

134199

LAW ENFORCEMENT ASSISTANCE ACT OF 1965

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY UNITED STATES SENATE

EIGHTY-NINTH CONGRESS

FIRST SESSION

ON

S. 1792 and S. 1825

TO PROVIDE ASSISTANCE IN TRAINING STATE AND LOCAL
LAW ENFORCEMENT OFFICERS AND OTHER PERSONNEL
AND IN IMPROVING CAPABILITIES, TECHNIQUES, AND
PRACTICES IN STATE AND LOCAL LAW ENFORCEMENT
AND PREVENTION AND CONTROL OF CRIME, AND FOR
OTHER PURPOSES

JULY 22, 23, AND 30, 1965

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LAW ENFORCEMENT ASSISTANCE ACT OF 1965

THURSDAY, JULY 22, 1965

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:30 a.m., in room 2228, New Senate Office Building, Senator Sam J. Ervin, Jr., presiding.

Present: Senators Ervin and Javits.

Also present: Francis C. Rosenberger, professional staff member.

Senator ERVIN. The subcommittee will come to order. This is a special subcommittee appointed by the chairman of the Judiciary Committee to consider two bills to provide assistance in training local law enforcement officers and improving law enforcement techniques.

Today is the first of 3 days of hearings on S. 1792, introduced by Senator Moss, and cosponsored by Senators Bartlett, Hayden, Long of Missouri, Mansfield, Neuberger, and Tydings; and S. 1825 introduced by Senator Hart.

The text of the bills will be printed at this point in the record.
(Bills S. 1792 and S. 1825 referred to follow:)

[S. 1792, 89th Cong., 1st sess.]

A BILL To provide assistance in training State and local law enforcement officers and other personnel and in improving capabilities, techniques, and practices in State and local law enforcement and prevention and control of crime, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Law Enforcement Assistance Act of 1965."

SEC. 2. For the purpose of improving the quality of State and local law enforcement and correctional personnel, and personnel employed or preparing for employment in programs for the prevention or control of crime, the Attorney General is authorized to make grants to, or to contract with, any public or private nonprofit agency, organization or institution for the establishment (or, where established, the improvement or enlargement) of programs and facilities to provide professional training and related education to such personnel.

SEC. 3. For the purpose of improving the capabilities, techniques, and practices of State and local agencies engaged in law enforcement, the administration of the criminal laws, the correction of offenders or the prevention or control of crime, the Attorney General is authorized to make grants to, or contract with, any public or private nonprofit agency, organization, or institution for projects designed to promote such purposes, including, but not limited to, projects designed to develop or demonstrate effective methods for increasing the security of person and property, controlling the incidence of lawlessness, and promoting respect for law.

SEC. 4. The Attorney General may arrange with and reimburse the heads of other Federal departments or agencies for the performance of any of his functions under this Act, and, as necessary or appropriate, delegate any of his powers under this Act with respect to any program or part thereof, and authorize the redelegation of such powers.

SEC. 5. (a) The Attorney General or his delegate shall require, wherever feasible, as a condition of approval of a grant under this Act, that the recipient con-

tribute money, facilities, or services for carrying out the project for which such grant is sought. The amount of such contribution shall be determined by the Attorney General or his delegate.

(b) The Attorney General is authorized to prescribe regulations establishing criteria pursuant to which grants may be reduced for such programs, facilities, or projects as have received assistance under section 2 or 3 for a period prescribed in such regulations.

(c) Payments under section 2 or section 3 may be made in installments, and in advance or by way of reimbursement, as may be determined by the Attorney General or his delegate, and shall be made on such conditions as he finds necessary to carry out the purpose of section 2 or section 3, as the case may be.

(d) Payments under section 2 may include such sums for stipends and allowances (including travel and subsistence expenses) for trainees as are found necessary by the Attorney General or his delegate.

SEC. 6. (a) The Attorney General is authorized to make studies with respect to matters relating to law enforcement organization, techniques and practices, or the prevention or control of crime, including the effectiveness of projects or programs carried out under this Act, and to cooperate with and render technical assistance to State, local or other public or private agencies, organizations, and institutions in such matters.

(b) The Attorney General is authorized to collect, evaluate, publish, and disseminate information and materials relating to studies conducted under this Act, and other matters relating to law enforcement organization, techniques and practices, or the prevention or control of crime, for the benefit of the general public or of agencies and personnel engaged in programs concerning these subjects, as may be appropriate.

SEC. 7. Nothing contained in this Act shall be construed to authorize any department, agency, officer or employee of the United States to exercise any direction, supervision or control over the organization, administration or personnel of any State or local police force or other law enforcement agency.

SEC. 8. (a) (1) The Attorney General is authorized to appoint such technical or other advisory committees to advise him in connection with the administration of this Act as he deems necessary.

(2) Members of any such committee not otherwise in the employ of the United States, while attending meetings of their committee, shall be entitled to receive compensation at a rate to be fixed by the Attorney General, but not exceeding \$100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for person in the Government service employed intermittently.

(b) As used in this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

SEC. 9. The Attorney General shall carry out the programs provided for in this Act during the fiscal year ending June 30, 1966, and the two succeeding fiscal years.

SEC. 10. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(b) There are also authorized to be appropriated such sums as may be necessary for the expenses of commissions or committees which have been or may be established by the President to study crime and delinquency.

[S. 1825, 89th Cong., 1st sess.]

A BILL To provide assistance in training State and local law enforcement officers and other personnel, and in improving capabilities, techniques, and practices in State and local law enforcement and prevention and control of crime, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Law Enforcement Assistance Act of 1965."

SEC. 2. For the purpose of improving the quality of State and local law enforcement and correctional personnel, and personnel employed or preparing for employment in programs for the prevention or control of crime, the Attorney General is authorized to make grants to, or to contract with, any public or private nonprofit agency, organization, or institution for the establishment (or, where established, the improvement or enlargement) of programs and facilities to provide professional training and related education to such personnel.

SEC. 3. For the purpose of improving the capabilities, techniques, and practices of State and local agencies engaged in law enforcement, the administration of the criminal laws, the correction of offenders or the prevention or control of crime, the Attorney General is authorized to make grants to, or contract with, any public or private nonprofit agency, organization, or institution for projects designed to promote such purposes, including, but not limited to, projects designed to develop or demonstrate effective methods for increasing the security of person and property, controlling the incidence of lawlessness and promoting respect for law.

SEC. 4. The Attorney General may arrange with and reimburse the heads of other Federal departments or agencies for the performance of any of his functions under this Act, and, as necessary or appropriate, delegate any of his powers under this Act with respect to any program or part thereof, and authorize the redelegation of such powers.

SEC. 5. (a) The Attorney General or his delegate shall require, wherever feasible, as a condition of approval of a grant under this Act, that the recipient contribute money, facilities, or services for carrying out the project for which such grant is sought. The amount of such contribution shall be determined by the Attorney General or his delegate.

(b) The Attorney General is authorized to prescribe regulations establishing criteria pursuant to which grants may be reduced for such programs, facilities, or projects as have received assistance under sections 2 or 3 for a period prescribed in such regulations.

(c) Payments under section 2 or section 3 may be made in installments, and in advance or by way of reimbursement, as may be determined by the Attorney General or his delegate, and shall be made on such conditions as he finds necessary to carry out the purpose of section 2 or section 3, as the case may be.

(d) Payments under section 2 may include such sums for stipends and allowances (including travel and subsistence expenses) for trainees as are found necessary by the Attorney General or his delegate.

SEC. 6. (a) The Attorney General is authorized to make studies with respect to matters relating to law enforcement organization, techniques and practices, or the prevention or control of crime, including the effectiveness of projects or programs carried out under this Act, and to cooperate with and render technical assistance to State, local or other public or private agencies, organizations, and institutions in such matters.

(b) The Attorney General is authorized to collect, evaluate, publish, and disseminate information and materials relating to studies conducted under this Act, and other matters relating to law enforcement organization, techniques and practices, or the prevention or control of crime, for the benefit of the general public or of agencies and personnel engaged in programs concerning these subjects, as may be appropriate.

SEC. 7. Nothing contained in this Act shall be construed to authorize any department, agency, officer or employee of the United States to exercise any direction, supervision or control over the organization, administration or personnel of any State or local police force or other law enforcement agency.

SEC. 8. (a) (1) The Attorney General is authorized to appoint such technical or other advisory committees to advise him in connection with the administration of this Act as he deems necessary.

(2) Members of any such committee not otherwise in the employ of the United States, while attending meetings of their committee, shall be entitled to receive compensation at a rate to be fixed by the Attorney General, but not exceeding \$100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(b) As used in this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

SEC. 9. The Attorney General shall carry out the programs provided for in this Act during the fiscal year ending June 30, 1966, and the two succeeding fiscal years.

SEC. 10. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(b) There are also authorized to be appropriated such sums as may be necessary for the expenses of commissions or committees which have been or may be established by the President to study crime and delinquency.

Senator ERVIN. These hearings have been scheduled with a view to insuring that the widest possible cross section of expert opinion is received. Witnesses will include the Attorney General, Members of Congress, representatives of National, State, and local public and private associations concerned with law enforcement, and individual authorities.

At the outset, I would like to state that there can be no doubt that crime is one of the gravest problems facing the United States today; and a nationwide war on crime is as imperative as our continuing war on poverty and unemployment.

It once was thought that the crime rate fluctuated in proportion to our prosperity—that during periods of recession more people are forced or wander over to the wrong side of the law because of their poverty and frustration. We know now that the maintenance of prosperity does not mean the reduction of crime. The Nation's last recession was in 1958; and in the 7 years of unparalleled prosperity that have elapsed since, crimes of violence have increased at a rate almost six times that of the population. The overall crime rate increased 13 percent between the years 1963 and 1964. We are unfortunately lacking in the knowledge of both the causes of this increase and the means to combat it.

The problem is especially complex for Congress because of the limitations it faces in searching for solutions. We cannot and should not establish a Federal police force; we cannot and should not attempt to write, enforce or interpret the laws of the States; and we cannot and should not dictate the methods and tools to those responsible at the State level. As the President stated in his message to Congress, "the principal enforcement responsibility still rests on State and local governments."

Therefore, we must continue to trust in the people of the States and the subdivisions of the States to find the means to protect their own lives and property. There are, however, methods by which we may provide them with the tools and training by which they can better exercise their responsibility.

For instance, the Federal Government can help develop and instruct in the most modern training techniques, detection devices and rehabilitation programs; and it can act as a clearinghouse so that information of the progress in one State is available to all. These are the only proper responsibilities of the Federal Government in this area, and, as I understand the bills before us, these are the responsibilities we seek to meet.

The measures, however, do leave much to the implementing discretion of the Attorney General. For instance it is unclear whether training programs are to be developed and implemented by utilizing existing local State and regional agencies or whether entirely new programs are to be established. It may be that such a broad delegation of discretion is appropriate in charting this new attack. However, I am hopeful that the Attorney General can give us his plans in at least some detail, and that other witnesses will be helpful to him with suggestions.

At any rate, I am confident that the expertise provided in these hearings will enable us to report an effective and proper bill.

Senator JAVITS. On March 8, 1965, together with Senators Kuchel, Case, Scott, and Fong, I introduced S. 1409. I understand that the bills to which the Chair has just referred are essentially the same except that they vest the jurisdiction for the purpose of improving professional competence of State and local police officers in the Attorney General instead of in the Secretary of Health, Education, and Welfare, and so that all bills may be before the committee, I ask unanimous consent that this bill, S. 1409, may be made a part of my statement and part of the record.

Senator ERVIN. I would suggest perhaps you contact the chairman and request that he refer it formally to the ad hoc subcommittee.

Senator JAVITS. At the moment I am contenting myself to put it in the record.

Senator ERVIN. It is in the Labor Committee?

Senator JAVITS. Yes.

Senator ERVIN. We will have the bill referred to by Senator Javits printed in the record.

Senator JAVITS. That is fine.

(The bill referred to follows:)

[S. 1409, 89th Cong., 1st sess.]

A BILL To provide Federal assistance to State and local police forces through projects to develop and demonstrate more effective techniques and practices of law enforcement

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "State and Local Law Enforcement Assistance Act of 1965".

Sec. 2. (a) For the purpose of assisting in improving the professional competence of State and local police forces, the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary"), in consultation with the Attorney General, is authorized to make grants for projects to develop or demonstrate techniques and practices which in his judgment will substantially contribute to the effectiveness of State and local law enforcement agencies, including (but not limited to) techniques and practices relating to law enforcement administration, the recruitment, training, and education of police officers, and improved cooperation among the various law enforcement agencies in the United States and between State and local law enforcement agencies and other public or nonprofit agencies, organizations, and institutions.

(b) Such grants may be made to any State, local, or other public or nonprofit agency, organization, or institution; and to the extent he deems it appropriate, the Secretary shall require the recipient of any grant to contribute money, facilities, or services for carrying out the project for which such grant was made.

(c) The Secretary is further authorized to enter into contracts for any such projects with public or other agencies, organizations, or institutions, and with individuals.

(d) The full amount (as determined by the Secretary) of any grant for a project made under this section shall be reserved from the appropriation for the fiscal year in which the grant is made; and payments on account of such grant in that and subsequent fiscal years may be made only from the amount so reserved.

(e) Payments under this section may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made on such conditions as he finds necessary to carry out the purposes of this section.

Sec. 2. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the organization, administration, or personnel of any State or local police force or other law enforcement agency.

SEC. 2. (a) The Secretary of Health, Education, and Welfare may establish a Federal Advisory Committee on Police Procedures, Selection, and Training to advise him on the administration of this program. The Committee may elect officers and meet at the order of its Chairman. But its decisions will not bind the Secretary of Health, Education, and Welfare on any matter.

(b) Members of such Committee not otherwise in the employ of the United States, while attending meetings of the Committee, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding \$75 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

SEC. 4. As used in this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Senator ERVIN. The committee is delighted to have the Attorney General of the United States with us this morning as our first witness.

STATEMENT OF HON. NICHOLAS deB. KATZENBACH, ATTORNEY GENERAL OF THE UNITED STATES

Attorney General KATZENBACH. Thank you, Mr. Chairman. I have with me Mr. Henry S. Ruth, Jr., who is an attorney in the Department of Justice. I have a prepared statement which I would like to read, if I may, Mr. Chairman.

Senator ERVIN. Yes.

Attorney General KATZENBACH. I appreciate the opportunity to discuss with the committee a new concept of Federal assistance to State and local law enforcement.

The alarming rise in crime throughout the Nation is well known to all of us. The issue now before us is to devise specific measures to help all levels of government meet the problem more effectively.

Crime in the streets not only affects hundreds of thousands of victims each year. It forces millions of others to change their course of daily life for fear of becoming another criminal statistic. Not only must we reinforce the public's respect for law and order. We must restore the public's confidence that law enforcement agencies have the means and equipment to meet crime head on. To accomplish this, we shall have to do more for the policemen who are on the frontline of this battle.

We already ask much of them. We cannot merely state glibly that they must do more. Indeed, I believe they are performing their functions with admirable efficiency considering the limited resources now made available to them.

What is needed is an infusion of support, of new ideas and of leadership. For our part, I am convinced that the Federal Government must expand its assistance to local law enforcement.

