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Crime in the United States: The Federal Response

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CRIME IN THE UNITED STATES: THE FEDERAL RESPONSE

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CRIME ABSTRACT

Polls show that Americans view crime as one of the most important problems facing this country today. From 1960 to 1975, the number of serious crimes reported to the FBI increased by 232 percent and the crime rate nearly tripled. Innumerable studies of the crime problem have been conducted, a host of remedies have been suggested, and expenditures for the criminal justice system have tripled in recent years. Yet there are still no certain solutions for reducing crime substantially in the near future. There is, however, general agreement that the whole criminal justice system is in need of re-evaluation.

The role of the Federal government in the war on crime is an important one, but it is limited because criminal law and its enforcement are primarily within the jurisdiction of State and local governments. The legislative jurisdiction of Congress falls into two general areas: legislation affecting the policy and operation of the Federal criminal justice system, and legislation providing monetary and technical assistance to States and localities to improve their criminal justice systems. Recent issues which fall into the first of these categories include Federal criminal code reform, gun control, reform of Federal sentencing and parole procedures, capital punishment, and control of the traffic in narcotic drugs. Federal activities in the second category, assistance to State and local governments, have been justified by the increasing threat crime poses to the national welfare and by the nationwide scope of the problem. The Law Enforcement Assistance Administration is the major Federal program providing such financial aid and technical assistance. There has also been a growing interest in recent years in providing Federal assistance to State programs for compensation of victims of violent crimes.

Many officials and experts agree that there are some specific reforms that can be made which should help reduce crime in the future. Whether or not such steps will be taken depend to a great extent upon the availability of financial resources and the willingness of the public to spend those resources for crime control.

CRIME IN THE UNITED STATES: THE FEDERAL RESPONSE

TABLE OF CONTENTS

CRIME IN THE UNITED STATES: THE FEDERAL RESPONSE

INTRODUCTION

A Gallup Poll conducted in June 1975 indicated that almost half the population of this country fears walking alone at night in their own neighborhood. A May 1976 poll showed that Americans view crime and lawlessness as the fourth most important problem facing this country today. A look at a few statistics may indicate why there is such widespread public concern about crime.

First, there's more crime in the United States than in any other Western nation, more this year than last year, and much, much more than in 1965 when the Gallup Poll reported that for the first time Americans viewed crime as one of the most important problems facing the nation. From 1960 to 1975, the number of serious crimes reported to the FBI increased by an alarming 232 percent, and the crime rate nearly tripled.

Second, crimes of violence -- those that most terrify people -- had an even sharper increase, leaping 256 percent from 1960 to 1975. Murder jumped 125 percent; forcible rape went up 226 percent; and robbery more than quadrupled.

Third, statistics have shown that, given the rate at which homicide is increasing in our major cities, an urban American boy born today is more likely to die by murder than an American soldier in World War II was to die in combat.

Fourth, although the cities remain the major centers of crime, the rate of increase is now actually greater in the suburbs and rural areas.

And fifth, the total crime bill in this country is estimated at nearly $90 billion per year -- an average of about $420 for every man, woman and child in the United States.

In 1967, the President's Commission on Law Enforcement and Administration of Justice noted that "there is probably no subject of comparable concern to which the nation is devoting so many resources and so much effort with so little knowledge of what it is doing." Since that Commission report, innumberable experts have studied the crime problem, a host of remedies have been suggested and tried, and expenditures for the criminal justice system have tripled. Yet today the situation remains much the same. Officials still see no end to the frightening rise in crime. No one has offered credible solutions to reduce crime substantially in the near future.

One reason there has been so little progress in devising solutions is that there is too little agreement about the basic cause of crime. The blame has variously been assigned to unjust social conditions, to the permissiveness of society, to unemployment and inflation, to leniency by the courts, and to the moral depravity of a few chronic offenders. But whatever the causes of crime, there is general agreement that some new methods must be found to deal with it, and that the whole criminal justice system — from criminal codes to prisons to parole procedures — is in need of re-evaluation.

The role of the Federal government in the war on crime is an important one, but it is limited in that criminal law and its enforcement are primarily within the jurisdiction of State and local governments. Therefore, the legislative jurisdiction of Congress falls into two general areas: legislation affecting the policy and operation of the Federal criminal justice system, and legislation providing monetary and technical assistance to States and localities to improve their justice systems. In addition, one of the important functions of Federal criminal legislation is to serve as a model for State legislatures. These various roles of the Federal government will be discussed in the context of the completed legislative activity of the 94th Congress and the likely future concerns of the 95th Congress and beyond.

