crime rate in this country. According to FBI uniform crime reports, it is 13th among the large cities of the nation in this respect---about average among those cities.

There is another large city which has a much higher crime rate. Curiously enough this city is Phoenix, Arizona, which (says the FBI) has the 4th highest crime rate in the nation among our large cities.

Senator Goldwater is from Phoenix. He is by all odds its best-

known citizen. Moreover, the man who has been Governor of Arizona for the past 6 years, Paul Fannin, is a Goldwater Republican who has been Barry Goldwater's chief lieutenant in Arizona and is now running for the Goldwater Senate seat--with Barry's blessing and support.

To complete the leadership picture in Phoenix for "moral persuasion" purposes, the present Mayor of Phoenix is Milton H. Graham, a Republican, as was his immediate predecessor, Samuel Mardian, jr.

If there is any real value to the Goldwater "moral persuasion" solution to the nation's crime & delinquency problems, why hasn't it worked in Phoenix where the influence of Senator Goldwater and his Republican Party colleagues is predominant, and has been for quite a few years?

Or why did the United States have one of the most crime-ridden and dissolute eras in its history during the 1920s under the Administrations of 3 Republican Presidents, the last two of which (Calvin Coolidge & Herbert Hoover) were---whatever their inadequacies as Presidents---good men of high moral character who set good examples for the nation in their own private lives?

The answer is clear." Trying to reduce crime & delinquency by a program composed primarily of "moral persuasion" may appeal to the ignorant and the sanctimonious, but it is not a real program at all.

What is needed is a many-pronged attack on the complex problems that are the prime causes of crime & delinquency. The Kennedy-Johnson Administration has been doing just that---almost always over the stubborn opposition of Senator Goldwater.

In short, Barry Goldwater's "simple solution" of the nation's crime and delinquency problems is as phony as his "simple solutions" of most of the other national problems at issue between him and President Lyndon Johnson in the November 3rd Election.

It is as phony as the Goldwater "simple solution" of the complex problems of the Cold War, which would substitute for the bipartisan policies of almost 20 years a noisy, jaw-bone Anti-Communism, an intensified Brinkmanship coupled with ultimatum after ultimatum ("Tear down the Berlin Wall or else---"), while weakening our military and economic strength, down-grading the UN, rejecting meaningful negotiation and accommodation with our antagonists, frightening our Allies with unilateral moves and dissipating our alliances, and finally culminating in a Global kind of Shoot-Out at the O.K. Corral with the Bad Guys defeated and dead and the Good Guys triumphant and relatively unscathed (at least so Barry would have us believe).

"All you need in this life is ignorance and confidence, and then success is sure," said Mark Twain.

Barry has proved the truth of the Twain formula. (He always did poorly in his studies and left the University of Arizona after (some say during) his Freshman year.)

Barry's ignorant confidence and his attractive personality have made him a success. But let's not carry the Twain witticism too far. Otherwise, the joke will be on the whole country---and a pretty grim joke it will be.

Sincerely,

Stephen J. Spingarn

COPY

Wier? J. H.

November 30, 1964

Professor Sheldon Glueck
Law School of Harvard University
Cambridge 38, Massachusetts

Dear Professor Glueck:

As you are probably aware, the exigencies of the campaign did not allow me to devote any one entire major address to the subject of crime and delinquency, although I touched on it from time to time and, I hope, in a manner which reflects its complexity and its relation to other social problems.

I appreciate having on hand the material you have been kind enough to send me. We are engaging now in a very thorough and lengthy study of policy in this as in other areas, and your suggestions are most relevant.

Best wishes.

Sincerely,

Hubert H. Humphrey

5449 55/140
Law School of Harvard University

Cambridge 38, Mass.

Oct 19
October 20, 1964.

Hon. Hubert Humphrey,
United States Senate,
Washington, D. C.



Dear Senator Humphrey:

Many thanks for your letter of the 19th. I fully agree that the crime and delinquency problems are likely to form a major campaign issue. Thus far, I am disappointed with the views of the Republican candidate on the issue. I think it would be a telling speech if, in the last days of the campaign, you or the President were to show the American people that the social problems involved run deep and that you propose to do your utmost to go the roots of the delinquency and crime evils. This should be followed by specific suggestions.

In that connection, I hope you and your editorial assistants will take the time to read (or re-read) my article on "Law and the Stuff of Life," proposing the setting up of a National Academy for the training of legal personnel to cope intelligently with the crime problem in all its aspects: prosecution, defense, judicial operations, probation, parole, the juvenile court and ancillary services and institutions, etc. A National Academy should dramatically symbolize the need of raising the standing of criminal law practice and improving its standards. It happens that one of the world's greatest jurists, Dean Roscoe Pound, died recently; and it would be most fitting to name the Academy after him. In that connection, I send you the latest number of the journal Crime and Delinquency, which is devoted to Dean Pound, and which will come out in book form in November.

I would also suggest that the speech in question take a leaf from the enclosed report of the Committee on Crime Prevention of the American Prison Association (now the American Correctional Association). I have reread that report and believe that in essentials it still presents a program of specific action based on facts.

I further suggest that you and your associates read not only my article in the Syracuse Law Review but also those of the other contributors, including Mr. Hoover.

I am convinced that a carefully prepared address on the juvenile and adult crime situation showing (a) its complexity, (b) the fatuousness of merely haranguing about it and talking in generalities of "cures," and (c) specific targets which should become the immediate and continuous effort of the Government, will have a tremendous impact at this time.