Three months ago, President Johnson proposed a historic step in this direction. In his special message to Congress on law enforcement, he called for an enlargement of Federal responsibility, assistance, and leadership. He asked the Congress to pass the Law Enforce-

ment Assistance Act of 1965. I want today to reaffirm the urgency and necessity of that proposal.

Any effective approach to Federal assistance for State and local communities must be broad. If we focused attention on only one aspect of criminal administration, we would accentuate needs in other areas. When detection and apprehension methods are improved, courts must be equipped to handle the increased flow of cases. If more convictions flow from the courts, our correctional systems must be prepared to cope with more prisoners.

And it would be a serious oversight to stop our planning at the correctional stage, without giving particular attention to the substantial problems caused by repeaters.

S. 1792 (as well as S. 1825, an identical measure) the Law Enforcement Assistance Act of 1965, authorizes this necessarily broad range of activities.

The bill provides for Federal aid to public or private nonprofit organizations for projects and studies to promote the enforcement and administration of criminal laws, corrections, and the prevention or control of crime.

The bill also authorizes the Attorney General to collect, evaluate, and disseminate significant information about such activities.

The Senate bills would establish this program for 3 years, to be administered by the Attorney General with advice from other Federal agencies and from advisory committees. The program is designed to commence in fiscal 1966. We are requesting \$10 million as an initial appropriation.

Obviously, \$10 million will not furnish the day-to-day resources which local law enforcement agencies now lack. The full \$10 million could easily be spent for this purpose in any large metropolitan area.

This program is not designed for that purpose. It is not designed to build police academies, raise police salaries, or enable a city to double the size of its police force. A massive Federal subsidy program is, in my judgment, undesirable. It would alter and undermine the traditional division of responsibility for law enforcement among Federal, State, and local jurisdictions.

The Federal Government can, however, provide selective support for model programs, programs to show what is possible. Just day-to-day efforts to deal with crime is sapping money and manpower from experiments and innovations which might make the difference in the fight on crime. Consequently, we have lagged in finding ways to do the job more effectively, more efficiently, and with the imaginative utilization of existing scientific techniques. That is the role we see for the Federal Government under this measure.

Since projects will be developed largely in response to State and local proposals, it is impossible to detail specific proposals to which Federal aid would be devoted. There are, however, several areas in which interest is most alive or which seem especially promising. Let me briefly outline some of them for you.

I foresee an emphasis on projects to aid police. We must lend tangible support to their constant quest for self-betterment.

One of the most pressing problems is how best to contain crime in the streets. For the most part, police face the 20th-century criminal with

19th-century methods and weapons. Funds are required to determine which of many ideas for improvement are most likely to prove effective. Among the promising projects and ideas already under consideration in various places are the following:

St. Louis uses a computer to determine police deployment. Statistics fed into the machine show where and when particular types of crime are likely to occur and help police decide where patrols should be concentrated.

A tremendous amount of police time is wasted shuttling back and forth from the station and typing out reports. In Portland, Oreg., Tulsa, Okla., and some other cities, police are saving time by dictating reports from the street by telephone.

Kansas City, Mo., and Kansas City, Kans., have formed a "metro squad," a good illustration of cooperation by police of different jurisdictions. The squad goes into action on major crimes when there is an indication that the culprit may move from one jurisdiction to another.

The State of California has contracts with private concerns to study how systems analysis might be put to work in law enforcement. The same sophisticated and intensive method of attack that has successfully developed rockets is being used in analyzing law-enforcement techniques.

Police work is hampered by the lack of efficient means of communications between headquarters and the precincts. Valuable hours are lost in travel among them. Some cities are now experimenting with a closed-circuit television system linking headquarters and the precincts. With closed-circuit television, police in the precincts could, for example, view suspects over the system rather than having to make a special trip to headquarters.

These are but a few samples of the kinds of techniques being worked on. Many other ideas need to be developed. Among them are computer identification of fingerprints; personalized radio transmitters for patrolmen; better police weapons; faster transmission of citizens' complaints of crimes; and electronic apprehension aids in business establishments.

More sophisticated equipment for the collection and dissemination of information is required. Better citizen participation in crime prevention must be explored. New insights on the fundamentals of police work and police administration must be developed.

Police chiefs need new answers to old problems—how should police manpower be allocated? Where should patrols be concentrated? Should one man be assigned to scout cars or are two men needed? Where are the high crime areas of the city today? Where will they be tomorrow? How can the force attract more police recruits? What is the most effective promotion policy?

I do not mean to suggest that we limit ourselves to projects that might produce some immediate benefit. No sound system can be built upon flashes of instant direct action. Better police training and education is one goal mentioned by almost every knowledgeable official when discussing long-range solutions to the crime problem. There is promising activity in this field of training and education—but much more remains to be done.

The Federal Government has long been active in this area. The FBI National Academy has trained over 4,500 selected State and local law-enforcement officers from all over the United States. We intend to expand this program substantially.

Special courses in various enforcement subjects were taught in the field by FBI special agents in over 4,000 training sessions in fiscal 1964 alone. The Treasury Department for several years has conducted training schools for State and local narcotics enforcement officers.

Private organizations, such as the International Association of Chiefs of Police, have undertaken studies to determine educational needs and standards and have provided training services to their members.

Colleges and universities in every State should be encouraged to offer degree programs in police administration and criminology. The lack of a sufficient body of police educators and instructors and of modern curriculums enhances our needs in this area.

I have so far stressed projects closely related to police work. Other parts of the criminal process also will receive close attention under the Law Enforcement Assistance Act.

We presently burden our entire law-enforcement system with activities which quite possibly should be handled in other ways. For example, of the approximately 6 million arrests in the United States in 1964, fully one-third were for drunkenness. The resulting crowding in courts and prisons affects the efficiency of the entire criminal process. Better ways to handle drunks than tossing them in jail should be considered. Some foreign countries now use "sobering up stations" instead of jails to handle drunks. Related social agencies might be used to keep them separate from the criminal process.

Similarly, drug addiction and the so-called invisible crimes, such as the large number of assaults and other offenses arising out of family disputes or landlord-tenant differences could be removed from the criminal process.

Far too many lower courts now operate on an assembly line basis. Defendants are processed in a manner that does not remotely resemble our traditional notions of dignified, effective justice. We must give priority to finding ways to end the disgraceful meat-grinder character of these courts.

We must also recognize the importance of the prosecutorial function. Here, too, funds for training and education can be appropriated. Standards for the exercise of police and prosecutorial discretion must be developed.

More attention must also be given to the correctional process. There is a need for better training of correctional officials, through intensive seminars and workshops and through educational leaves of absence. Various theories of correctional programming now await field trials.

Methods through which the first offender may be helped to avoid future breaches of the law, as well as ways to reliably identify individuals who are likely to continue their criminal careers unless confined in an institution must be found.

Whatever projects we adopt, however, if they are to serve as models, they must be "visible." For this reason we believe one of the primary functions of this bill is outlined in section 6(b). This states that

money may be allocated for making known that which is now lost for want of publication and dissemination.

Too many promising programs and ideas have remained dormant for want of practical trial. Identifying them and publicizing them can have substantial importance in carrying out the purposes of the bill.

We have good reason, in the Department of Justice, to know how true this is. Several years ago, the Vera Foundation of New York undertook to show, by field trial, that money bail was unnecessary to assure that many defendants would appear for trial.

Taken no further, the Vera experiment might well have concluded as only a local success. But the foundation and the Department jointly sponsored a national conference on bail. The result has been dramatic. In the year since the conference, 90 bail reform projects have now sprung up in 40 States.

I have touched upon many of the specifics which I believe are integral to the proposed Law Enforcement Assistance Act. We intend to procure the best available talent to serve upon the advisory committees authorized by the bill.

We look forward to the work of the President's Commission on Law Enforcement and Administration of Justice. We will also draw upon existing studies like that of the American Bar Association concerning minimum standards of justice. But most of all, we shall rely on the expertise and the needs of the States and local communities of the Nation.

They bear the heaviest burden of law enforcement. Their future capabilities will determine the outcome of the war on crime. Their urgent needs make this bill one of the most important single pieces of legislation before the Congress.

I urge its prompt and full enactment.

Senator ERVIN. Mr. Attorney General, I wish to commend you on the excellence of your statement, both in form and content. This is a field that I have been interested in for a long time. It fell to my lot when I had the privilege of serving on the North Carolina Supreme Court to write an opinion on the question of whether or not the statute which required a municipality to employ a policeman for the enforcement of law within its limits gave the municipality implied authority to send a police officer to the FBI school. One of the citizens of the community fell out with the town board and sued them as individuals to compel them to repay the amount of municipal funds which they had used to send the chief of police to the FBI school. I reached the conclusion that you can't make a police officer by merely giving him a uniform and a weapon—he needs training. I wrote the majority opinion—the court divided 4 to 3—holding that the statute did give the municipality implied authority to use tax moneys to train the officers.

Are you familiar with the Institute of Government of the University of North Carolina?

Attorney General KATZENBACH. Yes, I am, not in detail but I am generally familiar with it.

Senator ERVIN. The Institute of Government was the brain child of one of my favorite people and old college mate, Albert Coates. He

got the idea back in his law school days. By constant persuasion he received authorization, and he operated a long time on a shoestring. The institute has been in operation now for something like 40 years, and every year he brings law enforcement officers throughout the State there to the school where they get lectures from other law enforcement officers and from the attorney general of North Carolina. This bill embodies the marvelous idea that has been implemented by the institute and by the Federal Government through the FBI schools for local law enforcement officers.

I presume if the bill is passed that the Department of Justice would take into consideration some of these existing institutions such as the Institute of Government and cooperate with them in this work.

Attorney General KATZENBACH. Yes, we would, Mr. Chairman. We would not intend to simply subsidize programs that are ongoing. We would use institutes such as that kind, to help finance projects they had been unable to finance or new ideas that they had on an experimental basis.

Senator ERVIN. We have also had work done in a more limited fashion in North Carolina by Mr. Walter Anderson who is the head of the State bureau of investigation and who has specialized in conducting training schools for little villages, what you might almost call village police, where they have one or two police officers. He has done marvelous work in this field.

Do you have any questions you would like to ask?

Senator JAVITS. Yes, sir; I do.

Mr. Attorney General, the reason I introduced the bill in March which apparently preceded the introduction of the bills referred to this committee by about a month was as part of a civil rights package.

Is it a fact, Mr. Attorney General, that in the Department's enforcement of civil rights laws it has run into problems of police action, including the excessive police action which could profit from training and experience of the kind contemplated by this bill?

Attorney General KATZENBACH. Yes; it is, Senator, and even beyond that, I think emphasis should be given to the whole problem of community relations and in that I would include race relations, the difficulties that exist in many cities in that regard with minority groups and very often with Negroes.

Senator JAVITS. And also as to the personnel, character, and equipment of police or peace officers?

Attorney General KATZENBACH. Yes.

Senator JAVITS. I am sure you are very familiar with the 1961 report of the U.S. Civil Rights Commission which is where I got this idea, and the 1963 report of the Commission on the Administration of Justice, are you not?

Attorney General KATZENBACH. Yes, sir.

Senator JAVITS. It is a fact, is it not, Mr. Attorney General, that the Commission in 1961 specifically recommended a Federal grant-in-aid program to deal with very much the same kind of thing which you have testified to? I read from their report recommendation No. 1 on page 112 of their report on justice of the 1961, reading as follows:

The Congress consider the advisability of enacting a program of grants-in-aid to assist State and local governments upon their request to increase the profes-

sional quality of their police forces. Such grants-in-aid might apply to the development and maintenance of recruit selection tests and standards, training programs in scientific crime detection, training programs in constitutional rights and human relations, college-level schools of police administration, scholarship programs that assist policemen to receive training in schools of police administration.

Would those be contemplated by the bill which is before us?

Attorney General KATZENBACH. Yes, all of those would be contemplated.

Senator JAVITS. Encompassed by it?

Attorney General KATZENBACH. Yes.

Senator JAVITS. Is it fair to say, therefore, Mr. Attorney General, that the administration's policy to which you are testifying today is at least to some extent based upon the findings of the U.S. Civil Rights Commission?

Attorney General KATZENBACH. Yes, I think that would be fair. Only our program is broader than that, as you understand, Senator.

Senator JAVITS. It should be.

Attorney General KATZENBACH. That is only one aspect of the problem, but an important one.

Senator JAVITS. It should be.

Personally, I might say to you, Mr. Attorney General, I am proud of the way the police of New York City have learned how to handle racial demonstrations and I gather a good deal of training has gone into that work. It does leave much to be desired, of course, but they have a case here where, one, they can learn more and, two, they can teach a good deal to other areas which may run into similar problems and I gather that is the kind that you in the administration of such a measure, would hope to make it available, the experience of law enforcement agency A in a given place to other law enforcement agencies.

Attorney General KATZENBACH. One of the major objects really is to make sure that a successful program in one city is analyzed and made available to other cities so they can adopt it.

Senator JAVITS. I happen to know Mrs. Liss who was the principal inspiring genius of the Vera Foundation, and I agree with you as to the excellence of the initiative which that foundation took in the bail bond project in New York. Of course, bail bonding is another matter which I think Senator Ervin's subcommittee has most advantageously been considering.

Mr. Chairman, may I have permission to introduce into the record a portion of the pertinent pages, they are not very many, from the reports of the U.S. Civil Rights Commission of 1961 and 1963?

Senator ERVIN. They are ordered to be printed in the record at this point. Perhaps you had better designate the exact page to the reporter so he will know exactly what to copy.

Senator JAVITS. I submit for the record pages 124-125, of the 1963 report.

(The information referred to follows:)

RECOMMENDATIONS OF THE REPORT OF THE U.S. COMMISSION CIVIL RIGHTS, 1963

Recommendation 2.—That Congress enact a program of grants-in-aid to assist State and local governments, upon their request, to increase the professional

quality of their police forces. Such grants-in-aid should be conditioned upon nondiscriminatory administration by the recipient and might apply to the development and maintenance of (1) programs to encourage applications by qualified persons for appointment as police officers; (2) recruit selection tests and standards; (3) training programs in scientific crime detection; (4) training programs in constitutional rights and human relations; (5) college level schools of police administration; and (6) scholarship programs that assist policemen to receive training in schools of police administration.

Senator JAVITS. Mr. Attorney General, I just had one other thing to ask you about.

I serve on the Labor Committee and we handle education. Hence when I put my bill in I put it in charge of HEW.

Now, would you give us your own appraisal of the desirability of your Department or HEW administering it or if you feel that there is a partial responsibility in each how it could be worked out, in your judgment, most effectively.

Attorney General KATZENBACH. Well, I thought fairly long and hard about this problem, Senator, because we have not been in the grant business in the Department of Justice and it wasn't something that I particularly welcomed in a sense.

On the other hand, insofar as this program was dealing with police methods, with scientific methods of detection, with education of police officers, with the penal system, the training of probation and parole officers, with the court problem in the administration of justice, it just didn't seem proper to me that all of that should be in Health, Education, and Welfare. I thought we had more contacts, I felt we had more expertise and I felt we had more responsibility, and it was for those reasons that I considered it preferable that this program be in the Department of Justice. I thought it would gain increased respect from police officials and from prison officials and from probation officials if it was administered there.