I. FEDERAL CRIMINAL LAW

The United States Constitution provides that any authority not specifically vested in the Federal government is to be reserved to the States. The Constitution contains no express grant of power to the Federal government for the enactment of criminal laws. Consequently, Federal criminal laws are limited to crimes which occur within the special maritime and territorial jurisdiction of the United States, e.g., military bases or American ships on the high seas; or such laws must be enacted pursuant to the exercise of some other power expressly granted to the Federal government, e.g., the power to regulate interstate and foreign commerce. Recent issues which fall into one or both of these areas of Federal concern include Federal criminal code reform, gun control, reform of Federal sentencing and parole procedures, capital punishment, and control of the traffic in narcotic drugs.

Criminal Code Reform

It has long been suggested that the Federal criminal law is in need of a thorough reorganization. Criminal statutes are currently spread in a haphazard fashion through most of the fifty titles of the United States Code. These statutes were enacted piecemeal by Congress over the past 200 years, and in many cases they are conflicting, contradictory and imprecise — with little relevance to each other or to the criminal justice system as a whole. The result has been not only confusion, but illogical and often unfair discrepancies in application of the law.

One of the major causes of the problem is the sheer volume of the statutory provisions. Scattered through the fifty U.S. Code titles are some 70 theft offenses, 80 forgery or counterfeiting offenses, 50 false statement offenses, and 70 arson or property destruction offenses -- all carrying different penalty provisions so that persons convicted of similar offenses might be subjected to vastly disparate fines or terms of imprisonment. Other provisions have become outdated but have never been repealed. For instance, six months imprisonment is still provided for the crime of detaining a government carrier pigeon. Furthermore, a substantial portion of Federal criminal law is not recorded anywhere in the U.S. Code, but is the product of case-by-case judicial decision. Since judicial interpretation and application of the law can vary from one Federal court to another, differing standards of justice may be applied throughout the United States.

Over a decade ago Congress called for a complete reexamination of the Federal criminal justice system when it created the National Commission on Reform of Federal Criminal Laws (Brown Commission). Since 1970 when the Commission submitted its final report, Congress has been considering legislation to create a comprehensive new Federal criminal code. The Senate Subcommittee on Criminal Laws and Procedures conducted extensive hearings and a number of major bills were introduced in both the 93d Congress and the 94th Congress. In October of 1975, the Subcommittee unanimously reported a bill, S. 1, to the full Senate Judiciary Committee. A great deal of controversy surrounded this bill, however, and no further action was taken by the 94th Congress to revise Federal criminal laws.

Critics of S. 1 were mainly concerned about several provisions which they viewed as repressive and potentially detrimental to individual rights, especially the First Amendment rights of free speech and a free press. For example, one highly criticized portion of the bill would have created new crimes in the areas of disclosing and publishing classified government information. Other controversial provisions included one that would have virtually eliminated the insanity defense in Federal criminal trials and another that would have established a set of defenses for public officials, dubbed the "Ehrlichman defense," which would excuse Watergate-type offenders on the grounds that they were obeying orders or believed they were following the law.

Some critics, including the American Bar Association, objected to the bill's sentencing provisions which they viewed as unjustifiably severe. Although compromises were sought with proponents of the bill in most of these areas, many opponents insisted it was too cumbersome to change and should be scrapped.

Supporters of S. 1, on the other hand, countered that the bill was the product of years of careful work, that it contained important tools for better law enforcement, and that it represented a giant step over current law. They argued that the bill was amendable and that the disputed provisions constituted only a small portion of it and should not be allowed to stand in the way of the much-needed reforms.

Considering the years of study by the Brown Commission, followed by the years of hearings, drafting, and other legislative work that have so far gone into Federal criminal law reform, it seems likely that the matter will be of concern to the 95th Congress and perhaps to even more future Congresses. Every issue, every controversy associated with crime in the United States either has been or could be addressed in future comprehensive legislation of this nature; e.g., what defenses should be recognized in Federal criminal cases? what should be Federal law with respect to wiretapping, drug abuse, gun control? what should be the structure of the Federal sentencing system? Despite disagreement over the appropriate answers to specific questions such as these, there is widespread agreement that the United States is in need of a comprehensive new Federal criminal code -- one that will not only update, simplify and make consistent Federal laws but will also serve as a model for State criminal code reform.