With best wishes, I am

Sincerely,

Sheldon Glueck
Sheldon Glueck

**CHRONOLOGICAL
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**Sheldon Glueck
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October 1964

CRIME AND DELINQUENCY

Vol. 10, No. 4

File Crime

*To Senator Hubert H. Humphrey
with esteem and
good wishes
Sheldon*

VOLUME 10
NUMBER 4

October 1964

CRIME and DELINQUENCY

NATIONAL COUNCIL ON CRIME AND DELINQUENCY

Roscoe Pound

SHELDON GLUECK: Roscoe Pound and Criminal Justice—A Memoir in
Appreciation of the Dean of American Legal Scholars

ROSCOE POUND'S WRITINGS IN CRIMINAL JUSTICE

The Causes of Popular Dissatisfaction with the Administration
of Justice

The Spirit of the Common Law

The Need of a Sociological Jurisprudence

Inherent and Acquired Difficulties in the Administration of
Punitive Justice

Criminal Justice in the American City—A Summary

The Individualization of Justice

The Rise of Socialized Criminal Justice

The Juvenile Court and the Law

The Future of Socialized Justice

The Juvenile Court in the Service State

The Place of the Family Court in the Judicial System

NATIONAL COUNCIL ON CRIME AND DELINQUENCY
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*To Senator Robert H. Humphrey
with the esteem of
Sheldon Glueck*

Wf. Crime

SOME "UNFINISHED BUSINESS" IN THE MANAGEMENT
OF JUVENILE DELINQUENCY

SHELDON GLUECK

Reprinted from
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Law and the Stuff of Life

By Professor Sheldon Glueck

IN 1886, that wise man of law and life, Justice Oliver Wendell Holmes, presented an exciting vision to the students of Harvard College. I shall begin my remarks with his winged words:

"... Your business as thinkers [Holmes advised his eager young auditors] is to make plainer the way from some thing to the whole of things; to show the rational connection between your fact and the frame of the universe. If your subject is law, the roads are plain to anthropology, the science of man, to political economy, the theory of legislation, ethics, and thus by several paths to your final view of life. ... To be master of any branch of knowledge, you must master those which lie next to it ..."¹

I shall develop the relevancy of this theme in the course of these remarks; but let me first convey the arresting opening sentence to the passage just quoted: "Of course," said Holmes, "the law is not the place for the artist or the poet. The law is the calling of thinkers." This may have been a conscious or subconscious dig at his distinguished father. At all events, I must disagree with the sly yet obvious implication that lawyers are, *ipso facto*, "thinkers" while the devotees of art and poetry are not. One cannot of course deny that there is some difference in emphasis between the inspired poet and the prosy practical person. There is, *apropos*, a charming anecdote which recounts that, while Sir Walter Scott was strolling with Lady Scott one choice spring day, he pointed to some frolicking lambs, and rhapsodized, "Ah, my dear, 'tis no wonder that poets, from earliest times, have made the lovely lamb the emblem of peace and innocence." "They are indeed delightful," Lady Scott murmured in reply, "especially with mint-sauce."

Holmes, himself, in the very passage I quoted and in many another writing, proved that a touch of poesy brings to life many a dreary legal argument. When Polonius asked Hamlet, "What do you read, my lord?" and he replied, "Words, words, words," the melancholy Dane must have been reading a ponderous judicial opinion, distinguishing laboriously between larceny, larceny by trick, false pretenses and embezzlement — a notorious puzzle I have been plaguing my students with lo! these many years.

Poesy means the exercise of the imagination. Some of the greatest inventions in the law have been the flower of what might justly be called the poetic imagination. A striking example, known to many of you, is furnished by a lawyer and judge who, though a great stickler for "hard facts," galvanized facts into life in a famous case by applying to them the vitalizing current of creative imagination. I refer to Louis D. Brandeis and the well-known "Brandeis brief." In the historic case of *Muller v. Oregon*,² Brandeis, then in practice at the bar, did not rely in his argument exclusively or even largely on traditional "legal reasoning." He built into an appellate brief a systematic account of the findings of various extralegal disciplines relevant to what was presented as the legal issue raised by an attack on the constitutionality of a statute limiting hours of labor of women in laundries as an unreasonable interference with their liberty to contract under the Fourteenth Amendment.

Apart from the hobbling restraints of technical rules of evidence at the trials of cases, *a priori* legal concepts have, traditionally, been the points of departure for reasoning in appellate tribunals. This has been particularly stifling to that great and varied mass of social legislation made necessary by twentieth century

economic and social trends. The problem before lawyers, in arguing the constitutional validity of various pieces of social legislation was to evolve a technique whereby judges could have before them socioeconomic and biologic data and respectable professional opinions to compete with and illumine *a priori* legal abstractions. The problem was brilliantly solved by Brandeis in the *Muller* brief.