There are a number of very good programs currently being run in HEW, some training programs for police officials, and, of course, a number of programs dealing with juvenile delinquency. We are familiar with those. We have been in close cooperation and collaboration with those. In the administration of this program it would be necessary to examine a project in the light of other projects that were being considered in HEW, in the light of various programs within the poverty program broadly considered, that is HEW, Labor, and the Office of Economic Opportunity and to make sure that we were not overlapping or working at cross-purposes and that these programs went together.

I think that I simply would reiterate my feeling that some subjects are most appropriate for the Department of Justice—law enforcement, prisons, and courts.

Senator JAVITS. Thank you, Mr. Attorney General.

Mr. Chairman, may I request that a witness be called from HEW to give us the views of that Department on this whole question. I assume that would be agreeable to you, Mr. Attorney General?

Attorney General KATZENBACH. Oh, yes, of course.

Senator ERVIN. Either the Senator can furnish the name of a proposed witness or we can have Mr. Rosenberger contact the Department.

Senator JAVITS. I think we ought to do that.

Senator ERVIN. Mr. Attorney General, I want to thank you for your appearance here and the very illuminating statement you made and also take this occasion to publicly thank you for the aid the Department of Justice gave us on the bail bill. I think we have got the bill in substantially final form now and hope to have it reported favorably out of the committee and hope to have it enacted into law. This is a very fine illustration of your observation about the Vera Foundation, because the Vera Foundation's experience contributed very largely, I think, to a crystalization of sentiment for the bail bill.

Attorney General KATZENBACH. That is true, Mr. Chairman, and it does illustrate in a small way what can be done if you go out and try to do it.

Senator ERVIN. Thank you so much.

Attorney General KATZENBACH. Thank you, Mr. Chairman.

Senator ERVIN. I would like to put in the record at this point certain statements, one a letter from Walter F. Anderson, director of the State Bureau of Investigation of the State of North Carolina; a statement by Mr. Charles S. Prigmore, Executive Director of the Joint Commission on Correctional Manpower and Training; a statement of Clarence M. Kelley, chief of police of Kansas City, Mo.; a statement by Mr. W. Elmer George, executive director and James V. Burgess, Jr., associate director of the Georgia Municipal Association; a telegram from Col. James E. Bassett, director of the Kentucky State Police Department; and a letter from Neal S. Blaisdell, mayor of Honolulu, as president of the U.S. Conference of Mayors, all of which endorse the pending bill; also a statement from Senator Joseph D. Tydings.

(The documents referred to follow:)

STATE BUREAU OF INVESTIGATION,
DEPARTMENT OF JUSTICE,
Raleigh, N.C., July 16, 1965.

Hon SAM J. ERVIN, Jr.,
Senate Office Building, Washington, D.C.

DEAR SENATOR ERVIN: I have carefully read Senate bill S. 1825. This appears to be a most forward step in the training of local law enforcement officers.

As you know the Federal Bureau of Investigation, through the FBI National Academy, has made a tremendous contribution to law enforcement through its training program at the Academy and through the local schools held in the various States.

The Institute of Government of the University of North Carolina has likewise made a great contribution not only to law enforcement in North Carolina but also to all phases of governmental operation.

However, with both of these great services available there were the small departments with two, three, or a dozen men who needed training in basic law enforcement. It has been to this group of law enforcement officers that we in the bureau have directed our attention in the past 5 years. It is to this group of officers throughout the Nation that I would hope this bill might give assistance. The larger departments can have a training program. They can have a training officer. Funds are available to help with instructional materials. This is not true for the small departments in the rural communities.

If funds were available on a matching basis we could hold 20 regional schools of 2 weeks' duration each year here in North Carolina. Last fiscal year we assisted in the training of 930 law enforcement officers here in our State. In the matter of return to our citizens who provide the funds through the taxes they pay, we believe the dividends to them were in excess of \$40 million.

Should you desire more information on what we are doing and how this assistance could be of help, I shall be delighted to furnish same to you.

Sincerely yours,

WALTER F. ANDERSON, *Director*.

JOINT COMMISSION ON
CORRECTIONAL MANPOWER AND TRAINING,
New York, N.Y., July 21, 1965.

HON. SAM J. ERVIN, JR.
*Chairman, Ad Hoc Subcommittee on Law Enforcement,
Committee on the Judiciary, U.S. Senate, Washington, D.C.*

DEAR SENATOR ERVIN: I am enclosing a statement in reference to the bills S. 1792 and S. 1825, the Law Enforcement Assistance Act of 1965.

Sincerely yours,

CHARLES S. PRIGMORE, Ph. D.,
Executive Director.

STATEMENT OF CHARLES S. PRIGMORE, EXECUTIVE DIRECTOR, JOINT COMMISSION
ON CORRECTIONAL MANPOWER AND TRAINING

I am informed that subcommittee hearings on S. 1792 and S. 1825, the Law Enforcement Assistance Act of 1965, are scheduled for July 22, 23, and 30, 1965.

May I comment on this proposed legislation on behalf of the 75 national organizations affiliated with the Joint Commission on Correctional Manpower and Training? I should, however, stress that I am interpreting what I judge to be the position of these organizations on this legislation. They have not all been specifically polled.

Although we have been primarily concerned with the bills H.R. 2263 and S. 1807, the Correctional Rehabilitation Study Act of 1965, now before the 89th Congress (H.R. 2263 has passed the House and was unanimously reported out of the Senate subcommittee on June 30), there is a close relationship between these two acts.

The Law Enforcement Assistance Act will begin badly needed action programs immediately in both law enforcement and corrections, upgrading training programs and stimulating research and the improvement of services. The Correctional Rehabilitation Study Act will go in much greater depth into those areas of correctional manpower which require a considerable period of study and discussion before agreement can be reached as to which action programs are appropriate.

The two acts supplement each other, and passage of both will provide the American public with a sound and inexpensive approach to the alleviation of the urgent crime problem. Passage of both will give us action where we are ready for it and a thoughtful appraisal of needs and resources.

I believe that it is the thinking of our 75 affiliate organizations that both these measures should be enacted. Recently, the 1,500 registrants at the 12th Annual National Institute on Crime and Delinquency agreed on a resolution endorsing both the Correctional Rehabilitation Study Act and the Law Enforcement Assistance Act.

KANSAS CITY, Mo., July 19, 1965.

HON. SAM J. ERVIN, JR.,
*Committee on the Judiciary,
U.S. Senate, Washington, D.C.*

DEAR SENATOR ERVIN: I am sorry but I will be unable to attend hearings in Washington, D.C., July 22 and 23, next. I am, however, very happy to submit a statement, which is attached.

Sincerely,

CLARENCE M. KELLEY,
Chief of Police.

STATEMENT OF CLARENCE M. KELLEY

I have been informed Senate bill No. 1825 is scheduled for hearing before the Judiciary Committee. I would like to go on record as being wholeheartedly in favor of this legislation which will afford additional training possibilities to law enforcement agencies and will also extend to the development of improved methods to combat and control crime.

My experience with law enforcement extends from October 1940, to the present. Until August 1961, I was associated with the Federal Bureau of Investigation as a special agent, and from August 28, 1961, to the present, I have been chief

of police of Kansas City, Mo. During this period I have noted great advancements in law enforcement, particularly in the caliber of the men who have chosen this field. Still greater advancements can and should be made however, and with the aid of the Federal Government this progress can be achieved. Most of our difficulties stem from inadequate budgets, particularly for research, development of new techniques, and the employment of trained personnel who can acquaint us with advancements.

One of the greatest boons to law enforcement has been the exchange of information brought about through seminars, publications, and the liaison which exists between Federal agencies and local agencies, and between local agencies themselves. This however is not completely adequate and a formalized program should be instituted to make sure dissemination is complete and instruction is made uniform. With the rise in crime, a rise which appears to have no peak, we are confronted with a problem which we daily realize is almost an insurmountable one. Lest we revert it, the problem turns to frustration. I feel that it is absolutely necessary, the Federal Government assume a leading role in a stabilizing program and assist law enforcement agencies throughout the country to assimilate that material which is available; also, to engage in research in developing techniques which are needed. Without the assistance of the Federal Government, I cannot see how this can be done.

Having served so long with the FBI, I am of course convinced of their capabilities and their potentialities. Nonetheless, although this may make me somewhat biased. I must in all good conscience recognize their leadership in law enforcement and do recommend that in the administration of this program, the Attorney General be instructed to lean heavily on the recommendations of the FBI. With the FBI in a prominent position of guidance and counsel, I feel that the program will take a proper course and am confident the success of the program will thereby be assured.

Although unable to appear personally before the committee on the hearing dates, I would be very happy to appear on the date when I can be available and will furnish any material, surveys or research which might assist in the achieving the desired results.

GEORGIA MUNICIPAL ASSOCIATION,
Atlanta Ga., July 20, 1965.

Senator SAMUEL ERVIN,
Chairman, Special Subcommittee, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: Enclosed are copies of a statement of the Georgia Municipal Association regarding the proposed law enforcement assistance legislation (S. 1792 and S. 1825) upon which we understand your subcommittee will hold hearings July 22 and 23.

We respectfully request that you permit our association to file the enclosed statement with your subcommittee.

Sincerely,

W. ELMER GEORGE,
Executive Director.

STATEMENT OF GEORGIA MUNICIPAL ASSOCIATION ON S. 1792 AND S. 1825,
THE LAW ENFORCEMENT ASSISTANCE ACT

Mr. Chairman and members of the subcommittee, this statement is filed by the Georgia Municipal Association, which represents approximately 360 municipalities in the State of Georgia.

Georgia is rapidly becoming an urban State. Population in urban areas increased at the rate of 39.8 percent while the rural territories experienced a 6.5 percent loss in population during the 1950-60 decade. In 1940, rural areas accounted for almost 60 percent of the State's total population. In 1960, urban areas claimed more than 55 percent of the total population.

With this rapid urban population explosion in our State, there have occurred many profound economic and social changes. Today we have a new community

with more and more people living inside municipalities and large metropolitan centers. Many of these new urban dwellers are for the first time separated from their native rural environment.

The rapid development of our urban centers and the resulting high density of people living and working in close quarters in compressed communities is creating many additional problems for the local law enforcement officer.

The automobile and other fast modes of transportation enable today's criminals to move about more quickly and range over a larger area than ever before.

Crime is on the increase. According to the latest uniform crime reports (1963) the South Atlantic States experienced a 14.2-percent increase of total offenses over the previous year. This is the highest percent increase of any of the geographic divisions of the States (e.g., New England, Middle Atlantic, East North Central, West North Central, South Atlantic).

The development of new law enforcement techniques is not keeping pace with the demands of our expanding communities. This is borne out by the fact that crime has increased five times faster than population growth since 1958.

Generally, our law enforcement departments are understaffed, underpaid, and ill equipped to meet their growing responsibilities. Approximately two-thirds of the law enforcement officers in Georgia are municipal employees who are having to shoulder the additional responsibility of our growing urban populations and the many attendant social problems and adjustments. In addition, today's municipal law enforcement officers have a twofold responsibility: first, internally to serve their local communities, and, second, externally to work and cooperate with the many county, State, and Federal law enforcement agencies.

Notwithstanding the continued increase in crime rates, the law enforcement profession in Georgia has accelerated its training activities for police officers each year for the past several years. The Georgia Municipal Association, the Association of Police Chiefs of Georgia, in cooperation with the Federal Bureau of Investigation and the Institute of Government of the University of Georgia, has sponsored and conducted more and more training activities for police officers each year. Workshops are being conducted in police supervision and management, police administration, riot control techniques, patrolling, fingerprinting, and many other vital areas of police training. This year, in order to reach more supervisory police officers, the annual workshop on police administration was held on a regional basis throughout the State. A handbook for policemen, covering such areas as general rules of conduct, courtesy and ethics, duties and responsibilities of uniformed policemen, crime prevention, powers of arrest, searches and seizures, criminal violations, traffic laws, and many other areas has just been published by the Georgia Municipal Association in cooperation with the Association of Police Chiefs of Georgia.

Yet these many accelerated activities have not been enough to stay the increase in crime rates. There is a need for experimentation with new and more profound concepts in law enforcement training and technology.

The pending law enforcement assistance legislation would make experimentation possible for the first time in areas where the development of new and imaginary programs has not been possible in the past. This legislation would provide the stimulus that many locations need as encouragement to strike out on new and bold programs in the field of law enforcement training and technology.

One such program as described in the following paragraphs is presented for your consideration as an illustration of what can be done:

1. The Georgia Municipal Association is considering, as a part of its field consultative-service program, the development of an experimental research-service team of law enforcement officers and experts to conduct studies of records, equipment, and management procedures (including publication of management procedural guides); manpower utilization and personnel studies; and general studies of organization, techniques, and police practices for cities and towns throughout the State. This research-service team would be composed or staffed by police administrators and specialists currently employed in the field of law enforcement. The team would be directed by a full-time administrator on the staff of the Georgia Municipal Association.

2. As part of this experimental project, and in followup to surveys and studies conducted by this research-service team, a training program will be initiated in each locality in which studies are made in order to implement the findings, recommendations and procedures as adopted. This training will be conducted by the officers of the original research-service team as training instructors, in cooperation with the training staff of the FBI. In this way, there will be continu-

ity between research and training, insuring program implementation aimed at reduction of crime and the upgrading of law enforcement in the smaller communities of our State.

3. It is proposed that the Georgia Municipal Association sponsor and administer this experimental program, in cooperation with the Association of Police Chiefs of Georgia. Members of the research-service team would be supplied through the Association of Chiefs of Police. This type of service is not available locally and when available from out of State agencies, only the larger cities can afford it. The purpose of this service would be that of improving police management and efficiency, all of which we hope would lead to improved law enforcement and a reduction of crime within the State.

In view of the potential of this proposed experimental program, and the possibility for developing other programs of this nature for helping our law enforcement profession meet the pressing challenge of today's rapidly developing urban society, the Georgia Municipal Association urges this subcommittee to give its favorable consideration to the law enforcement assistance legislation of 1965.

Thank you for allowing us to file this statement before your committee.

FRANKFORT, KY., July 21, 1965.

Senator SAM J. ERVIN, Jr.,
Senate Office Building,
Washington, D.C.:

Deeply regret prior commitments prevent appearance this week to testify before your subcommittee in behalf of S. 1825, Law Enforcement Assistance Act of 1965. The Kentucky State Police is in accord with the provisions of S. 1825 and it will have our complete support.

Col. JAMES E. BASSETT,
Director, Kentucky State Police, Frankfort, Ky.

U.S. CONFERENCE OF MAYORS,
Washington, D.C., June 29, 1965.

Hon. SAM J. ERVIN, Jr.,
U.S. Senate, Washington, D.C.

DEAR SENATOR: The conference of mayors recently concluded its 1965 annual conference at which the Nation's mayors endorsed Federal financial support for improved police training and increased efforts at developing citizen support for law enforcement.

Mayors in cities throughout the country have been expanding their law enforcement efforts and adopting new and imaginative approaches to crime prevention and correction. However, the type of experimentation, research, and development needed now is beyond the resources of most individual cities.

Attached is a copy of the resolution on law enforcement adopted at our annual conference and a copy of a national survey, which our organization made in conjunction with the International Association of Chiefs of Police. Both of these documents indicate the need for strengthening local law enforcement efforts.