Gun Control

The latest FBI crime statistics show that 66 percent of the homicides, 25 percent of the aggravated assaults, and 45 percent of the robberies committed in this country in 1975 involved the use of firearms. Many Americans believe that stricter control of firearms, especially handguns, is necessary in order to halt our increase in violent crime. They point to the low rate of violent crimes in countries like Great Britain and Japan where firearm ownership and use are strictly regulated. On the other hand, opponents of gun control argue that American citizens have the constitutional right "to keep and bear arms," that criminals and not guns are the cause of crime, and that if private possession of firearms is banned only criminals will have guns and law-abiding citizens will be left defenseless. They maintain that the low crime rates in countries like Great Britain and Japan stem from factors other than their strict regulation of firearms.

Although the battle over gun control in many instances has been and is being waged at the State and local levels, many proponents of strict firearms regulation have insisted that the lack of uniformity of State and local laws makes them virtually unenforceable and that only a strong Federal law can produce effective results. Congressional supporters of this position succeeded in 1968 in passing the Gun Control Act which prohibited the interstate sale of firearms, set forth categories of persons to whom firearms or ammunition may not be sold (such as persons under a specified age or with criminal records), and prohibited the importation of non-sporting firearms.

But the debate over gun control did not end with passage of that law. In each Congress since that time, large numbers of bills on the subject have been introduced. These proposals have ranged from those seeking even stronger restrictions -- such as banning private possession of handguns -- to those that would abolish all forms of gun control. The interest of the 94th Congress was focused primarily on handguns, the guns used most often in crimes. Both the House Crime Subcommittee and the Senate Juvenile Delinquency Subcommittee held hearings on a wide variety of proposals, including:

-- national registration of handguns;

-- national licensing as a prerequisitet to handgun ownership;

-- prohibition of the further manufacture or sale of any handguns, or of "concealable" handguns;

-- total prohibition of the private possession of handguns;

-- police clearance or waiting periods for handgun purchases; and

-- added penalties against persons who use a gun in committing crimes.

The House Judiciary Committee reported a bill which would have resulted in the banning of the further production and sale of an estimated 54 percent of handguns currently manufactured. A similar proposal was approved by the Senate Juvenile Delinquency Subcommittee but no final action on firearms control was taken by the 94th Congress.

The debate over gun control is an old one, and over the years there has been very little shifting of opinion among the opposing groups, nor have the arguments changed substantially. A curiosity of the situation is that public

opinion, as measured by the polls, has for years and by large majorities favored strengthening gun control measures. However, such proposals invariably meet the resistance of a powerful body of opinion that is not merely opposed to, but outraged at, suggestions of requiring nationwide registration of firearms or of limiting their availability to law-abiding citizens. Given the intensity of feelings surrounding this issue, it is sure to remain a live one -- perhaps for many more years to come.

Sentencing and Parole Reform

The sentencing and paroling processes in this country have recently come under serious attack. Virtually every State and the Federal government operate under a system of indeterminate sentencing for most offenses. Under this system considerable discretion rests with judges to set the outer limits of confinement (for example, the law might provide for a sentence of not less than two nor more than six years), but the real power to determine the length of a convicted criminal's sentence rests with parole boards that decide when a prisoner is "rehabilitated" and should be released into society. Once viewed as a major reform designed to individualize the treatment of criminals, there is now widespread discontent with this system. Indeterminate sentencing has fallen out of favor with some of its critics because they believe that rehabilitation efforts are largely fruitless, that parole boards cannot predict the future conduct of releasees, and that too many dangerous criminals are released into society too soon. A study in New York found that in a typical five-year period, half of the prisoners on parole commit a crime or violate parole rules. Other critics of indeterminate sentencing are dissatisfied because they feel it permits vast, often unfair disparities in sentences, and it gives administrative authorities undue control over prisoners' lives.

Many people believe that this system of sentencing should be replaced entirely by legislatively fixed sentences. Four major reform proposals along these lines are currently receiving serious attention:

(1) Flat-time sentencing -- Under this system a legislature would prescribe a single sentence for each crime which would be imposed in every case and which would be served in full with the only possible reduction being for good behavior.