Speaking for the Supreme Court in the *Muller* case, Mr. Justice Brewer stressed the proposition, urged by Brandeis, that "when a question of fact is debated and debatable, and the extent to which a special constitutional limitation goes is affected by the truth in respect to that fact, a widespread and long continued belief concerning it is worthy of consideration." Justice Brewer emphasized that the Court takes "judicial cognizance of all matters of general knowledge." He of course agreed that the "right to contract in relation to one's business is part of the liberty of the individual, protected by the Fourteenth Amendment," but he reminded the profession that "this liberty is not absolute ... and that a State may, without conflicting with the provisions of the Fourteenth Amendment, restrict in many respects the individual's power of contract." He then summarized the far-ranging and richly varied socioeconomic and biologic data in the Brandeis brief. He emphasized that it contains "extracts from over ninety reports of committees, bureaus of statistics, commissioners of hygiene, inspectors of factories, both in this country and in Europe, to the effect that long hours of labor are dangerous for women." He adverted, on the other hand, to "extracts from similar reports discussing the general benefits of short hours" from an economic point of view. He conceded that

"the legislation and opinions referred to" in the Brandeis brief "may not be, technically speaking, authorities," and that they contain "little or no discussion of the constitutional question presented" but, he insisted, they are, nevertheless, "significant of a widespread belief that woman's physical structure, and the functions she performs in consequence thereof, justify special legislation restricting or qualifying the conditions under which she should be permitted to toil."

The importance of the brilliant Brandeis brief thus derives from the fact that, on such ever-puzzling questions as the "reasonableness" of specific pieces of social legislation under the Fourteenth Amendment, he did not rely exclusively, and he persuaded the Supreme Court not to rely exclusively, on *a priori* legal concepts nor on such sketchy extralegal materials as the Court, on its own initiative, might have learned about. Instead, he brought to the support of his argument systematic and wide-ranging arrays of sociologic, economic and biologic data as to "the state of the art." Thus he lent to the difficult and delicate process of doing justice the insights of relevant disciplines which ought, in any realistic consideration of constitutional issues, to feed into the logic and value-system of the living law. He thereby pointed the way to many lawyers and judges after him and, I am certain, improved the quality of justice.

It seems to me one must put this leap of the imagination into the category of poetic creativity. For aught I know, there may even have accompanied the travail of Brandeis in the *Muller* case, "the poet's eye, in a fine frenzy rolling." Traditional doctrines of constitutional law supplied the skeleton; but what breathed life into it arose, psychologically, out of the same creative well-springs at which poets are wont to quaff.

II

I have given this familiar illustration of the famous Brandeis brief to remind you that, at least in our times, lawyers and judges have not been so blind to the aid they might obtain from the neighboring social and biologic disciplines as is too generally assumed. Indeed, even if the Brandeis brief had not been invented, the pressures of the teeming stuff of life would have built up such tensions with the progress of time and the social complexities it has brought, that other means of making law ever more fit to cope with its Herculean task of peaceful and just social control would doubtlessly have been invented. For

legal technique is constantly called upon to shape the richly varied problems and perplexities of life; and not only to shape them, but to resolve their claims, dilemmas and frictions.

Pick up a set of "Advance Sheets" which record the current decisions of the appellate tribunals of the country; and as you turn its pages note the infinite variety of samples of the stuff of life the courts are compelled to deal with. Were I to describe the various problems arising in a single day in the appellate tribunals of this country, it would take me weeks to recount them; and the appellate decisions comprise but a fraction of all the problems that pass through the courts. There are cases ranging from estate planning to city planning; cases involving the numerous facets of the control of industry and of labor; cases dealing with the various constitutional



Sheldon Glueck speaks on June 12

rights of persons, nowadays especially those accused of crime; cases involving injuries claimed to have been caused by negligence; cases dealing with bankruptcy; cases concerned with the control of the doings of security agencies; cases involving the limits of the authority of the State to remove a child from the custody of his parents; cases dealing with conflicts between the law of the several States, or between that of the United States and some foreign country; yes, and cases dealing with the right of a student dismissed from college or law school to be given a fair hearing by the authorities. I could go on and on to remind even the lawyers in this audience

— who, understandably, are inclined to concentrate on their specialties — of the rich and varied, not to say voracious, fare of the Goddess of Justice.

The law is compelled to deal with these multifarious and vexing problems; and, when I say "deal" with them, remember that it must not only consider and weigh the facts and legal pros and cons but, unlike the scholar and student, it must, one way or another, *dispose* of the problems presented. It must do justice. The judge cannot rest content with the luscious luxury of philosophic speculation that "there are at least two sides to this important question." He must take sides and render decisions involving the tangled, troubled and sometimes bloody samples of the stuff of life made up of the cherished interests of many little and many high-placed people. And, what is more, the judge must impress the public and the profession of the essential reasonableness and justice of his decisions. Thus the law not only deals with the stuff of life; it *is* the stuff of life, for upon its dedication to the arts of reason and imagination and to the dictates of conscience depend decisions regarding most of the emotion-laden problems of daily existence.

Because of the many and varied issues it must deal with, the law, while striving to employ the techniques of reason and logic, and giving heed to the stabilizing value of precedent, is called upon to consider the contributions of almost all the other disciplines. A 17th century legal scholar, Sir Henry Finch, has said that "the sparks of all Sciences in the world are raked up in the ashes of the Law."³ But nowadays, particularly, the law must be more than dead ashes; and it is at this point, especially, that creative imagination comes into play.

Today more than ever before we should take heed of Holmes's far-sighted recognition of the relationship of law to the other disciplines. During this age of the ever-expanding complexity of life's problems and of ever-growing specialization, areas of learning have tended to drift apart. To be sure, some intellectual counterinfluences are operative; but it is clear that there is pressing need of patterns of integration, designed to draw together the various islands of knowledge that have broken off from all-embracing Philosophy in its literal sense of "the love of wisdom." On the other hand, information is becoming so detailed and many-faceted, that we are compelled, also, to cling to specialization. I suppose the answer must be a compromise, consisting of several patterns of intellectual integration, each

with a different focus and emphasis but each, also, not isolated from relevant neighboring disciplines necessary to the informed and just solution of the manifold problems of life laid on the doorsteps of the professions.