We hope that you will support legislation to provide assistance in training local law enforcement officers and other personnel and in improving local capabilities and techniques for crime prevention and control. The Law Enforcement Assistance Act now before the Senate Judiciary Committee provides for the type of assistance needed by cities throughout the country. We urge you to give your strong support to passage of this bill.

Sincerely,

NEAL S. BLAISDELL, *President.*

[Adopted at 1965 Annual Conference of Mayors, St. Louis, Mo., June 2, 1965]

RESOLUTION ON LOCAL LAW ENFORCEMENT ASSISTANCE

Whereas our cities have increasingly been faced with a higher crime rate than rural areas; and

Whereas during the last decade 80 percent of the growth of our population has occurred in metropolitan areas; and

Whereas Census Bureau data reveal that 54 percent of the families with incomes of less than \$3,000 and over three-fourths of the unrelated single individuals with similar incomes live in urban areas; and

Whereas progress has been made by local government in strengthening and in improving local law enforcement as evidenced by the increase in numbers of personnel, the growing number of local police training academies and the increasing number of hours devoted to both recent and in-service training; and

Whereas there is need for further expansion of police training and improvement in local law enforcement techniques; and

Whereas the experimentation, research, and development as well as demonstration projects that are needed in this field is beyond the resources of most individual cities: Now, therefore, be it

Resolved, That the U.S. conference of mayors endorses Federal financial support for improved police training and increased efforts at developing citizen support for local law enforcement; and be it further

Resolved, That all local government be encouraged to expand their police-community relations programs as a basis for enlarging citizen understanding and cooperation with local law enforcement agencies.

STATEMENT BY SENATOR JOSEPH D. TYDINGS

Mr. Chairman, the bill we have before us is an important, forward step in dealing with a crucial problem that this country has too long ignored.

I think this bill will be particularly useful in training our urban police in community relations. Fair and effective law enforcement is the concern of every thoughtful citizen. Indeed, the protection of life and property is thought by many to be the primary purpose of any political community.

The quality of law and order in a society is no better than the knowledge and judgment of those who administer the law. This applies to every law enforcement official, from the cop on the beat to Chief Justice of the Supreme Court; from the prison guard to the Attorney General. A good case can be made that the neighborhood policeman and the desk sergeant can do more to improve or destroy respect for law and order than the Supreme Court and the entire Federal judiciary. The rules of law are important, but the day-to-day actions of the police are probably more important in developing a fair and effective law enforcement system.

We are all concerned by the mounting crime statistics and by daily reports of heinous crimes. We are also aware that many of our law enforcement officials are not adequately paid, trained, or motivated to deal with the problem of urban crime in a just and efficient way.

I was therefore delighted that President Johnson has recommended that we enact the Law Enforcement Assistance Act of 1965. This bill, which I had the honor to cosponsor, would authorize the Attorney General to (1) make grants to local agencies and nonprofit organizations to establish or improve programs and facilities for training law enforcement personnel, (2) make grants to similar agencies for demonstration projects designed to develop new methods for improving law enforcement, and (3) make studies of law enforcement organization, techniques, and practices.

The role of the policeman has been radically altered in the last quarter century. First, there has been a tremendous increase in the urbanization of the country. In 1930, only 66 million people lived in urban areas; in 1960, urban areas had over 112 million inhabitants who made up almost 63 percent of the total population of the country. This urbanization has changed the policeman's role from one of simple peacekeeper to one in which he must perform, in the words of Judge George Edwards of the Sixth U.S. Circuit Court of Appeals, "with the concern of a social worker, the wisdom of a Solomon, and the prompt courage of a combat soldier."

Second, recent Supreme Court rulings have emphasized constitutionally protected rights by curbing the latitude of permissible police activity. These rulings have not, as has often been claimed, been the reason for the increase in crime which has built up in recent years; but they have required police officers to limit their investigative activities and to deal more carefully with the rights of the accused.

The third cause for the new problems with the police function is the mass migration of Negroes to our large cities. In the decade 1950-60, the 12 largest cities in the United States lost over 2 million white residents and gained almost that many Negroes. Charles Silberman, author of "Crisis in Black and White," puts the problem this way: "It is the explosive growth of their Negro populations, in fact, that constitutes the large cities' principal problem and concern. When city officials talk about spreading slums, they are talking in the main about physical deterioration of the areas inhabited by Negroes. And when they talk about juvenile delinquency, or the burden of welfare payments, or any of a long list of city problems, officials are talking principally about the problems of Negro adjustment to city life. For the large city is not absorbing and 'urbanizing' its new Negro residents rapidly enough; its slums are no longer acting as the incubator of a new middle class."

This is not to say, however, that crime is a racial problem: it is not. It is as Judge Edwards has said, "a problem of human degradation."

Finally, the civil rights revolution of the 1960's has challenged the traditional attitudes of policemen toward the Negro citizen. And when the police in one section of the country are used blatantly to defy the very law they are supposed to uphold, the problem of enforcing the law is magnified in every section of the country. Again in the words of Judge Edwards, "There is a deep-seated belief among our Negro citizens that equal law enforcement in police practices does not exist anywhere in our land * * *. Hostility between the Negro communities of our big cities and their police departments is the major problem which law enforcement deals with in this decade."

These new problems call for new and innovating programs on the part of the police departments of our communities. Certain changes and reforms are obvious. In most cities we need to institute higher pay scales; raise the initial recruitment requirements—especially in the areas of education and emotional stability, and provide for more on-the-job training and continuing education programs. Police work should be an honored calling, and not the dumping ground for those who cannot find better jobs.

Other programs and reforms are also worthy of serious consideration. Most urban police departments require full-time, trained specialists in community relations. They should be actively seeking ways to establish communication between the various neighborhood communities and the police. They each need to understand the others' goals and problems. Also worthy of consideration are independent review boards to screen complaints of police misconduct. Finally, we should explore possibilities of having the police perform other roles in the community than pure law enforcement. Police athletic leagues and other community activities can bring a new and better image of social order in our city slums.

We must realize that the policeman has a strong influence, for good or ill, in the neighborhood. Prof. Robert L. Derbyshire, who will testify before this committee, is a specialist in sociology in psychiatry at the University of Maryland. He has studied the impact which the policeman has on inner city values. His conclusion is that "in the lower class community the function of the police is integrated into the child's knowledge before he knows the role of teachers." If policemen commonly accept bribes or indiscriminately use force how can inner city children be expected to know any better? If police protect bookmakers and prostitutes, or ignore the violations of slum landlords, how can slum children have respect for the law?

To deal with the problems of the city, we need policemen who are professionals, not only in apprehending criminals, but in talking gangs out of street fights, solving family quarrels, helping an unemployed father to find a job, soothing upset youngsters, calming the frayed nerves of rush-hour motorists. These kind of policemen—the men Judge Edwards referred to as needing "the concern of a social worker, the wisdom of a Solomon, and the prompt courage of a combat soldier," cannot be expected to join the force or perform these functions without improved status, better training and appropriate incentives.

We will need money to update and upgrade our local police forces and to study ways to make them more effective. This bill, with its two programs of Federal grants for improved police forces and Federal studies of other means of improving them, takes a step toward the goal of effective, enlightened, law enforcement. I am pleased to support it.

Senator JAVITS. Mr. Chairman, I notice the list called for Congressman Scheuer of New York to appear and if the Chair does not intend to carry on this afternoon perhaps he could be given his choice as to whether to file a statement.

Senator ERVIN. Yes, we would be delighted to do that.

Senator JAVITS. Or appear.

Senator ERVIN. We find ourselves in somewhat of a quandary because we have a vote coming up on the home rule bill in just a minute or two and also a matter that requires your attention on the floor and my attention on the floor, and we have witnesses present, Mr. Bennett who has rendered such great service to this country as Director of the Federal Prisons, and Mr. Quinn Tamm, I believe they are both present, are they not?

Would it inconvenience you gentlemen if we would recess now until 2:30, which will save us several interruptions.

We will take a recess until 2:30.

(Whereupon, at 11:10 a.m., the subcommittee recessed to reconvene at 2:30 p.m., the same day.)

(NOTE.—The subcommittee did not subsequently meet at 2:30 p.m. but resumed its hearing at 10:30 a.m., July 23, 1965.)

LAW ENFORCEMENT ASSISTANCE ACT OF 1965

FRIDAY, JULY 23, 1965

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10:30 a.m., in room 2228, New Senate Office Building, Senator Philip A. Hart presiding.
Present: Senator Hart.

Also present: Francis C. Rosenberger, professional staff member.
Senator HART. The committee will be in order.

Our first witness today is the distinguished Senator from Pennsylvania, Mr. Clark, who has been kind enough to provide us with a statement which will be printed in full in the record as though given, and if there is any desire to summarize it, we welcome it.

STATEMENT OF HON. JOSEPH S. CLARK, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator CLARK. Thank you very much, Senator Hart.

Mr. Chairman, I am gratified to have the opportunity to appear before the special subcommittee today in support of the proposed Law Enforcement Assistance Act.

This legislation is designed to provide Federal assistance in improving the quality of State and local law enforcement and correctional personnel, and to upgrade the techniques and practices of agencies engaged in law enforcement, the administration of criminal laws and correctional rehabilitation.

My remarks, however, will be directed to one of the critical problems upon which the Law Enforcement Assistance Act is focused: the critical shortage of trained manpower in the field of correctional rehabilitation.

More specifically, I would like to bring to the subcommittee's attention the proposed Correctional Rehabilitation Study Act, H.R. 2263, which was first proposed by Representative Edith Green of Oregon and, under Mrs. Green's sponsorship, has been passed by the House. I introduced a companion bill, S. 1807, which is cosponsored by Senators Javits, Church, Dodd, Gruening, Moss, McCarthy, Randolph, Yarborough, Tydings, Williams of New Jersey, Pell, and Fong.

The House-passed bill has now been favorably reported by the Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare.

A copy of H.R. 2263 as amended by the Subcommittee on Employment and Manpower is attached to this statement, together with a memorandum summarizing its provisions.

Its purpose, in brief, is to provide for a 3-year study of the shortage of qualified manpower, and the educational and training needs in the field of correctional rehabilitation. The Secretary of Health, Education, and Welfare would be authorized to make grants to nongovernmental organizations composed of representatives of leading national correctional and other associations and agencies in the field of corrections.

The bill authorizes \$500,000 to be appropriated for fiscal year 1966 and \$800,000 for each of the 2 succeeding fiscal years.

H.R. 2263 thus focuses directly upon one critical area in the general field of law enforcement and the prevention and control of crime covered by the Law Enforcement Assistance Act—research in the area of correctional manpower and training.

The Subcommittee on Employment and Manpower in conducting 4 days of hearings on S. 1807 heard testimony from representatives of the leading professional associations in the correctional field as well as administrators of State, local, and private correctional services and educators in social work, criminology, and sociology. These witnesses unanimously attested to the critical need for a federally financed research and study program in the area of correctional manpower and training.

The two measures are complementary. The Law Enforcement Assistance Act contemplates action programs for the training and education of correctional personnel, while H.R. 2263 would provide the background studies needed to determine the manpower and training needs before actual training is begun and as training programs are undertaken.

Representatives of the Justice Department and Department of Health, Education, and Welfare testified before the Subcommittee on Employment and Manpower. The Justice Department's position with respect to the two measures is stated in its report to the Committee on Labor and Public Welfare:

It is expected that the work undertaken pursuant to H.R. 2263 would complement the programs to be authorized by the Attorney General under the proposed Law Enforcement Assistance Act of 1965. Also, the proposed President's Commission on Law Enforcement and Administration of Justice, in carrying out its assigned mission with respect to correctional programs, would have the benefit of so much of the research provided for by H.R. 2263 as has been completed by the time the Commission directs its attention to the correctional area.

In summary, it is the view of the Department of Justice that H.R. 2263, the proposed Law Enforcement Assistance Act of 1965, and the President's Commission would be mutually supporting and reinforcing.

A copy of the report of the Justice Department is attached to this statement.

(The report referred to follows:)

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., July 19, 1965.

LISTER HILL,
Chairman, Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on H.R. 2263, the proposed "Correctional Rehabilitation Study Act of 1965."

As indicated by its title, the bill would provide a program for an objective, thorough, and nationwide analysis and reevaluation of the extent and means

of resolving the critical shortage of qualified manpower in the field of correctional rehabilitation. These goals would be approached through the establishment of a grant program which would be administered by the Secretary of Health, Education, and Welfare with the advice of the National Advisory Council on Vocational Rehabilitation. Grants could be made to only non-governmental groups composed of representatives of leading professional associations, organizations, or agencies active in the corrections field. To carry out the grant program, appropriations of \$500,000 for the fiscal year ending June 30, 1966, and \$800,000 for each of the 2 succeeding fiscal years would be authorized by the bill.

The proposal contained in H.R. 2263 is an outgrowth of the Arden House Conference on Manpower and Training for Corrections held in June 1964, and participated in by delegates of 61 national and regional organizations active and interested in correctional matters. One of the recommendations made by the Conference was the establishment of a Joint Commission on Correctional Manpower and Training with approximately the same objectives as those of H.R. 2263. The Commission has since been established and has preliminarily prepared task force programs to accomplish its mission. It is anticipated that the grants contemplated by H.R. 2263 would be made available to the Joint Commission and that the Joint Commission will supplement these funds with others to be obtained from private sources.

The need for studies such as those contemplated is clear, and the Department of Justice is pleased to support the enactment of this legislation.

It is expected that the work undertaken pursuant to H.R. 2263 would complement the programs to be authorized by the Attorney General under the proposed Law Enforcement Assistance Act of 1965. Also, the proposed President's Commission on Law Enforcement and Administration of Justice, in carrying out its assigned mission with respect to correctional programs, would have the benefit of so much of the research provided for by H.R. 2263 as has been completed by the time the Commission directs its attention to the correctional area.

In summary, it is the view of the Department of Justice that H.R. 2263, the proposed Law Enforcement Assistance Act of 1965, and the President's Commission would be mutually supporting and reinforcing.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

RAMSEY CLARK,
Deputy Attorney General.

Senator CLARK. Mr. Chairman, in closing I would like to say a few words about the need and background of the Correctional Rehabilitation Study Act.

As chairman of the Subcommittee on Employment and Manpower, I have become increasingly concerned with the need for trained manpower in the human services fields. Too little attention has been paid to the personnel requirements which has been generated by the many new Federal programs, adopted since 1960, in the fields of education, manpower training, public health, poverty, and other areas of social welfare. The professional personnel involved in these areas, who must staff the commitments of the Great Society in the war on poverty, disease, and ignorance, are the same professionally trained people who work in the fields concerned with correctional rehabilitation. They include teachers, social workers, guidance and employment counselors, psychiatrists, psychologists, and nurses, in addition to parole and probation officers and custodial and administrative personnel in our Federal, State, and local prisons.

Historically, many of these groups have had differing philosophies and approaches to criminal rehabilitation. The need to review and reconstruct our system of correction of adjudicated offenders is critical. Yet it is axiomatic that correctional rehabilitation cannot be

made more effective and successful without trained people to put the findings of the sociologists and criminologists to work.