(2) Mandatory minimum sentencing -- This proposal calls for mandatory imposition of at least a prescribed minimum sentence (often 2 years) for certain crimes, especially violent ones. The effect of such a scheme is to eliminate all discretion to go below the minimum sentence (although a higher sentence could be imposed) which must be served in its entirety for a given crime regardless of the circumstances.

(3) Presumptive sentencing -- Under this approach, the legislature would not only decide the minimum and maximum sentence for a given crime, it would also decide what sentence the typical offender should receive, i.e., the presumptive sentence. The trial judge would have the power to raise or lower the sentence (within the maximum and minimum limits) based on legislatively specified mitigating or aggravating factors, but he would have the burden of justifying in writing any such departures from the presumptive sentence.

(4) Abolition of parole -- Proposals to abolish the parole system are intended to assure that trial judges determine the precise sentence an offender is required to serve. This goal is closely related to the above sentencing reform schemes.

Proponents of these various proposals argue that fixed term sentencing will increase the certainty that punishment will be imposed and time will be spent in prison, and they point to several studies that indicate that certainty of punishment has a significant deterrent effect on many forms of criminal behavior. They also argue that even if there is no particular deterrent effect, mandatory incarceration of more offenders could slow down the rising crime rate simply by getting more criminals off the streets. Finally, proponents point out that fixed sentencing does away with sentencing disparity and assures all offenders of even-handed treatment.

Support for fixed sentencing is, however, by no means universal. Flat-time and mandatory sentencing have been criticized as too extreme -- threatening, by eliminating all flexibility, to create a system that will produce major injustices of its own. Mandatory sentencing has also been criticized as ineffective because prosecutors, judges and juries will circumvent harsh results by not charging, charging a lesser offense, or not convicting. Many criminal justice officials fear that mandatory sentencing will add to prison overcrowding. Moreover, a 50-State survey of corrections officials showed that 63 percent of the Nation's prison officials still believe that rehabilitation programs can change inmate behavior for the better. The American Corrections Association has issued a statement maintaining that indeterminate sentencing and parole are needed in order to motivate inmates to take advantage of rehabilitation programs.

Presumptive sentencing probably comes closest to satisfying the demands of both sides. This system has been recommended by the Task Force on Criminal Sentencing of the Twentieth Century Fund in its recent report Fair and Certain Punishment. Proponents of presumptive sentencing see it as a step in the direction of flat-time and mandatory minimum sentencing without eliminating all discretion in truly extraordinary cases.

Several bills were introduced in the 94th Congress relating to Federal sentencing and parole reform. Several of these would have established systems of mandatory minimum or presumptive sentencing similar to those described above. Another measure would have dealt with the problems of sentence disparity by establishing uniform criteria which all Federal courts must consider in formulating a sentence for a convicted defendant. This measure also would have provided for appellate review of sentences and would have established an independent Commission on Sentencing to promulgate specific sentencing guidelines for the Federal courts. No action was taken on any of these proposals. However, since interest in sentencing and parole reform is so widespread at both the Federal and State levels, it seems likely that similar proposals will be brought before the 95th Congress for consideration.

Capital Punishment

On July 2, 1976, the Supreme Court issued five opinions in which it dealt comprehensively with the constitutionality of the sentence of death for first degree murder and with the procedures under which it can be properly imposed. In the case of Gregg v. Georgia, 428 U.S. ___ (1976), the Court held that capital punishment for the crime of murder does not per se constitute cruel and unusual punishment within the meaning of the Eighth Amendment, and it upheld Georgia's death penalty statute which provides that the jury must find at least one of ten specific "aggravating circumstances" before it can impose the death penalty. Two companion cases upheld similar statutes in Texas and Florida. In the case of Woodson v. North Carolina, 428 U.S. ___ (1976) and another companion case, the Court disapproved of statutes making mandatory the imposition of the death penalty for certain offenses. The Court pointed out that because death is a punishment different from all others in kind and degree, a sentencing procedure must provide a means for considering the uniqueness of each defendant and the aggravating and mitigating circumstances of each case. In sum, what the Supreme Court has approved is a statutory system of "guided discretion" for imposition of the death penalty.