III

But I speak here as a law-oriented student of social problems; and I should like, now, to present for your consideration two suggestions for improving the processes of the law. The first deals, generally, with the question whether it is not possible to make the collaboration of the law with the other social, as well as the biologic, disciplines more systematic and more effective in the pursuit of justice than it now is. The second is concerned with a proposal to improve the education of the personnel of criminal justice.

In respect to the first suggestion, I remind you of the words of Holmes about the interrelationship of all branches of knowledge and ask you to recall, also, how the relevant nonlegal disciplines were skillfully marshaled in the Brandeis brief to infuse light and life into a basic constitutional issue. But how can the participation of the extralegal disciplines in law-making and law-interpreting be made more systematic and less biased?

I suggest that under the auspices of several distinguished law schools and particularly our own, there be established a number of *Legal Interdisciplinary Institutes* with the following objectives: First, the assembling of authoritative materials in such fields, among others, as business organization and function, labor problems, racial relations, family life, crime and correction; secondly, the working over of such materials by creative law professors, aided by sound specialists in various extralegal areas, with the aim of anticipating their probable relevancy to major fields of future legislative and judicial concern; thirdly, the dissemination of reports of such materials to judges, legislative reference bureaus, Federal and State policy framers, law school libraries and those of other pertinent university departments.

The aim of such an enterprise would be to keep law-makers and law-interpreters continuously informed of the progress of thought and experience in those fields of human endeavor with which legislators, judges and administrators would probably have to deal in the not too distant future. At present, the reading by judges and other law-makers in the fields of economics, sociology, political science, biology and psychiatry tends to be rather sporadic and meager. About

the only way in which significant research results on issues of business and labor, marriage and divorce, protection of children, relation of normal and morbid psychology to questions of criminal responsibility and many other such problems get into the judicial mind is through the occasional exceptional briefs of counsel. But this has the disadvantage, compared with the proposal made, of being drawn upon only as the occasion for litigation arises; it is not *anticipatory* of problems about to arise. Further, since briefs are constructed in the heat of litigation, they are likely to be less thorough, certainly more partisan, than analyses of objective researches motivated, not by particular lawsuits, but solely by the search for the facts and their possible implications for future legislation and judicial decision.

Each Legal Interdisciplinary Institute would require a small central organization of full-time workers, comprising a Director and several technical assistants. These would, preferably, be trained in both the common law and the civil law; and in addition, if possible, each should be fairly well versed in some such specialty as economics, sociology, political science, biology, or psychiatry. If qualified persons are not at present available, promising young scholars should be selected and given the opportunity to equip themselves by several years' intensive study.

In addition to the permanent staff, there would be certain part-time consultants: a group of economists, sociologists, political scientists, biologists, and psychiatrists — men and women of proved scholarly achievement; and a group of legal scholars of the quality of those active in the various Restatements of the law under auspices of the American Law Institute.

The materials selected and prepared by the permanent staff of the Institute would be forwarded to the appropriate consultants for their comments and suggestions. They would then be subjected to further scrutiny by the full-time staff, with a view to determining which are likely to have a relatively direct and immediate bearing on problems of legislation and legal decision. Finally, succinct monographs would be prepared, summarizing the extralegal data and indicating the fields of decision and legislation upon which the topics analyzed are likely to have a bearing.

IV

I come now to the second proposal — a suggestion for professionalizing administrators of criminal justice. I will not bore you with the sickly recitals of

corruption and inefficiency in public affairs of which we have evidence in almost every day's newspapers. All that need be said is that the time is long overdue for the systematic *professionalization* of all services dealing with delinquency, criminalism and other fields of human maladjustment cognizable by the law. Professionalization means not only relevant education and training but dedication to an ideal of service beyond the pressing task of earning a livelihood.

It is highly regrettable that some of our States seem to be unable to cope with widespread inefficiency and questionable practices in the administration of the criminal law and related branches. In 1936 I published a book called *Crime and Justice*,⁴ which analyzed the status of criminal justice in America from the points of view of inadequate personnel, inefficiency, corrupt practices and the general sluggish climate of public opinion in which such undesirable conditions are permitted to flourish. Because the book was rather widely read and reviewed, I was in hopes that it would stimulate much needed reforms. Yet, although ending it on an optimistic note, it is regrettable that, were I to write a new book to be entitled "*Crime and Justice Revisited*," it would have to be a very pessimistic jeremiad.

Today I am impelled to the conviction that some sort of fundamental, and symbolically striking, Federal intervention is called for. I suggest that there is a crying need in our country for a "*West Point*" for *Administrators of Criminal Justice*. While normally opposed to federalization of services that ought better to be performed locally or through voluntary efforts instead of by the central government,⁵ I believe that here is an area in which matters have become so desperate as to call for heroic measures.

If the Federal government were to establish an educational and training institution dedicated to raising the standards and vision of police officials, prosecutors, judges, correctional administrators and others concerned with criminal justice, then I believe earnest and dedicated young men and women would eagerly apply for places, just as youths have long competed for appointments to West Point, Annapolis and the Air Force Academy.