The status of training and the shortage of trained personnel is revealed by a few representative statistics. There are, for example, only 50 full-time psychiatrists in our institutions for adult offenders—a ratio of 1 to every 4,400 offenders. The ratio of psychologists to offenders is about 1 in 2,000; of teachers, 1 in 400. It has been estimated that less than 8 percent of the 100,000 people employed in the correctional field are properly prepared for their work in terms of professional education. The remainder depend on inadequate in-service training programs.

While the needs and shortages are recognized by those in the field, there is little or no agreement on what must be done to provide qualified correctional manpower or the kinds of training needed for service in correctional rehabilitation. Schisms exist, for example, between those who work with juvenile offenders and those in adult corrections; between those who would emphasize the penal and purely custodial aspects of corrections and those who favor the rehabilitation of offenders to make them useful members of society.

To help solve these problems, 61 national organizations, representing the correctional and related professions, met in June 1964 at Arden House in New York for a Conference on Manpower and Training for Corrections. That Conference recommended the establishment of a 3-year nongovernmental Joint Commission on Correctional Manpower and Training to undertake a comprehensive and intensive program of research and study. The organizations represented at Arden House unanimously agreed that an independent, federally financed study was needed to establish future guidelines for their professions and to determine the role of each of the occupations involved in the field of correctional rehabilitation.

The major recommendations of the Arden House Conference are embodied in the Correctional Rehabilitation Study Act.

Mr. Chairman, these two acts, the Correctional Rehabilitation Study Act and the Law Enforcement Assistance Act will, I believe, go a long way toward providing effective law enforcement; toward reducing the ever-increasing rates of adult and juvenile crime; and toward assuring the kind of correctional rehabilitation needed to make public offenders useful, productive members of society.

(H.R. 2263 and proposed amendments follow:)

H.R. 2263, PROPOSED CORRECTIONAL REHABILITATION STUDY ACT

S. 1807 amends the Vocational Rehabilitation Act by adding a new section which would provide for a 3-year study of the shortage of qualified manpower, and the educational and training needs in the field of correctional rehabilitation.

The Secretary of Health, Education, and Welfare would be authorized, with the advice of a 12-member National Advisory Council on Correctional Manpower and Training, to make grants for the carrying out of a program of research and study of—

- (1) The personnel practices and current and projected personnel needs in the field of correctional rehabilitation;
- (2) The availability and adequacy of the educational and training resources for persons in, or preparing to enter the field;
- (3) The availability of educational opportunities for persons in, or preparing to enter the field;

(4) The adequacy of the existing curriculum and teaching methods and practices involved in the preparation of persons to work in the field;

(5) The effectiveness of present methods of recruiting personnel for correctional rehabilitation; and

(6) The extent to which personnel in the field are utilized in the manner which makes the best use of their qualifications.

Grants would be made to nongovernmental organizations composed of representatives of leading national correctional and other professional associations and agencies in the field of corrections.

The bill would authorize \$500,000 to be appropriated for fiscal year 1966, and \$800,000 for each of the 2 succeeding fiscal years. Under the terms of the grants, the research and study must be completed within 3 years from the date it is inaugurated. Annual reports and a final report must be filed by the grantee with the President, the Congress, the Secretary of HEW, and the Governors of the States.

[Committee print, July 1, 1965]

[H.R. 2263, 89th Cong., 1st sess.]

[Omit the part struck through and insert the part printed in *italic*]

AN ACT To provide for an objective, thorough, and nationwide analysis and reevaluation of the extent and means of resolving the critical shortage of qualified manpower in the field of correctional rehabilitation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Correctional Rehabilitation Study Act of 1965".

SEC. 2. *The Section 12 of the Vocational Rehabilitation Act (29 U.S.C. 41(b)) ch. 4) is amended by redesignating section 13 as section 14 and inserting after section 12 the following new section to read as follows:*

"GRANTS FOR SPECIAL PROJECTS IN CORRECTIONAL REHABILITATION

"SEC. 13 12. (a) (1) The Secretary is authorized with the advice of the National Advisory Council on ~~Vocational Rehabilitation~~ *Correctional Manpower and Training, established by subsection (b) of this section,* to make grants to pay part of the cost of carrying out a program of research and study of the ~~personnel practices and current and projected personnel needs in the field of correctional rehabilitation and of the availability and adequacy of the educational and training resources for persons in, or preparing to enter such field, including but not limited to the availability of educational opportunities for persons in, or preparing to enter, such field, the adequacy of the existing curriculum and teaching methods and practices involved in the preparation of persons to work in such field, the effectiveness of present methods of recruiting personnel for such field and the extent to which personnel in the field are utilized in the manner which makes the best use of their qualifications.~~ Such a program of research and study is to be on a scale commensurate with the problem.

"(2) Such grants may be made to one or more organizations, but only on condition that the organization will undertake and conduct, or if more than one organization is to receive such grants, only on condition that such organizations have agreed among themselves to undertake and conduct, a coordinated program of research into and study of all aspects of the resources, ~~methods,~~ *needs,* and practices referred to in paragraph (1).

"(3) As used in paragraph (2), the term 'organization' means a nongovernmental agency, organization, or commission, composed of representatives of leading professional associations, organizations, or agencies active in the field of corrections.

"(b) (1) *There is hereby established in the Department of Health, Education, and Welfare a National Advisory Council on Correctional Manpower and Training, consisting of the Secretary, or his designee, who shall be Chairman, and twelve members, not otherwise in the regular full-time employ of the United States, appointed without regard to the civil service laws by the Secretary after consultation with the Attorney General of the United States. The twelve appointed members shall be selected from among leaders in fields concerned with correctional rehabilitation or in public affairs, four of whom shall be selected from among State or local correctional services. In selecting persons for appointment to the Council, consideration shall be given to such factors, among others, as (1)*

familiarity with correctional manpower problems, and (2) particular concern with the training of persons in or preparing to enter the field of correctional rehabilitation.

"(2) The Council shall consider all applications for grants under this section and shall make recommendations to the Secretary with respect to approval of applications for and the amounts of grants under this section.

"(3) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding \$100 per day, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

"(b) (c) For such purpose carrying out the purposes of this section there is hereby authorized to be appropriated for the fiscal year ending June 30, 1966, the sum of \$500,000 to be used for a grant or grants to help initiate the research and study provided for in this section; and the sum of \$800,000 for each of the two succeeding fiscal years for the making of such grants as may be necessary to carry the research and study to completion. The terms of any such grant shall provide that the research and study shall be completed not later than three years from the date it is inaugurated; that the grantee shall file annual reports with the Secretary, the Congress, the Governors of the several States, and the President, among others the grantee may select; and that the final report shall be similarly filed.

"(c) (d) Any grantee agency, organization, or commission is authorized to accept additional financial support from private or other public sources to assist in carrying on the project authorized by this section."

Senator CLARK. I would just like to touch briefly on a couple of points in my prepared statement. First I want to bring the committee's attention to the proposed Correctional Rehabilitation Study Act, H.R. 2263, which was pressed through the House of Representatives by Congresswoman Edith Green, of Oregon, and on which bill the Subcommittee on Manpower and Employment of the Committee of Labor and Public Welfare of the Senate, which I have the honor to chair, has held 4 days of hearings.

The Senate bill is cosponsored by Senators Javits, Church, Dodd, Gruening, Moss, McCarthy, Randolph, Yarbrough, Tydings, Williams of New Jersey, Pell, and Fong.

The Senate subcommittee has reported favorably Mrs. Green's bill with several amendments. It is presently pending before the full Labor Committee. Its purpose is to provide for a 3-year study of the shortage of qualified manpower and the educational and training needs in the field of correctional rehabilitation. I have here printed copies of the hearings which were held before the subcommittee which I chaired, which I would be happy to leave with your subcommittee, because I think there is a correlation between S. 1807 and the bill submitted by the administration which is known as the Law Enforcement Assistance Act.

The witnesses who appeared before our subcommittee unanimously attested to the critical need for a federally financed research and study program in the area of correctional manpower and training.

In the report filed by the Department of Justice supporting S. 1807 it was said: "In summary, it is the view of the Department of Justice that H.R. 2263"—which is the same bill as S. 1807—"the proposed Law Enforcement Assistance Act of 1965, and the President's Commission"—on law enforcement—"would be mutually supporting and reinforcing."

In connection with these hearings, Mr. Chairman, I became increasingly concerned with the need for trained manpower in the human services fields. Too little attention has been paid to the personnel requirements which have been generated by the many new Federal programs, and actually we find many badly needed skills in short supply. This, of course, is a primary concern of the Subcommittee on Employment and Manpower.

Here are a couple of representative statistics. There are presently only 50 full-time psychiatrists in our penal institutions for adult offenders, a ratio of 1 to every 4,400 offenders. The ratio of psychologists to offenders is 1 in 2,000; of teachers, 1 in 400. Less than 8 percent of the 100,000 people employed in the correctional field are properly prepared for their work in terms of professional education. And the remainder depend on a quite inadequate inservice training program.

Almost miraculously 61 national organizations representing the various disciplines in the correctional and related professions—and they are very varied disciplines, Mr. Chairman, going all the way from a warden in a prison to a psychiatrist dealing with the rehabilitation process—these 61 national organizations met in June of 1964 at Arden House in New York, for a conference on manpower and training for corrections. Out of that conference grew Congresswoman Green's bill and the need to undertake comprehensive and intensive programs for research and study. These 61 organizations unanimously agreed that an independent, federally financed study was needed to establish future guidelines for their professions and to determine the role of each of the occupations involved in the field of correctional rehabilitation.

In my judgment the correctional rehabilitation study bill and the Law Enforcement Assistance Act will go a long way toward providing effective law enforcement and toward reducing the ever-increasing rate of adult and juvenile crime, and toward assuring the kind of correctional rehabilitation needed to make public offenders useful, productive members of society.

The question was raised in the course of our hearings as to why we could not go further than merely authorizing a 3-year study. Also whether 3 years was not far too long to get the job done. I think the consensus of the witnesses' testimony was that this whole area is in such a shambles, almost a chaotic condition in terms of personnel, recruitment training, promotion, and utilization that we would need to take a good deal of time, but a relatively small amount of money in order to get oriented the problem as to how you handle the offender with skill, compassion, and with adequate discipline to from the time he or she first gets into trouble with the law until either rehabilitation is effected or perhaps permanent incarceration becomes the only feasible way of handling the case.

I think, Mr. Chairman, that is all I care to say.

Senator HART. I think the experience that Senator Clark has had, the effort that he has applied to the whole field of the Federal Government's relationship to State and local efforts to retrain in whatever area it may be, and for whatever goal, makes substantially persuasive his recommendation to the committee here on this particular and, if you

would, narrow piece of the big picture. Surely the comments you make on H.R. 2263 will not be forgotten.

There are several points you make which I would welcome a chance to develop, but not at the risk of keeping you here and denying Arthur Goldberg an extra vote. Just let me state again one point here, because if you think about it, if this society of ours just thought about it for a few minutes, there would be generated in the community a head of steam which would do something about it. That is this statistic that only 50 full-time psychiatrists are in our institutions for adult offenders, 1 for every 4,400 offenders—if there is any one place where you can be sure there are plenty of customers for psychiatrists, that is it, and with the best intention and effort to rehabilitate, absent that kind of counsel, it is not going to be very productive.

Senator CLARK. You know, Senator, one of the things that really gives me grave concern in connection with the continuing study of our manpower and employment problems is that we still have an unemployment rate which is quite unsatisfactory. It is about the highest of any industrial nation in the free world. Russia is just beginning to get unemployment now. At the same time we have these critical shortages of skilled manpower, and each discipline is competing with each other discipline, where a college or graduate education is needed, in terms of money reward, status symbols, and the like.

The pool of talent is quite inadequate to fill all of the positions which are necessary to staff our free society, and this is an unsolved problem which my subcommittee is just on the fringes of. In the Correctional Act your subcommittee is taking a little broader look at it, but still a very small slice of the total pie. This is one of the grave problems which confronts the country in the generation ahead.

Senator HART. We send you off on a laudatory note. If society resolves this problem effectively, a principal and key contribution, history will note, will have been made by you, because for years now you have been talking, and not very many people were listening; more are listening now, and that is all to the good.

Senator CLARK. Thank you very much, Mr. Chairman. I hope in due course and in short order to have the opportunity of returning the compliment.

Senator HART. Two Members of the Senate had hoped that they might find it possible to testify today. Their schedule not permitting it, they have asked—and without objection it will be done—that the record contain their statements.

The first is from the distinguished junior Senator from Utah, Senator Moss, and the second is from the able junior Senator from Massachusetts, Mr. Kennedy.

(The statements of Senators Moss and Kennedy follow:)

STATEMENT OF SENATOR FRANK E. MOSS

Mr. Chairman, I commended this special subcommittee for recognizing the problems and crises facing America in conjunction with our rising rate of crime that now threatens the civil foundations of our Nation. Work to begin an expanded war on crime must begin in subcommittees such as yours.

My personal interest in providing better quality law enforcement goes back more than two decades. I was elected to serve two consecutive terms as municipal judge for Salt Lake City, the most heavily populated metropolitan center

between Denver and the cities of the west coast. Following those terms, I was elected for two consecutive terms as county attorney for Salt Lake County.

During that 18-year period, as well as in my first term in the Senate, I found myself in the unique position of being closely associated with law enforcement, courts and correctional institutions, and the legislative branch of government during a period in Utah's history that experienced the postwar growing pains so sharply felt by hundreds of other communities.

This rapid, unplanned growth of metropolitan population and service centers brought about many social changes which found many local governments unable to adjust with the changing times.

Even now, peace officers, courts, and correctional agencies are too frequently cut short at budgetmaking time. This means that at one of the most critical times in our modern postwar history, hundreds, or perhaps thousands, of important urban population centers are making important changes in every area of their responsibility except in the local police station, county courthouse, jail, and penitentiary.

In reality, the war against crime in many places is being waged with what I consider horse and buggy methods. This is the sad situation in a country which has the men and machines to take remarkable pictures of a planet 134 million miles distant, but does not have police officers equipped with modern weapons in their fight against crime; weapons that surpass the weapons of their criminal opponents.

It is not uncommon for today's safe burglar to be equipped with two-way walkie-talkie radios, police radio receivers, and high-speed drills which cut through the strongest metal safe in a matter of minutes. Add to this technical knowledge of this "profession" and you find our police do indeed have a professional adversary to pursue. On the other hand, too frequently we find a police officer who possesses only a secondary school education, who is expected to be a lawyer, psychologist, judge, sociologist, and referee in countless civil and criminal matters which should not demand and require his time and energies.

Today's peace officer, judge, court staff member, and correction officer must be given the tools with which to fill the obvious responsibility.

Serious crime in the United States during 1964 increased 13 percent over 1963; 2,600,000 major offenses were reported in this country last year. Murder, nonnegligent manslaughter, forcible rape, robbery, and aggravated assault rose 15 percent to present a shocking picture of crimes of violence against the person.

Crimes against property, such as burglary, grand larceny, and auto theft climbed 13 percent last year.

The rate of increase of crime in 1964 rose much faster than population. Fourteen serious crimes were committed for every 1,000 persons in the country. Much of the reason for this is the high mobility of today's criminal. Federal Bureau of Investigation records show that 46 percent of the persons arrested under the Fugitive Felon Act last year had been arrested in three or more States during a crime career spanning a dozen years.