These five decisions notwithstanding, the debate over the desirability of capital punishment as a feature of the Federal criminal sentencing structure is sure to continue. Those who would abolish the death penalty argue that it is morally wrong, that its arbitrary and discriminatory imposition cannot be remedied, and that it has no demonstrated deterrent effect on the commission of crime unique from that of other penalties such as life imprisonment. Proponents of capital punishment maintain that the death penalty does have a unique deterrent effect in some cases, that there is a class of criminals who are and always will be menaces to society and who pose permanent physical threats to jailers, other inmates and society at large, and that society has a right to express its moral outrage in this way at particularly heinous offenses.

One of the most controversial issues surrounding Federal criminal code reform proposals has been whether to revive the death penalty for certain Federal offenses or whether to abolish it. The controversy is sure to arise again if criminal code reform legislation is reconsidered in the 95th Congress, or if other measures are introduced calling for the death penalty for certain offenses such as kidnapping or the murder of firemen or law enforcement officers.

Narcotics Control

In the United States, the use of certain dangerous drugs, especially heroin, is regarded not only as a matter of concern on public health grounds but also as an important facet of the larger crime problem. One estimate widely quoted is that in certain cities narcotic users are responsible for at least fifty percent of all property crime. Moreover, in recent years increases in the number of street robberies by such persons have been noted. Although a majority of Americans probably view drug dependency as destructive to society in general, a major impetus for government efforts to control the problem has stemmed from its presumed relationship to the commission of crime.

During the course of an over 100-year history of governmental attempts to control dangerous drug use in this country, a number of approaches have been employed. Until the mid-1960's the Federal interest was for the most part in the regulatory area. In the past decade, however, there has evolved a complex network of grant and contract programs which in one way or another provide Federal assistance for treatment, rehabilitation, research, training and education. Although the appropriate funding levels and emphases of these programs are an ongoing matter of Congressional concern, current major issues in the drug abuse control area relate to law enforcement.

Four major drug law enforcement concerns held the attention of the 94th Congress and promise to be of continuing interest to the 95th. These are:

-- mandatory penalties for narcotics traffickers;

-- preventive detention of traffickers awaiting trial or sentencing;

-- the organization of the executive branch effort to enforce the regulatory statutes; and

-- ways of getting other nations to cooperate in measures to curb the international drug traffic.

Proponents of mandatory penalties for narcotics traffickers argue that these are necessary because lenient judges will not otherwise hand down sentences commensurate with the seriousness of the crime. Opponents either see such laws as counter-productive because juries are more reluctant to convict if penalties are severe, or they uphold the desirability of judicial discretion with sentencing tailored to the individual case. As for preventive detention proposals, the Drug Enforcement Administration has long maintained that a major problem in drug law enforcement is the fact that traffickers released on bail pending trial or pending sentence after conviction frequently go back to selling drugs. Essentially the argument is made that these people constitute a special category of offender who pose such a menace to society that they should not be released pending trial or sentencing as other less dangerous offenders are. Opponents of preventive detention contend that it is violative of the Eighth Amendment proscription against excessive bail and the Fifth Amendment due process clause. They argue that other less objectionable methods, such as speedier trials, are the proper solution.

For many years there has been an intense debate in this country over policy initiatives for dealing with the problem of dangerous drug use. Essentially, the argument has been between advocates of a "law enforcement" policy (which would emphasize shutting off the international traffic, arresting more traffickers in the United States, and making greater use of civil commitment, detoxification, and methadone maintenance programs for addicts), and the advocates of a "decriminalization" policy (which would eliminate the use of criminal sanctions against drug users and in some cases would permit the distribution of heroin to addicts through government controlled clinics). The underlying principles behind these two views will continue to influence our approaches to dealing with the drug abuse problem in this country.

II. FEDERAL ASSISTANCE PROGRAMS

Although crime control is recognized as basically the responsibility of State and local government, Federal activities in this area beyond those dealing with the Federal criminal law have been justified in light of the increasing threat crime poses to the national welfare and the nationwide scope of the problem. Basically, such Federal programs have been designed to provide financial and technical assistance for the States, localities, and appropriate public and private agencies to assist them in improving their criminal justice systems and their general capabilities to cope with crime.