Such a Center need not, indeed should not, be located in some isolated spot apart from a great University in a large urban community. In a pardonable blend of pride and prejudice I suggest that the *West Point of Criminal Justice* be established at Harvard, its core and guiding center at the Harvard Law School. Harvard has long had a tradition of research

in the administration of criminal justice, beginning with the famous Cleveland Crime Survey, under the direction of Dean Pound and Professor Frankfurter, and carried forward (if I may be permitted to say so) in the numerous investigations of delinquency, crime and criminal justice conducted over the years by my wife and myself. Harvard has excellent facilities not only in law but in the medical, psychologic, anthropologic and sociologic fields; and by facilities I mean not only laboratories and libraries but, most important of all, creative scholars. In addition Harvard has one of the finest law and general libraries in the world.

The urgent need of the proposed Federal educational institution for administrators of criminal justice has recently been dramatized not only by the increasing requirement of counsel in juvenile courts, but by the Supreme Court's decision in the case of *Gideon v. Wainwright*.⁶ This pronounces, as indispensable to due process of law, that a State must furnish counsel to indigent defendants in the general run of criminal cases, not merely in such serious charges as murder, robbery or rape. It took a long time for the Supreme Court to climb the slippery slope of fair play in its varying interpretations of the Constitution's guaranty of the "right of counsel"; but, like Old Mother Hubbard's trek to the historic cupboard "to get her poor dog a bone" only to find the closet bare "when she got there," the Supreme Court, when it finally "got there," found the cupboard of justice devoid of a lawyer to aid the indigent defendant.

But of course the graduates of the West Point of Criminal Justice would not confine their activities to defense of the poor. I envisage their taking turns in the staffing of leadership at all stages and in all major activities of criminal justice. They would be employed in police departments, in prosecutors' offices, as specialized juvenile-court, family-court and criminal-court judges, as correctional administrators, as members of boards of parole. In brief, the time has arrived for developing a *specialist criminal lawyer* — or rather, a specialist concerned with problems of law involving persons more than property — who will dedicate himself to the public service both in and out of office and whose range of interests will include all stages of the administration of criminal law and related problems.

The West Point of Criminal Justice would of course train not only future Federal officials, but also State and municipal. It is to be anticipated that these

young cadets of justice will develop an *esprit de corps* analogous to the professional pride and warm camaraderie of the graduates of the academies for officers of the armed services.

THIS is of course not the occasion to go into detail; the various implications of the proposal require careful consideration. But certain principles occur on even preliminary reflection:

First, as to numbers, it seems wise to start modestly, with a student body of not more than a hundred. Even a few well-trained and dedicated young men and women in a community could raise the entire tone of criminal justice.

Secondly, it might be advisable to include in the project facilities for admitting not only regular students ready for academic and legal studies, but also a small group of graduate students (those already possessing a degree in law) as well as some younger practicing lawyers. These would be afforded the opportunity of one or two years of graduate study designed to give them interdisciplinary perspective, clinical contacts and guided experience.

Thirdly, one envisages an interwoven legal and extralegal curriculum, with not only the behavioral sciences but the humanities permeatively involved in the essentially legal program. To cite a few examples, the extralegal courses and seminars might include such topics as criminology and penology, relevant biologic sciences, theories of personality, behavior problems of childhood, puberty and adolescence, psychology of motivation, the socialization process in varied family structures, clinical problems of psychiatry, punishment in the light of the views of the systems of ethics, and even crime and correction in Utopian literature. Simultaneously with consideration of such topics there would be the fundamental courses in law, especially criminal law and constitutional law. Experimentation with various curricular patterns would aid in the selection and interweaving of relevant courses and seminars.

Fourthly, it would seem advisable to require students to pledge themselves to practice in the fields of criminal law, family law and juvenile delinquency law — preferably, though not exclusively, in public office — for a period at least equivalent to the time spent in obtaining their free education at the West Point of Criminal Justice.

Fifthly, while the Government should underwrite a minimal annual budget, there should also be provision allowing the educational institution to obtain

funds from various private sources, including foundations.

Finally, it ought to go without saying that neither the Government nor private sources of subsidy should in any way dictate the curriculum or the manner of instruction.

V

In the final analysis it is no neat plan or project but rather the soil of democracy that will bring forth either the beneficent foliage of order, justice and decency, or the foul growths of cynical corruption and social disintegration. Yet I believe that establishment of several Legal Interdisciplinary Institutes at various law schools and of a West Point of Criminal Justice for all America should contribute an energizing push to the groping reform movements on the horizon of justice.

Back in 1835, De Tocqueville, in his classic *Democracy in America*, expressed the conviction that "for democratic nations to be virtuous and prosperous, they require but to will it."⁷ How to motivate and energize that will and make it endure looms as one of the cardinal questions of our time. It may help us, in embarking upon this awesome task, to bear in mind the reflections of one of the nobler of the ancient Romans, the stoic yet humane emperor-philosopher, Marcus Aurelius. Meditating in the groves of the Eternal City almost two thousand years ago, he bade us, when sorely tried by the wickedness of men, to "think on this doctrine, — that reasoning beings were created for one another's sake; that to be patient is a branch of justice, and that men [often] do wrong without [really] intending it.