In what position does this place the local law enforcement officer? His position, along with that of the responsible, law-abiding citizenry, is highly vulnerable. Crime increases on the streets of America will soon surpass the rate of serious crimes solved, which last year dropped to 24 percent, a 2-percent decline over 1963. This figure represents the number of crimes solved by arrest.

At the same time, young people's involvement in serious crime is, sadly, on the upswing. During 1964 persons under 18 years of age were responsible for 37 percent of the major crimes; persons between 10 and 17 years of age committed 43 percent of the crimes against property according to police solution figures.

Nationally, we experienced a 17-percent increase in lawbreaking by those under 18. This excludes arrests or citations for traffic offenses.

All these figures point to an escalating situation over which no effective, broad controls are being exercised. The demands of our highly mobile, urban-based population far exceed the available time and talent of the police officer.

The number of officers thrown into this struggle for safe streets, business houses, and neighborhoods has remained static at 1.7 per 1,000 population since 1958.

Thus, we find manpower inadequate; the individual peace officer, courtworker, and rehabilitation specialist burdened with substandard pay scales and heavier caseloads.

What are the alternate solutions? S. 1792, before this subcommittee today, offers perhaps some hope. This will enable the Attorney General to set up special, experimental programs to provide assistance and training to local law enforcement officers, judicial system employees, and those in the best position to bring about needed degrees of professional rehabilitation.

Detection and apprehension methods and achievements must be improved as the first step in our war on crime. Without prodigious response by our courts, however, an increased flood of criminal suspects will only further jam the already crowded docket sheets.

If law enforcement and judicial procedures are made more efficient, will our penal institutions and correction officials be able to respond in a like manner? Not necessarily, since our prisons and jails are too frequently only "holding pens" whose administrators and staff members are ineffective in achieving true rehabilitation.

S. 1792 seeks to provide study and research, and trial programs, aimed at securing better justice for all. Justice is not served when the vicious criminal goes unapprehended or when an innocent person is convicted of a crime which he did not commit. Thorough investigation, a prompt hearing before a well-trained judicial officer, and the opportunity to return to society as a productive and responsible member constitute the major facets of justice.

It is hoped that this bill will also enable the Attorney General to find and disseminate better guidelines for crime prevention as well. It is not enough to merely arrest and prosecute persons by the hundreds for crimes already committed. The local policeman must be better equipped to stop crime, however petty, committed by the very youthful offender and those individuals who embark on their first "thrill" brush with lawlessness.

It is hoped that the Attorney General, if this bill is enacted, will be able to develop better, quicker, and more effective methods of "spreading the word" about interstate criminal activity as well as new information concerning ways of improving police methods and training.

The Utah Peace Officers Association has generally taken the lead in the Mountain States for the past several years in making it possible to exchange among many local jurisdictions valuable information on intrastate crime. The association has conducted quarterly crime conferences which successfully inform each participating department about the highly mobile criminal element's activities. An important feature of this conference is the exchange of information concerning the sex criminal. This field is perhaps one which has been neglected over the past several years, even though the incidence of serious sex crime is continually on the upswing. Perhaps, under this bill, the idea of quarterly crime conferences, such as successfully operated in Utah, can become more of a national affair. Certainly, this is a question for consideration by the Attorney General.

There is a wealth of information now available concerning better crime detection methods, procedures of arrest, interrogation, and general investigation, but the means of dissemination this information are not readily available.

Tens of thousands of cities in the United States must be reached with this information. If only a local police department in Utah could be promptly notified of the interstate movement of a criminal who would likely perpetrate a serious crime in Utah, this person could be traced in his movements and perhaps prevented from committing a crime.

In conclusion, I remind you of this key passage from President Johnson's message on crime of March 1965: "We must arrest and reverse the trend toward lawlessness. Crime will not wait while we pull it up by its roots." These phrases certainly magnify the proportion of our problem. They also place in context the thrust of our attack.

I feel this assault should be aimed equally at the first offender and the habitual criminal, to be complete on all fronts.

Let us begin by joining in cooperative Federal-State programs to discover the most efficient methods of waging this war on crime.

Thank you, Mr. Chairman, for this opportunity to be heard as the sponsor of S. 1792.

STATEMENT OF SENATOR EDWARD M. KENNEDY

It is obvious that the traditional processes of criminal justice—ranging from police detention, through arraignment, prosecution, sentencing, institutional treatment, correctional rehabilitation, probation, and parole—are not producing adequate results. It requires only a glance at a daily newspaper, or check of the ever-mounting crime statistics to realize that.

Yet there has been a revolution in technology and in the behavioral sciences over the last 30 years. The corpus of knowledge necessary to explain and cope with antisocial behavior has grown tremendously. Psychology and psychiatry are entering more and more into determinations of criminal responsibility, and it has become increasingly recognized that criminal behavior is intertwined with social forces—that many who transgress the law have themselves been transgressed—by their home life, by their environment, by their lack of opportunity.

But the dissemination of the facts of this revolution in knowledge and techniques has not kept pace. Too few of those personnel actually involved in the day-to-day machinery of criminal justice have been educated in these new techniques and practices.

Training and education programs must be established for these personnel, projects to improve administrative practices and studies of law enforcement organizations and crime control. S. 1825 is certainly a step in this direction, and I look forward to these hearings on its proposed operation.

These problems of criminal law and administration have been a particular concern of mine for some time. As assistant U.S. attorney for Suffolk County, Boston, I was continually exposed to them. During my time in the Senate I have followed and supported bills to provide competent defense for indigent defendants and to curb juvenile delinquency. Last February, concerned with the need for the development of well-trained professionals in the field of criminal law and convinced that Federal participation was necessary to meet this need, I introduced a bill which would create an Academy of Criminal Justice.

My plan would establish one or more educational and training institutions, in the nature of a "West Point" for administrators of criminal processes, which qualified college graduates would attend for 4 years, receiving an LL.B. degree. In addition to regular law courses the curriculum could emphasize a comprehensive study of the problems at all levels of the criminal process.

There would be 105 students in each class, one appointed by each Senator and 5 appointed at large by the President of the United States. There would be a 4-year course of study—the basic law school curriculum plus special courses in such fields as delinquency, administration of courts, prosecution and defense sentencing, probation and parole, rehabilitation and juvenile and family courts, medical, sociological and psychological subjects relating to crime and delinquency. Appointments to the Academy would be open to any college graduate who pledges to enter, upon graduation, fields relating to the administration of criminal law and to work in those fields for a period equal to the number of years he studied at the Academy.

I mention the Academy of Criminal Justice because I believe that the favorable response to this specific proposal reflects a general recognition of the need for imaginative legislation promoting greater understanding and professional competence in the area of crime prevention and control.

At this time, I would like to insert into the record of these hearings four letters concerning the Criminal Justice Academy. The American Psychiatric Association, in a letter to Senator Hill as chairman of the Committee on Labor and Public Welfare, points out that the Criminal Justice Academy legislation "is of particular interest to the profession of psychiatry and therefore the American Psychiatric Association supports in principle the aims and purposes of such legislation." The Association of American Law Schools, which consists of 110 of the leading law schools of the country, also has expressed its strong interest in "Proposals for curriculum changes and new types of degrees to be conferred by schools of law."

Two other letters endorsing the proposal—from Associate Justices Douglas and Brennan of the Supreme Court of the United States—were sent to Prof. Sheldon Glueck, Roscoe Pound professor of law at Harvard University and a premier authority in the United States in the field of crime and delinquency. Professor Glueck originated the idea of the academy and gave me substantial help in drafting the provisions of the bill.

Again, I want to say that I am pleased with the interest being taken in this area—as indicated by the mail I have received on my own proposal and as illustrated in the bills before us today—and I look forward to a thorough investigation of the problems during the course of these hearings.

AMERICAN PSYCHIATRIC ASSOCIATION,
Washington, D.C., July 8, 1965.

Senator LISTER HILL,
*Chairman of the Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.*

MY DEAR SENATOR HILL: The Council of the American Psychiatric Association at its May 1965 meeting took favorable action on the recommendation of the Board of the Isaac Ray Lectureship Award that the American Psychiatric Association support the proposed legislation, S. 1288, a bill to establish an Academy of Criminal Justice and to provide for the establishment of such Academies of Criminal Justice as the Congress may hereafter authorize. It is our understanding that the bill was referred to the Committee on Labor and Public Welfare of which you are the esteemed chairman.

Because of the interrelated problems of law and medicine relative to the administration of criminal justice, this proposed legislation is of particular interest to the profession of psychiatry and therefore the American Psychiatric Association supports in principle the aims and purposes of such legislation.

Sincerely,

WALTER E. BARTON, M.D.,
Medical Director.

ASSOCIATION OF AMERICAN LAW SCHOOLS,
OFFICE OF THE EXECUTIVE DIRECTOR,
Washington, D.C., July 16, 1965.

HON. EDWARD M. KENNEDY,
*Senate Office Building,
U.S. Senate, Washington, D.C.*

DEAR SENATOR KENNEDY: The committee on Federal legislation of our association has requested me to report its interest in S. 1288, a bill introduced by you to establish an Academy of Criminal Justice and to provide for the establishment of such other Academies of Criminal Justice as the Congress may hereafter authorize.

The membership of our association consists of 110 of the leading law schools of the country. Many of them would naturally be very much interested in legislation providing for the establishment of centers for the study of criminal law in its relationship to the national welfare. Our association itself, being concerned with the improvement of the legal profession through legal education, is always very much concerned with proposals for curriculum changes and new types of degrees to be conferred by schools of law.

It is hoped that note will be made of our interest in your bill, so that we may have an opportunity to be heard whenever there may be hearings scheduled. In the meanwhile, if our association can be of any assistance in the furtherance of the purposes of the proposal, please do not hesitate to call on us.

Sincerely,

MICHAEL H. CARDOZO.

SUPREME COURT OF THE UNITED STATES,
Washington, D.C., February 4, 1965.

Prof. SHELDON GLUECK,
*Law School, Harvard University,
Cambridge, Mass.*

DEAR PROFESSOR GLUECK: It was a pleasure to get your letter of February 3. I had not seen your paper "Law and the Stuff of Life" and I thank you for sending it. It was a joy to read and very suggestive.

I am delighted with the proposal for a National Academy of Criminal Justice. I think by and large, with notable exceptions such as your own good self, we lawyers have pretty well made a batch of criminal law problems. And sitting

here, I do not see that we have advanced greatly in some decades. The National Academy might give us direction, unless it too, like the railroads, the post offices, and some universities become slowed down by bureaucracy.

Yours faithfully,

WILLIAM O. DOUGLAS.

SUPREME COURT OF THE UNITED STATES,
Washington, D.C., January 27, 1965.

Prof. SHELDON GLUECK,
Law School of Harvard University,
Cambridge, Mass.

DEAR PROFESSOR GLUECK: Thank you very much for your letter of January 25. If you have no objection, I should like to suggest your name to those who are considering the membership of the President's Panel. I think your idea is such a good one that the suggestion may be very welcome.

Very sincerely yours,

WM. J. BRENNAN, Jr.

Senator HART. Additionally, a letter dated July 22 and addressed to the chairman of this ad hoc subcommittee, Senator Ervin, from the majority leader, Senator Mansfield, will be made a part of the record at this point. Senator Mansfield, after commenting that his schedule does not permit him personally to testify, reminds us that he is a cosponsor, and hopes very much that this committee may be able to report the bill with such recommendations as we develop based on this record in the Senate. He offers his assistance in expediting consideration, and I suspect that that would be read as a green light to take this bill up if we can get it to the floor.

(The letter referred to follows:)

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., July 22, 1965.

HON. SAM ERVIN, Jr.,
Chairman, Ad Hoc Subcommittee,
Committee on Judiciary, U.S. Senate.

DEAR MR. CHAIRMAN: As you know, I am a coponsor of S. 1792, a bill which provides for assistance in training State and local law enforcement officers and personnel.

I am indeed sorry that my schedule does not permit me to testify personally on this legislation, but I do want you to know that the matter has my complete support.

With the heavy increase in crime in recent years and the more complex problems facing many of our urban areas, I feel that it is essential that our law enforcement agencies be expanded and improved. The provisions of the bill as introduced by Senator Frank Moss of Utah would provide the necessary incentive and assistance.

I hope that your subcommittee will be able to look into this matter in considerable detail and then report your recommendations to the Senate. While it has not been possible to testify personally, I do wish to offer my assistance in expediting consideration.

With best personal wishes, I am

Sincerely yours,

MIKE MANSFIELD.

Senator HART. Yesterday an exchange occurred between Senator Javits and the Attorney General Mr. Katzenbach, with respect to the desirability of assigning responsibility for the administration of legislation of this type as between the Department of Health, Education, and Welfare and the Department of Justice. Today the chairman, Mr. Ervin, received a letter from the Under Secretary of Health, Edu-

cation, and Welfare Dr. Cohen. This letter, which reflects the opinion of the Secretary of Health, Education, and Welfare on this question will be made a part of the record.

One will note in reading that letter that it is the opinion of HEW that the Department of Justice would be the appropriate and desirable agency for administering this bill.

It is nice to see jurisdictional problems so promptly resolved.

(The letter referred to follows:)

UNDER SECRETARY OF HEALTH, EDUCATION, AND WELFARE;
Washington, D.C., July 23, 1965.

HON. SAM J. ERVIN, JR.,
Chairman, Special Subcommittee of the Senate Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We understand that in the course of the hearings being conducted by the special subcommittee on the administration's proposed "Law Enforcement Assistance Act of 1965," S. 1792, and other bills to provide assistance to State and local law enforcement agencies, a request has been made for an expression of the Department's views. Particularly, we understand that you desire an expression of our view with regard to the fact that S. 1792 places administrative responsibility for the law enforcement assistance program in the Attorney General, while S. 1409 would give that responsibility to the Secretary of Health, Education, and Welfare.

It is our view that S. 1792 appropriately provides for the administration of the law enforcement assistance program by the Attorney General. As the President stated on March 8 of this year in his message to the Congress on "Crime, Its Prevalence of Measures of Prevention":

"This act would bolster present training programs for local law enforcement personnel and would support the development of new training methods * * *."

"This legislation would also authorize Federal support for the development of improved methods of enforcing criminal laws and administering justice * * *. By pilot projects in the administration of justice we may find ways of making the judicial process fairer and speedier and the correctional process more effective."

The Department of Justice, through its constituent agencies, is vitally concerned with criminal investigation and law enforcement, with procedures for the administration of criminal justice, and with the correctional process.

In the areas of concern pointed to by the President's message, we think it wholly appropriate that the Attorney General bear the administrative responsibility for the Federal assistance program.

The Department of Health, Education, and Welfare, as you know, has a large and continuing interest in the areas of juvenile delinquency and youth offenses, and in areas of mental health research which are frequently related to delinquency and other kinds of deviant behavior. Representatives of this Department and the Department of Justice have already begun working together to assure that the Federal Government's efforts will be coordinated to the fullest extent.

We fully support the objectives, the scope, and the structure of the "Law Enforcement Assistance Act" as embodied in S. 1792, and we strongly urge its enactment.

Sincerely yours,

WILBUR J. COHEN,
Under Secretary.