Law Enforcement Assistance Administration

The Law Enforcement Assistance Administration (LEAA) within the Department of Justice, created in 1968 by Title I of the Omnibus Crime Control and Safe Streets Act, is the major Federal program providing financial aid and technical assistance for strengthening State and local law enforcement and criminal justice systems, and improving crime prevention and control. The total amount appropriated for LEAA's programs for fiscal years 1969-76 approaches $5 billion.

LEAA's authorization expired at the end of fiscal year 1976, and the 94th Congress passed legislation reauthorizing the program for an additional three years (P.L. 94-503) at reduced spending levels. While there was never any question that legislation extending LEAA beyond 1976 would be enacted, the debate intensified on the agency's effectiveness and on the possible need for substantive reform of its program. Concern about LEAA's effectiveness was heightened by the recent sharp increases in crime, reported by the FBI to be up 18 percent in 1974 and another 10 percent in 1975. While it has never been seriously claimed that the success or failure of LEAA could be measured by fluctuations in the crime statistics, increases of these magnitudes have led some to question the value of the multibillion dollar Federal program. Supporters of the program have argued that the LEAA funds have constituted only about 5 percent of the total funds spent on State and local law enforcement and criminal justice, and that the primary responsibility for crime control rests with State and local governments.

Another issue is whether LEAA can be expected to provide leadership -- not just financial and technical assistance -- in the nation's efforts against crime in view of the relative autonomy allowed the States under the program's block grant system. In short, this debate is over the desirability of attaching "Federal strings" on the uses of the grants by States and localities. Opponents argue that the States should be allowed to determine their own law enforcement needs and the Federal role should remain limited, while supporters of such controls argue that LEAA essentially has served only to subsidize the ineffectual criminal justice system it was created to reform.

Still other issues addressed by Congress during consideration of LEAA's reauthorization included: the need for special emphasis programs relating to court reform; aid to high crime areas; and LEAA's alleged failure to evaluate the programs it sponsors and to disseminate information on them. These issues promise to remain of major concern, particularly in the context of future appropriations for and reauthorizations of LEAA.

Victims of Crime

There has been a growing interest in recent years in providing compensation for the victims of violent crime through programs financed by the Federal and/or State governments. The first contemporary jurisdiction to set up a crime victim compensation program was New Zealand, which did so in late 1963. Great Britain followed suit in 1964, and since then several other British Commonwealth and European countries have adopted such legislation. In this country there are at least 17 States that have enacted programs to assist crime victims. Many of these States are facing serious budgetary problems and are finding it difficult to fund these programs.

Proponents of governmental compensation for crime victims base their arguments on various rationale. One is "society's failure to protect." This theory suggests that when an individual has been injured by a criminal act, society has failed to carry out its responsibility to protect that person. Since civilized society forbids a person to take the law into his own hands and seek private vengeance, it should compensate him when it has failed to protect. A second rationale behind crime victim compensation programs is the need to combat the individual citizen's alienation from society and to encourage citizen participation with law enforcement agencies. Finally, proponents argue that if there is a Federal interest in helping States prevent crime and in helping them to apprehend, try and imprison criminals, as is done by LEAA, then there should also be a Federal interest in helping States to assist the victims of those criminals.

Opponents of Federal assistance to State victim compensation programs argue that although compensating crime victims can be a legitimate governmental activity, such programs are essentially charitable in nature and not the result of any absolute governmental liability to its citizens. Second, since the Federal government has no responsibility for the enforcement of a State's criminal laws, it therefore has no responsibility for compensating its victims. And third, opponents are also concerned about the costs of such a program. No precise estimate is available, but conjectures range from $18 million to $70 million annually.

Legislative activity in this area has centered chiefly in the Senate, which has passed measures establishing crime victim compensation programs on six separate occasions since 1972, including once in the 94th Congress. Basically these Senate-passed measures would have established a Violent Crimes Reimbursement Board to provide compensation directly to victims of Federal crimes, and would have authorized the Law Enforcement Assistance Administration to fund up to 90 percent of the costs of State victim compensation programs substantially similar to the Federal program. Also in the 94th Congress, the House Judiciary Committee reported favorably a bill which would establish a violent crimes reimbursement program under the authority of the Attorney General to make grants to qualifying State programs. Such grants would be equal to 100 percent of the cost to the States of compensating victims of Federal crimes and 50 percent of the cost of compensating victims of State crimes, excluding administrative costs.