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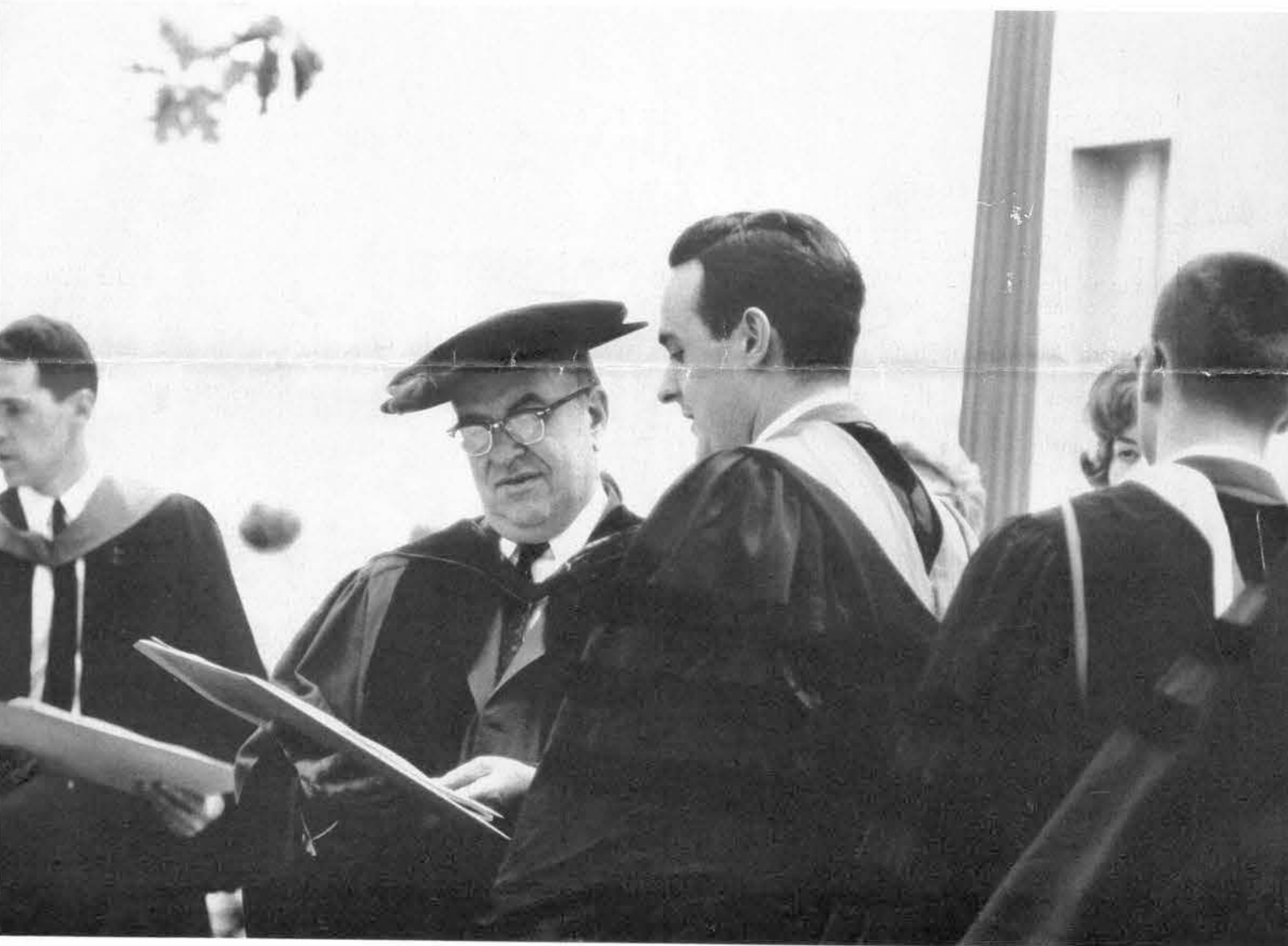
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HARVARD LAW SCHOOL BULLETIN

Volume Fourteen

June 1963

Number Six



Diplomas for the Class of 1963

SHELDON GLUECK

Classes Close

Research Redoubled



Sheldon Glueck

THE MAIN ARTICLE in this issue is taken from an address, delivered by Professor Sheldon Glueck, to alumni of the Law School and of the Graduate School of Arts and Sciences at their joint luncheon on June 12, 1963. He urges the establishment of new academic centers to aid the work of judges, legislators, government administrators, and attorneys.

Professor Glueck is known for his studies and honored for his achievements in many countries the world around. A prophet in his field, he is recognized too in Cambridge, together with Dr. Eleanor T. Glueck, his wife and co-worker, as a great thinker and researcher into the roots of delinquency and crime. Their work has drawn attention from scholars in many fields, for they have used and applied the concepts of many disciplines. And he is well known to generations of Harvard Law students, to whom he taught the fundamentals of Criminal Law. Among these are countless attorneys who have practiced actively, for the prosecution and for the defense, in the criminal law field.

Professor Glueck took his B.A. degree from The George Washington University, and the LL.B. and the LL.M. from National University, which later was merged with George Washington. Then began a long association with Harvard, first as a student and leading to

his A.M. and Ph.D. degrees. Next he served as an instructor in Criminology, in the Department of Social Ethics, from 1925 to 1929. In that year he joined the Faculty of Law as Assistant Professor of Criminology; he was made Professor of Criminology in 1932. In 1950 he became Roscoe Pound Professor of Law, the first holder of this chair. Besides the basic course in Criminal Law, he has taught a course on Criminology as Related to Criminal Law. In recent years he has confined his teaching to seminars for third year and graduate students, one on the Administration of Criminal Justice, and one on Juvenile Delinquency.