Senator HART. Our next witness is the Honorable Beverly Briley, mayor of Nashville, Tenn.

Your Honor, we welcome you.

STATEMENT OF BEVERLY BRILEY, MAYOR, NASHVILLE, TENN.

Mr. BRILEY. Senator, I appreciate very much the opportunity to testify, and with your permission I would like to file a formal statement and point out some of the things that we believe to be the highlights of the issue that is involved.

Senator HART. The statement will be printed in full in the record as though given.

Mayor, feel free to make any comments you want.

Mr. BRILEY. Chairman Ervin and members of this special subcommittee of the Senate Judiciary Committee, I am C. Beverly Briley, mayor of Metropolitan Nashville—Davidson County, Tenn.—and chairman of the National League of Cities' newly created law enforcement committee. I appear here today on behalf of the National League of Cities (formerly the American Municipal Association), an organization which represents over 13,000 cities and towns throughout the United States, either through direct membership or through the membership of the 45 State leagues of municipalities.

We want to thank you for giving us an opportunity to testify this morning on S. 1792 and S. 1825, which provide for Law Enforcement Assistance Act of 1965. I know the mayors of this country believe that legislation authorizing the Federal Government to make grants to local governments in an effort to help them improve law enforcement is long overdue. We further believe that the Federal Government, and particularly its Department of Justice, can play an important and vital role in this effort, and we endorse the flexibility which has been written into this legislation. Such flexibility will allow the Attorney General to make grants to local programs which will produce imaginative solutions to the problems of law enforcement in the United States.

However, I must hasten to clear the record on one point. This proposal is so new that the membership of the National League of Cities has not adopted policy governing our position on the program H.R. 6508 would authorize. President Johnson's message on crime, which contained the first description of this program, was sent to Congress only a few months ago, long after our last business meeting, where such policy is formulated. Since that time, however, Mayor Henry W. Maier, of Milwaukee, Wis., president of the National League of Cities, has created the NLC Law Enforcement Committee and has named me as its chairman. I know that the members of this committee are anxious to consider this proposed Federal grant program when they meet tomorrow in Detroit, Mich., and I am certain that by the time the 42d Annual NLC Congress of Cities adjourns next Wednesday representatives of the 13,000 member municipalities will have adopted a statement of policy which supports the proposed Law Enforcement Assistance Act of 1965.

I am sure of such favorable reaction by representatives of the NLC membership because the Executive Committee of NLC, which consists of 16 mayors and 7 executives of State leagues of municipalities, has always encouraged the NLC staff to participate in activities which will improve law enforcement practices. Consistent with such policy, the executive director of the National League of Cities, Mr. Patrick Healy, now serves on the International Association of Chiefs of Police's Advisory Council on Training. This council was appointed to assist IACP with the development of training goals and standards for police personnel, and I am sure you will agree that the implementation of high standards of police training by the police departments of this country will certainly raise the quality of law enforcement.

Also consistent with this policy is the practice of the NLC Research Department to assist municipal officials with their questions on law enforcement practices. Quite frequently a mayor or councilman will request information about law enforcement techniques being employed in other cities. The research people in our department of urban studies will gather material which answers the question from our own information sources or contact the IACP or an appropriate Federal or State agency in an effort to find the answer.

Further evidence of municipal official support for this legislation can be found in the fact that a number of State leagues of municipalities are undertaking police training programs and schools in an effort to upgrade the performance of police officers. These schools receive widespread support among mayors and councilmen, the men ultimately responsible for the performance of police departments.

However, municipal officials support of the Federal law enforcement assistance program does not mean that State and local governments want to abdicate their responsibility for law enforcement. On the contrary, this support is an outgrowth of a recognition that our mobile society has produced a criminal element which fails to recognize the jurisdictional limitations of State and local governments. An isolated criminal act in a small community may require the attention of police officers throughout the country, the relatively minor criminal conduct, such as vagrancy and drunkenness, requires national attention of methods of controlling the high rate of incidence are to be found and successfully practiced.

Mr. Chairman and members of the committee, municipal officials want to solve these problem locally, but a few statistics will illustrate why local government needs financial assistance from the Federal Government if local law enforcement is going to be improved.

Almost 90 percent of the tax revenue which supports local government, including schools, comes from the property tax. This revenue source is overburdened almost to the point that taxpayers are unwilling to undergo increases in local property taxes. By the same token, the demands placed upon local government for increased services and new facilities are increasing at fantastic rates. For example, the "Compendium of City Government Finances in 1963," prepared by the Bureau of the Census, indicates that total municipal expenditures for police protection increased from \$1.13 billion in 1958 to \$1.545 billion in 1963, an increase of approximately 36.7 percent in just 5 years. What does this money spent by municipalities buy?

In general, it pays for enforcement of both State and local criminal and traffic laws. The word "enforcement" includes, in almost all local situations, all law enforcement except prosecution and correction. However, in the case of traffic laws and minor crimes, local government also foots the bill for prosecution and correction.

You will note that I include State criminal and traffic laws within the jurisdiction of local law enforcement agencies. This is important, and its impact upon the cost of local law enforcement is illustrated by the fact that State governments spent only \$928 million for law enforcement and correction in 1965, according to the Bureau of Census "Compendium of State Government Finances in 1964." Over two

thirds of this amount was spent for correction of criminal offenders, leaving only \$319 million for State law enforcement activities in 1964. Thus, it is plain that local government is shouldering the major part of the law enforcement burden in the United States today.

I might add that while local governments are charged with major responsibilities in the area of enforcing State criminal and traffic laws, the States have failed to provide local government with grants-in-aid which equal this responsibility. A brief example will illustrate this point. In the State of Colorado municipalities and counties are charged with the responsibility of licensing and policing liquor outlets according to the State liquor code. However, local government receives only 15 percent of the liquor license revenue to finance this important law enforcement function. The other 85 percent is used to help finance the old-age pension program in that State.

This brief description of local government's financial picture only illustrates the point that money for conducting special projects which will produce new law enforcement techniques and which will illustrate the benefits of improved police training is not available at the local level. The legislation before you today will provide the financing for such special projects and programs. The results of such projects and programs, because they will be financed in whole or in part by the Federal Government, will have the general effect of raising the standards of law enforcement throughout the country. Such an effect, I am sure you will agree, would be very worthwhile.

What projects could be financed by this Federal assistance program? All of the witnesses you have heard this morning have described many of these projects in some detail, but the following list may be helpful.

1. Special training programs for police officers, such as the ones which have been undertaken by the new California Commission on Peace Officer Standards and Training. These training programs, if properly developed and financed, would have the effect of improving the skills of the rookie police officer before he undertakes his duties as opposed to requiring him to develop such skills on the job by the trial-and-error method. These programs would also keep more experienced officers up to date on new law enforcement techniques and practices.

2. Experiments with better lighting and the use of electronic equipment in high crime areas. Public works officials have found they can use television to inspect underground facilities, but the impact of the use of closed circuit television in areas where crime against the person occur frequently has received only limited testing.

3. Some larger police departments have been able to use computers to free police officers from administrative drudgery, but medium-sized and small cities lack the resources to experiment with the use of such equipment. A Federal grant to a group of police departments in a metropolitan area would indicate the value of computer technology for smaller departments.

4. Local officials would like to develop imaginative solutions to the repeater problem, especially with regard to the minor crimes. Municipal court dockets are overburdened with cases brought against the chronic inebriate, vagrant, and traffic violator. Municipal judges have been innovators in this area, but nationwide experimental programs to overcome this repeater problem must be undertaken.

The list could be expanded indefinitely by municipal officials. As a matter of fact, the National League of Cities has sent a questionnaire to the 325 municipalities over 50,000 population in an effort to discover what elected and appointed municipal officials want to do by way of projects which would demonstrate methods of improving law enforcement. I have been advised that a number of these questionnaires have been returned to NLC already and that analysis of them by the staff has been undertaken. We hope that the results of this survey will give us more ideas to present to Congress and to the executive branch as the law enforcement assistance program is considered and implemented.

Again, I urge this special committee and the full Senate Judiciary Committee to recommend this important legislation favorably. The municipal officials of the Nation are sure that the results of this program will be noteworthy and that a partnership between the Federal Government and local governments in the law enforcement field, which this legislation will encourage, will be very worth while.

I am the mayor, which is a new form of local government, a consolidated city government, and we have been having an experience of modernizing a police force over the entire jurisdictional area.

Senator HART. I should interrupt to say that you do not have to be a Tennessean to know about that. I think a good many people who are interested in government in this country are following with very keen interest the development you describe.

Mr. BRILEY. Yes, sir. We are now some 21½ years old, and it is very successful, and we believe that a great deal more interest in it will be expressed in it as we begin to prove the truth of the theory that we tried. I have an idea that this is one of the reasons why I have been selected to be the chairman of the new Committee on Law Enforcement for the National League of Cities, because we have had very excellent success in the police effort in our area since we did this consolidation, and we have been trying many innovations in police work.

I am representing the National League of Cities, which is really 13,000 cities and towns of America, and we did not have a platform policy on the subject that we speak to in connection with this legislation, because we had never had the opportunity of presenting anything of this kind. So this is a new committee that has just been created. We have had a great deal of interest in the subject matter at the local level and at the State level, and have made considerable efforts. Our executive director, Pat Healy, is on the Council of the International Association of Chiefs of Police, as an illustration, as an advisory person to help develop programs that can be useful to the cities in their law enforcement.

We did not at our last meeting—incidentally I am leaving here for Detroit to attend the current meeting—

Senator HART. I interrupted you once, and I did not want to do it again, but when I realized you were speaking for the National League of Cities, I did want to welcome you to Detroit where the annual convention will assemble, and I hope you will give my very best to our very able mayor, Jerry Cavanagh.

Mr. BRILEY. Yes, sir; I will. I look forward to seeing him tonight, as a matter of fact. We plan to fly there this afternoon.

We have been interested in this subject, and we would have gone on record at our last meeting, I am certain, but the President's message did not come until after our meeting, so we did not have an opportunity to develop a policy statement. But we have created this new committee on law enforcement, and we are establishing a policy statement that we are sure will be adopted at our meeting that will be going on during this next week.

We do have a great deal of concern at the local government level for many reasons. We are living in a very mobile society, and the new impositions of problems for the police department as a result of recent court decisions is making it more difficult all the time to find the properly trained scientific personnel that will do the police effort. There is no longer the same type of policing that existed even a few years ago. Today it is with a very mobile society. Crime is not localized any more, and with the difficulty of obtaining evidence, particularly in the more recent decisions, it makes it all the more difficult, and we must have better trained officers to do the job.

In our area we are establishing academies. Some States are trying to establish academies to train officers. I have in my city a contract with the International Chiefs of Police, as an illustration, to conduct command schools for our commanding officers from sergeants in the field on up. There are varying kinds of programs of this type.

Senator HARR. This is not an inappropriate place in the record to remind the reader that the International Association of Chiefs does strongly support the legislation.

Mr. BRILEY. Yes, sir; I knew that they did, and incidentally, they are staffing our new committee. They will be, and some of the people in the Department of Justice have offered their help and assistance in the work that we are trying to do. But we are concerned, and we really appreciate very much the nature of the legislation that gives a flexibility to the Attorney General and the Department of Justice in administering this program. We believe that there needs to be many new techniques that have never been tried at all, and we think that this appropriation would very readily lend itself to give us the opportunity to apply techniques that we now really cannot conceive of.

We are thinking in terms of trying to take care of the problems of communication between adjoining jurisdictions, which is a very weak part of the police effort today. We are thinking in terms of trying to light up and perhaps even have controlled television in areas where there are repeated incidents of crime. There are many things we are thinking about but are unable to finance in the situation in which we find ourselves.

You can see from my paper that our local governments have increased in the 10 years the appropriations for the police effort 36.7 percent. We have spent \$1.5 billion in 1963 in the police effort. Unfortunately we have not had a great deal of assistance from the States. The States have been appropriating money both for law enforcement effort and for the correction of criminal offenders. The result is that they have only spent \$319 million this year or in the year 1964 for State law enforcement efforts, so you see the comparison. The local government has really been carrying the brunt of this problem.

On the other hand, the State governments take a great deal of the tax resources, for instance, of the liquor laws, and this, that, and the

other, and yet the local government is the government that has to furnish the police agency to police it, and this is the kind of thinking that has been going on as between State and local government, and relying almost 90 percent on the property tax, we are just taxed to the depth of the property to the extent that the public just does not support property tax increases very easily any more.

The efforts that we could make, that could be exciting, and initiate new techniques just cannot come about without some expenditure of funds. So we believe the flexibility of the Department of Justice in this would be a very, very great thing for the development of these new techniques.

We think of this in terms of new training programs for police officers, and then many experiments about lighting, experiments with electronic equipment, some additional use of computers to free police officers from a lot of administrative problems, and also even to use this type of computer incident with police departments of a large metropolitan area where there may be several jurisdictions, where they can combine their recordkeeping and their operations.

We think that there are many, many techniques that can be applied, and we believe, if given the opportunity with pilot programs, we can bring in a new type of police effort in our various jurisdictions that have the police work.

Crime no longer is a respecter of county jurisdictions or even State jurisdictions any more, and with the problems at hand, we need very much this legislation, and we heartily endorse it.

Senator HART. Mr. Mayor, I want to thank you on two counts. First, I have had an opportunity to go hurriedly through your full presentation, for the persuasive reasons you have assigned in support of the legislation, and second, acknowledging that if the mayors across the country are interested and for this legislation, the opportunity is much greater that the Congress will be responsive.

Mr. BRILEY. I hope to send back to you, after our meeting next week, an endorsement of a platform program of this kind.

Senator HART. I was going to ask if that does occur, it would be very helpful, I think, and the record will be kept open to receive this position.

Mr. BRILEY. Thank you.

Senator HART. Incidentally, if you want to send down a resolution opposing the so-called Dirksen amendment—

Mr. BRILEY. I have already forwarded a statement on that. *Baker v. Carr* originated, you know, in my—

Senator HART. Again I appreciate your willingness to really organize a municipal effort in support of the legislation.

Mr. BRILEY. Thank you, sir.

Senator HART. I hope that you and I will not be disappointed in its fruits.

Mr. BRILEY. Thank you, sir. I will say hello for you tonight.

Senator HART. Please do.

Our next witness is a gentleman whom I do know. I am glad to bring to the committee the superintendent of police from Grand Rapids, Mich., William A. Johnson.

Superintendent, other members of the committee are not here, but when they read the record, I want them to understand that I can vouch

for the soundness of the background of experience that you bring to the committee. I am delighted that you are here, speaking also, I expect, for the Michigan Association of Chiefs, is that not correct?

STATEMENT OF WILLIAM A. JOHNSON, SUPERINTENDENT OF POLICE, GRAND RAPIDS, MICH., AND PRESIDENT, MICHIGAN ASSOCIATION OF CHIEFS OF POLICE

Mr. JOHNSON. That is correct, Senator.

It is a pleasure for me to appear here this morning in behalf of this bill. I have presented this committee with a written statement. I believe you have copies of it. I have nothing additionally to add to the written word, but I do want to reassure you that certainly on behalf of the police administrators in the State of Michigan—and, I feel, for police administrators throughout the country—that we are solidly behind the measure as set forth in this proposed legislation.