Another type of victim compensation legislation, the Public Safety Officers' Benefits Act, was passed into public law by the 94th Congress (P.L. 94-430). Under this new program, the Law Enforcement Assistance Administration will pay a $50,000 gratuity to the surviving dependents of State and local policemen, firefighters and corrections personnel killed in the line of duty.

CONCLUSION

Americans for years now have been frightened, angered and dismayed by constant increases in crime. Aside from those measures of recent Congressional interest already discussed, many officials and experts agree that there are some specific reforms that can be made which should help reduce crime in the future. Most of these suggested reforms are measures which are primarily the responsibility of States and local governments, and whether or not such steps will be taken depends to a great extent upon the financial resources available to the States and localities, and upon the willingness of the public to allocate those resources for crime control purposes. There is also an interesting case to be made that much of our inability to curb crime results from societal value choices. This thesis holds that where available crime suppressing or deterring measures impinge on other values such as cultural diversity, individual rights, privacy, or freedom of the press, then in effect we choose to tolerate the crime rate. Such considerations apart, the following suggestions represent some of the current thinking about how to reform the law, the courts and the prisons.

Court Reform

Case loads have doubled in the past ten years, but the number of judges has increased by only 25 percent. This has led to crowded court dockets, case backlogs, and lengthy pretrial delay. Largely because of the need to lighten court loads, an estimated 90 percent of felony cases nationwide are now handled by plea bargaining with the result being that many serious criminals get off with light sentences. More judges, prosecutors, public defenders, clerks and courtrooms are urged to expedite the trial and assure the conviction of dangerous criminals.

Juvenile Justice

The juvenile courts are even more badly glutted than adult courts, largely because of the variety of problems handled by them. One widely accepted reform proposal would be to remove from their jurisdiction the so-called "status offenders," i.e., youths who have committed no crimes but are troublesome to parents, neighbors or schools (such as truants or runaways). Status offenses now account for about 40 percent of the case load of the juvenile courts. Another main target of criticism in the juvenile justice system are the training schools which have been characterized as breeding grounds for further criminal activity. The recidivism rate of offenders who are sent to training schools is an overwhelming 80 percent. Many reformers now believe that penal institutions for juveniles should be done away with in favor of alternatives such as group or foster homes.

Career Criminals

About 70 percent of adults arrested for serious crimes are repeaters. One new law enforcement effort, currently operating in about 18 cities, seeks to identify these habitual offenders (called "career criminals"), to prosecute them swiftly and to be sure the longest prison sentences possible are imposed. Many authorities believe that if they can corral the sizable group of hard-core offenders and lock them up for long periods of time this should do a lot to reduce the crime rate. Of course, such programs must be designed with a careful eye toward safeguarding the constitutional rights of persons labeled as career criminals.

Prison Reform

Most experts agree that prisons in their present form cannot rehabilitate many prisoners. Many believe that there should be greater use of community-based treatment (probation, halfway houses, intermittent sentences to be served on weekends, etc.), restitution programs, and fines, with long incarceration in big prisons being reserved for high-risk offenders who cannot be safely controlled in other ways. Many reformers also believe that rehabilitation efforts are wasted unless freely chosen, and therefore, rehabilitation programs, which are now usually mandatory, should be made voluntary.

White Collar Crime

Crooked executives, corrupt government officials and thieving employees — those guilty of the economic offenses known as white collar crime — are currently causing financial losses in this country in excess of $40 billion annually. Many experts believe that there should be an end to leniency for these criminals and that stricter penalties, particularly more prison sentences, must be imposed. It is believed by many that strict penalties serve as a strong deterrent to white collar criminals, and that punishment of such criminals promotes more general confidence in the fairness of the legal system. Related proposals which should be of particular interest to Congress in considering criminal code reform include suspending the right of organizations who commit repeated offenses to engage in interstate and foreign commerce; increasing the fines for antitrust violations; creating a criminal offense for those corporate or government officials who default in their supervision of an organization in such a way as to permit or contribute to a crime; and providing protection from retaliation to persons who reveal such illegal activities.

In 1967, the President's Commission on Law Enforcement and Administration of Justice concluded that, although it would be a slow, hard and costly endeavor, given the willingness to try new ideas and sufficient time and money, America could control crime. A decade later the prognosis remains much the same.