It is especially in the study of juvenile delinquency that Professor Glueck has built an impressive record for research and scholarly output. The books and articles which he has written, by himself or in collaboration with Mrs. Glueck, would require many lines to list, even if the bibliography were confined to those printed in English; much of the work appears also in foreign languages. To name but a few, the books range from early titles, such as *One Thousand Juvenile Delinquents* (1934), and *Five Hundred Delinquent Women* (1934), *Later Criminal Careers* (1937), which analyzed and catalogued some attributes of these people, to the later works which

reveal exciting data on the early signs of delinquency, such as *Predicting Delinquency and Crime* (1959), *Physique and Delinquency* (1956), and *Family Environment and Delinquency* (1962).

In recent years it has become almost a tradition in the BULLETIN to publish the news of the retirement of members of the Faculty. It therefore seems appropriate to make it known that Mr. Glueck will shortly become Roscoe Pound Professor of Law, *Emeritus*. It is difficult to use the phrase "Mr. Glueck retires"; his research is still going full steam ahead, with plans and programs mapped out for many years ahead. In the near future the Gluecks have arranged to put some of the data, which they have gathered during thirty years of research, through Harvard's giant IBM 7090 computer in a series of experiments. By this procedure they will be able to compare, point by point in scores of ways, hundreds of criminal careers and increase the understanding of why some people turn to delinquency.

While Sheldon Glueck will not be formally teaching classes, he will still be found in his offices at the School, in Langdell and in Westengard House, available to consult with students and help them with their problems in the subject in which he is the preeminent authority.

HARVARD LAW SCHOOL BULLETIN—JUNE 1963

RUSSELL H. PECK, *Editor*

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COPY

January 25, 1965

Professor Joseph D. Lohman
Dean, School of Criminology
University of California
Berkeley, California

Dear Joe:

Just a note to say I have received and read your excellent article, "Changing Patterns of Crime."

I am sending it in to the Vice President for his perusal. I hope you will keep sending similar material to us whenever you feel it is relevant. I think we can make a contribution in this area.

Best wishes.

Sincerely,

John G. Stewart
Assistant to the
Vice President

CLASS OF SERVICE

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W. P. MARSHALL, PRESIDENT

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HON HUBERT H HUMPHREY

SENATE OFFICE BLDG WASHDC

IN VIEW OF THE PRESIDENTS SPEECH I URGENTLY REQUEST YOU TO
CONSIDER MY LETTER CONCERNING ESTABLISHMENT OF NATIONAL ACADEMIES
OF CRIMINAL JUSTICE ONLY IN THIS WAY CAN NATION WIDE ATTENTION
BE FOCUSED ON THE NEED FOR NEW GENERATIONS OF QUALIFIED LAWYERS
JUDGES AND ADMINISTRATORS WHO ARE NECESSARY FOR FUNDAMENTAL
REFORM A DRAFT BILL FOLLOWS THIS WEEK

SANFORD J FOX BOSTON COLLEGE LAW SCHOOL

*File with
PC*

COPY

JGS/rmc

92-~~99~~ Jud. Crime

December 17, 1964

Mr. Sanford J. Fox
Associate Professor of Law
Boston College Law School
Brighton 35, Massachusetts

Dear Mr. Fox:

I have been so terribly busy recently that I have not had an opportunity yet to read your interesting letter on the administration of criminal justice.

I know this is indeed a serious problem and I want to give your letter the attention it deserves. I hope to read it in the very near future and will be writing you again at that time.

Best wishes.

Sincerely,

Hubert H. Humphrey

Boston College Law School

Brighton 35, Massachusetts

December 6, 1964

Hon. Hubert H. Humphrey
United States Senate
Washington, D. C.



Dear Senator Humphrey:

As a result of recent conversations with my friend, colleague and former professor, Sheldon Glueck, I am impelled to write to you concerning the need for basic reform in the administration of criminal justice. I am taking this opportunity to express my views since I know of your interest, and that the Johnson-Humphrey administration may be formulating policy in this area. Specifically, I would like to suggest that of all the alternatives that might be embraced in a policy of reform none focuses the authority and prestige of the government on the fundamentals of the problem as does Sheldon Glueck's "West Point" proposal.

I apologize for the length of this letter, but the need to say much immediately requires me to plead that you read it through before deciding on a course of action.

In Professor Glueck's June 1963 speech proposing the "West Point," he referred to a situation that constitutes a national disgrace. He spoke of the lack of qualified criminal lawyers, a tragedy reenacted daily in courtrooms across the land. This is, in itself, sufficient cause for concern: accused persons improperly persuaded to plead guilty, trials incompetently conducted, and when it comes to the all-important sentencing decision, lawyers on both sides of the bench are almost entirely without skill or meaningful training in the assessments of human personality that must then be made. Yet this degeneration of standards is only symptomatic of a still more pervasive disfigurement of the face of justice since the bar stands at the very core of the system. When its abdication of responsibility reaches the magnitude of its present proportions, it is quite natural that standards fall generally. The quality of police

practices, of correctional administration and relations with other disciplines that have so much to offer an alert system of justice - all reflect the decline. Without the informed, educated and enlightened leadership that falls as a natural responsibility on the shoulders of lawyers, the level of our civilization - which Mr. Justice Frankfurter wisely pointed out can be estimated by the quality of our penal law administration - can advance not very far. It would thus seem clear that the Great Society and basic reform in the training of criminal lawyers are intimately connected.

This is especially true since the criminal law problem is most immediately felt by the lower socioeconomic classes. It is true that no class has a monopoly on crime, but distressed persons do have a corner on the market of helplessness against the follies of our system. It is rarely the educated or wealthy man whose life or liberty is chained to the limitations of a poorly trained, badly motivated and professionally ostracized attorney.

The immense importance of this question requires that various alternative schemes be considered so as to insure that the progress sought is real and steps taken are designed to meet central rather than peripheral issues. Indeed, it would be a negative achievement, an encouragement to cynicism and further deterioration, for the basic problem to survive intact the impact of what has been billed as a major reform, sponsored and supported by the federal government.

In the matter of alternatives I would like to speak candidly. Many would suggest that the situation is righting itself. Thus Russel D. Niles, then Dean of the New York University School of Law, wrote on November 12, 1963 to Senator Javits that "many law school administrators are now taking bold steps to make up for lost time." As an example, he cites an N.Y.U. project which shows that persons unable to raise bail may frequently be granted pre-trial liberty nonetheless. In spite of the fact that this same conclusion had been forcefully demonstrated in a Chicago study in the 1920's, I think the N.Y.U. reassertion of it is important and worthwhile. But it makes zero progress on meeting the central problem - the revitalization of the criminal bar.

The Department of Justice, too, has training programs in penology that are both necessary and effective in permitting its Bureau of Prisons to operate at its maximum effectiveness. Several of the states have similar programs for corrections personnel. But isn't this quite beside the point too?

Mention of other on-going educational efforts that are related and may be being considered for sponsorship by your administration should include the judge-training programs in various parts of the country. Justice Clark, for example, is very much involved in the "college" for state trial court judges at Denver. The National Council of Juvenile Court Judges is just completing a three year pilot program of judge instruction and has applied for further federal support to continue and expand its work. There are at least half a dozen more - and they all perform a vitally needed service. But they are (1) remedial in nature, coming as a result of obvious short-comings in the formal education available to those who man the juvenile and criminal court benches, and (2) many of them are only tangentially concerned with the specialized problems of criminal justice.

Similar "adult education" is available to the practicing bar from time to time, and it may be that a case can be made for massive expansion of programs such as the one day affair recently conducted in Boston by the New England Law Institute on How to Try a Criminal Case, and the Short Course for Prosecutors and Defense Attorneys given at Northwestern. But given the limited time busy lawyers have for this, it is probably unrealistic to expect as much as a whole week to be set aside by many for further training in criminal justice. And one, two or ten weeks is simply not enough to do the job that should have been done in law school.

Speaking of law school, there are, of course, wide variations in the extent to which different schools view their responsibilities in this area. Georgetown, Northwestern and the University of California at Berkeley all offer the opportunity for a degree of specialization in criminal law that is usually not available elsewhere. It may be that Senator Saltonstall had these in mind when he wrote to Professor Glueck on June 25, 1963 that "Still another alternative is a course in the Law School which could be considered in connection with a degree. I assume it would

December 6, 1964

be an elective course." Without going into the details of a curriculum, I can assure you that one course, or the four courses that now constitute available specialization, fall short of placing criminal law administration - at all levels - on a truly professional basis. The essential ingredient for accomplishing this is recognition, in a bold and fundamental way, by the federal government that basic reform is demanded.

I have tried to indicate briefly why federal action in the form of sponsorship of present programs would fall short - far short - of the mark. The programs are particularistic, overly remedial, and usually tightly tied to the same sort of traditional criminal law training by which law schools have, over the years, effectively drained all interest in criminal law from their students.

From time to time the suggestion has been made that there should be a grant-making, research-stimulating division set up in the Department of Justice that would relate to police, probation, parole and corrections functions as well as to law school projects. To what extent does this provide a solution? Consider foremost the matter of training future criminal law counsel and judiciary. Presumably funds would be made available to law schools to institute a truly long-range and specialized training program. Even if this training is "perfect", however, the patent and prodigious defect is that there is none of the prestige and authority of the federal government visible in the reform. The commitment of the government to the values of reform would appear with the announcement of the new agency and then would quietly settle below the horizon as federal participation became limited to giving away money, leaving the situation virtually as bad as it is now. I don't think it unfair to observe that law school training in criminal law is presently as poor as it is not because of lack of finances. The best endowed schools are among the farthest behind. History seldom demonstrates that money creates an imagination where none existed before. So even my assumption as to the quality of what will be produced by way of trained lawyers is hardly a justifiable one.

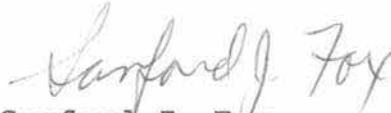
I cannot convey too strongly my concern that such a fundamental problem as we are involved with should go unsolved by an administration commitment to trying to make the problem go away by throwing money at it.

December 6, 1964

This is not meant to be an argument against either government action or federal spending. In situations where government seeks to exert its monopoly of force against individual citizens, there is no room to argue for government inaction. And there is no proposal more worthy of federal support - because it meets head-on the basic issues - than Sheldon Glueck's "West Point" idea. A bill has been drafted that sets this up as the Roscoe Pound Academy of Criminal Justice. I am arranging to have proofs of this bill sent to you in the next few days so that you can see in detail the vitality of the continuing and visible federal sponsorship, the multidisciplined breadth of the envisaged educational program and the arresting structure of the proposal designed to spark a new era in criminal law training. Creation of the Roscoe Pound Academy would, of course, not preclude federal financing of research or other related programs. The central point is that a grant-making agency does not do the job while the Academy proposal does. I sincerely hope that you will have an opportunity to review it before any commitment to reform measures is made.

I am, of course, most eager to provide you any further information you may desire.

Sincerely yours,



Sanford J. Fox

Associate Professor of Law

SJF:s



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