Senator HART. Let me order the statement printed in full at this point in the record as though given.

Mr. JOHNSON. The American police system, and more especially the municipal police establishments, is in serious straits. This situation rising from the increasing governmental responsibilities of cities over the past century, is the result of an assortment of reasons and causes. It requires not too much originality or imagination to point to the trend toward urban living, the mobility of its inhabitants, the social revolution and the paradox of demands and restraints of police activity and procedures as prime elements in the total complex pattern of the police problem. Surely these conditions do contribute their share toward making the policeman's lot not a happy one. There are, however, other less publicized and certainly more aggravating reasons for the concern of the police administrator to the almost insurmountable challenges which confronts them daily.

Chief among these reasons are apathy, misunderstanding, and an ever-increasing tendency to saddle police groups with more and more time-consuming tasks and duties. In this connection, there are altogether too many people in America whose impression of a police operation has been formed by the heroic enactments on the television screen. However entertaining these dauntless characters may be, the hard reality of the matter is that any similarity between their exploits and the cold and monotonous realities of modern police work is more than coincidental—I prefer to use the word "impossible."

Ranked right alongside of this lack of understanding on the part of the public, and corollary thereto, is the lack of qualified applicants for the police service. Young boys no longer look to the day when they can become policemen. The stars have been knocked out of their eyes. Why?

Perhaps because of the fact that ours is an affluent society, and, after all, why work for \$75 a week when you can get \$150 for the same period of time and work fewer hours in so doing? What is more, you do not have to get pushed around by a bunch of punks with long hair, nor be bear baited by a group of criminal lawyers, eager to seize upon every pronouncement of the Supreme Court to further ease their task in springing a criminal. Perhaps the young man considering law enforcement thinks twice when he reflects upon the vagaries of a social

order which demands that not only he be above reproach, but also his wife, and his children who must conform to the same rigid standards of personal conduct, like Caesar's wife—should he cast his lot with the thin blue line of law enforcement.

Next, let us consider this matter of training. Unfortunately, in this regard some of our own police administrators underrate the value of this vital element of any police operation. Tragically, some departments are so undermanned that the presence of the men cannot be spared for training program appearance. The Detroit Free Press of July 16, 1965, carries a front page article which quotes Commissioner Girardin that the regulation requiring all Detroit police officers to qualify annually on the police pistol range will be waived at this time due to an alarming increase in street crimes, thereby necessitating the presence of all available manpower for selective area and time patrols. It is not strange that frustration and a general feeling of inadequacy and despair become increased burdens on the shoulders of police chiefs.

What is the solution? Certainly there is no heroic or absolute remedy which will resolve this grave social dilemma. It is my feeling that the greatest contribution which this committee and the Congress of the United States can make is to use the prestige of its position to arouse a national concern for a situation which, unless checked, will develop into internal disorder and decay, and ultimately anarchy itself.

This may be accomplished by translating a concern through the method of grants-in-aid to State and local levels of government for the purpose of assistance in training, recruitment, and retention of qualified and competent police officers. It would, of course, be agreed that the meeting of certain minimum standards be conditional to the receiving of such financial assistance.

We in Michigan are fortunate in having recently enacted by the legislature a Law Enforcement Training Council Act, modeled after similar legislation in California and New York. Briefly, this provides for a surcharge of 10 percent on all criminal fines imposed to be used for purposes of training police officers on a recruit level, as well as in advanced courses. Again, this is not the total answer. It does give cause for increased optimism and a healthy improvement in a State where police training must become a way of life for the working officer on all levels, particularly in the rural areas.

It might be of interest to this committee to know that Michigan State University at East Lansing, Mich., has one of the finest schools of police administration in the Nation. In addition to the regular 4 years' course, graduate level work is offered in several aspects of police science. Ironically, less than 5 percent of the graduates of this fine institution remain in the State of Michigan, and a great share of that 5 percent elect to cast their lots with other than municipal police departments. Can you imagine the consternation of the citizens of the State of Michigan if the same proportion of the graduates of the medical schools at the University of Michigan and at Wayne State University were to seek practice outside of the Wolverine State?

This, gentlemen, is a profile of the problem facing police departments today. It is our problem, but not exclusively ours. It is yours and the common possession of men of good will wherever the desire for an orderly way of life exists. May I assure you that the 260,000 municipal officers in this Nation represent one of the most dedicated

groups of public servants in existence. Theirs is the problem of the crowd control and containment, the demonstration, legal or otherwise, racial tensions, picket lines, traffic safety, as well as the time honored and traditional workload provided by the thief, the burglar, the rapist, and the mugger. In a great number of these involvements the police officer stands alone between society and the aggressor. In all too many of the incidents there is little or no time for deliberation, consultation, or planned strategy; his is the burden of instant judgment.

In conclusion, I will state that the shocking increase of crime at the rate of five times that of the population, is symptomatic of a serious social malady. The combined efforts of all men who are genuinely interested and concerned will be necessary to prove that a democracy can be a government where the processes of law enforcement will insure to all of its citizens the equal protection of the law. No greater privilege can be offered to our citizenry and no lesser one will be acceptable.

Senator HART. I welcome the endorsement of the legislation, of course, but I think that some of the comment that is contained in your statement is of the sort that a little give and take in public, not just limited to the reader of the record, might generate additional interest in the legislation.

I was struck in leafing through the statement by one comment. Let me see if I interpret it correctly. When I was a little boy, my ambitions varied as to what I wanted to be when I grew up. Thinking back as hard as I can, I still cannot honestly say that I ever thought I wanted to be a Senator. But I vividly remember wanting many times to be a policeman. I think that was typical of most youngsters of my age. If it was not that, it was to be a fireman.

You make the point here that you do not get qualified applicants in adequate number any more, and that policemen are no longer thought of by young boys as something they want to be.

Mr. JOHNSON. That is correct, Senator. I think that this is a commentary on our times. Whereas we wanted to be policemen or locomotive engineers—that was another one of the very attractive positions—especially as applied to law enforcement, ours is a sort of a third-person position we have. By “ours” I mean law enforcement. Society likes to look to the criminal and to the police as totally separate social entities, and sometimes I wonder which one enjoys the better image, the criminal or the police.

Perhaps I am unduly pessimistic, but in discussing this with other police chiefs around the country, this has been somewhat their reaction. The youngsters today are not too convinced that this is a service which they would like to engage in.

Senator HART. I think that, in capsule form, describes an attitude, reflects an attitude which makes difficult the improvement in quality and performance of personnel in every aspect of correctional work. To the extent that this describes young Americans, it indicts the older Americans. And secondly, it makes so clear why it is just awfully tough sledding in a municipality, sort of bare handed and alone, to upgrade the quality of law enforcement.

It does not follow that there is going to be any magic solution to that coming out of a federally supported training program. But the

thing is serious enough fully to justify the effort in this kind of thing.

Mr. JOHNSON. I appreciate the fact, Senator, that there will be no magic solution to this. Yesterday I happened to talk to a friend of yours, an old friend, incidentally, and a friend of mine, Judge Raymond Starr, a Federal judge for the western Michigan district, former attorney general of the State of Michigan, and we were discussing a totally disassociated topic. But before he hung up, he said: "Chief, yours is an impossible job." And I am quite sure that the good judge was using this figure of speech "yours" as the whole police concept today.

Here is a very distinguished attorney, a very distinguished jurist. What can we do to correct this feeling of almost desperation?

Senator HART. I am glad that you thought to comment on the excellence of the School of Police Administration at Michigan State University for one thing. But I see you make the point that only 5 percent of the graduates stay in Michigan.

Mr. JOHNSON. Yes; we would like to have more of them stick around.

Senator HART. After this exchange, Chief, I think we ought to make clear in the record that while I do not know the statistics, it is my strong impression that your city, the city of Grand Rapids, is at root a community conspicuous for its respect for law. The tradition of the community and the tradition of the people who make up a considerable portion of its population, I feel, rank very high.

Mr. JOHNSON. I believe it does, Senator, but at that we enjoyed an overall increase in class 1 crimes last year of 21 percent as opposed to the national increase of 13 percent.

So again we are slowly losing this very fine image which we have traditionally had, and unless we get some more policemen, I am afraid this deterioration process will be hastened. We are getting some more incidentally.

Senator HART. The point you are making in your paper is that we need more able men adequately trained.

Mr. JOHNSON. Who will remain with us.

Senator HART. Yes; who will remain with us. It is not just the quantity. It is not just the reinforcement of numbers, but the ability that they bring to the job. This legislation seeks to assist that.

Chief, again thank you very much for your help.

Mr. JOHNSON. Thank you very much, Senator. Will the hearings continue this afternoon?

Senator HART. I think that we will be able to conclude the witnesses scheduled for today before the luncheon hour.

Our next witness is Prof. Sanford J. Fox, of the Law School of Boston College.

STATEMENT OF PROF. SANFORD FOX, BOSTON COLLEGE LAW SCHOOL

Mr. Fox. Good morning, sir. I am somewhat taken aback, Senator, because having listened to the witnesses who have spoken thus far, I find that whatever thunder sneaked into my remarks has largely been stolen. I will try not to make the same craps that have already been made.

Senator HART. There is no harm in unanimity, if it runs in the direction that the audience wants to hear.

Mr. Fox. I was struck, in reading through the text of this bill, at what a heroic effort it embodies. It relates to so many different aspects of law enforcement that I think the range of problems it raises is perhaps as large as the range of solutions it proposes.

Senator HART. That is a pretty powerful statement.

Mr. Fox. I was about to ask forgiveness for it, and I ask to be forgiven if I depart from unanimity by raising some of these problems.

Senator HART. That really is the purpose of the legislative hearing, to get some competent people's suggestions that can improve a basically sound legislative approach, or if it is basically unsound, to identify it as such and put it on the shelf.

Mr. Fox. As I understand the bill, it proposes to accomplish two basic goals. One is to improve the quality of personnel, and the second is to improve the quality and efficiency of what these people do, their techniques and their procedures.

As I also understand it, there are three groups of people who are involved in this bill, the police, correctional personnel, and I have the impression from some of the language of the bill the residual category of other persons.

To accomplish these two goals with these three groups, the bill proposes to create a fund-granting stimulating agency within the office of the Attorney General. I would like first to make a couple of remarks, and raise some of the problems I indicated before about the second of these two groups, about the corrections area.

I am sorry that I missed the exchange between Senator Javits and the Attorney General yesterday, because I think that some of the same problems might be involved there trouble me too. I am concerned, for example, to what extent there is to be a duplication of such programs as those run by the National Institute of Mental Health in training psychologists, psychologists and related personnel in forensic areas. They have been doing this for a number of years. Perhaps I am uninformed about their intentions to terminate some of their activities.

Senator HART. On that, because it might give you added ammunition, and suggest further concern, you may have heard me put in the record this morning a letter from the Under Secretary of Health, Education, and Welfare.

Mr. Fox. Yes; I heard that they—

Senator HART. Let me read you a portion because it bears on the concern that you have expressed. The Under Secretary notes that the President's message, in endorsing this legislation said this:

"This act would bolster present training programs for local law enforcement personnel and would support the development of new training methods * * *.

"This legislation would also authorize Federal support for the development of improved methods of enforcing criminal laws and administering justice * * *. by private projects in the administration of justice we may find ways of making the judicial process fairer and speedier and the correctional process more effective."

That is the passage from the President's message. The Under Secretary says:

The Department of Justice, through its constituent agencies, is vitally concerned with criminal investigation and law enforcement, with procedures for the administration of criminal justice, and with the correctional process.

In the areas of concern pointed to by the President's message, we think it wholly appropriate that the Attorney General bear the administrative responsibility for the Federal assistance program.

Now he goes on further :

The Department of Health, Education, and Welfare, as you know, has a large and continuing interest in the areas of juvenile delinquency and youth offenses, and in areas of mental health research which are frequently related to delinquency and that kind of deviant behavior. Representatives of this Department and the Department of Justice have already begun working together to assure that the Federal Government's efforts will be coordinated to the fullest extent.

I thought I ought to at this point make at least that limited response to the point you were making, because clearly the exchange yesterday between the Attorney General and Senator Javits did relate to this problem, and we now have Dr. Cohen's reaction to it.

Mr. Fox. I was going to make the same remark concerning the Office of Juvenile Delinquency in HEW, which now has training centers throughout the country dealing with probation and parole people, and what is left after you deal with probation and parole people through the Office of Delinquency, and you deal with the mental health people through the National Institutes for the operation of this bill and the corrections I am not quite sure, except maybe guards. I don't mean to deprecate the role of guards, but that you have taken out a very significant part. I don't mean to say that it is impossible to achieve coordination, but only that I was troubled that there is the effort going on in these two very significant correctional areas. I was concerned about what impact was proposed for the corrections aspect of the Law Enforcement Assistant Act.

There is another remark I wanted to make about the corrections area, in addition to the possible duplication. Here again I am afraid I am probably running counter to some of the material that Senator Clark has experienced and put into the record here. That is that it seems to be fairly clear from whatever experience has been faithfully recorded that institutional treatment at least has pretty fully little rehabilitation potential, and that although there is a vast room for training and a vast room for improvement of techniques, and vast room for improvement all along the line in the correctional process, this improvement is, I think, related to goals other than crime prevention in the sense that it will help promote security.

Perhaps that is current preference in that people will escape and perform more crimes. It will help prevent deterioration in that if you have imaginative programs, you don't have people sitting in cells and either going berserk or, short of that, clearly deteriorating.

These are so clearly remedial in the sense of preventing further deterioration rather than bringing about what we mean normally I think by rehabilitation, a kind of change in personality, a distilling out of criminal propensities through mental health efforts that I am concerned that there ought not to be great expectations about crime prevention in this sense of reorienting personalities, through treating people in prison.

Now true the statistics that Senator Clark has presented, that there are only 50 full-time psychiatrists in the institutions, that there are so few psychologists and social workers, certainly does support the reply to what I have just said that, well, rehabilitation in a meaningful sense

in institutions has never been given a real chance, and I think certainly it ought to be given a chance.

But on the other hand I think that it would be a mistake to disregard what experience there has been and it is not true that all of the rehabilitation experience has been on the level of one psychiatrist per 4,400. There have been more intensive efforts, and these are very sadly lacking in positive results on the whole.

I think that the expectation of crime prevention through treatment in prison is something that I would suggest ought not to be stimulated, because if it is, it tends to obscure other and what I think might be more fruitful areas of crime prevention.

Senator HART. Other and more fruitful areas such as?

Mr. Fox. Such as working with younger people, such as experimenting with noninstitutional methods of treatment. In the past I think history has had a trained cyclical effect. The development of persons has come as a reform largely to prevent widespread use of corporal punishment and capital punishment. But in turn it turned out that imprisonment had so many deleterious effects that reform then took the form of trying to find ways of avoiding imprisonment, and I think we ought not to go back on history again, and we ought to continue with a full-fledged search for methods of treatment outside of institutions, because the potential for dealing with people, one, at a young age and, secondly, outside of institutions, is I think much more hopeful. I think it would be somewhat and regrettably regressive if an under-emphasis were placed upon crime prevention through imprisonment.

I would like to emphasize again I don't mean to say that there isn't a lot that needs to be done in the correctional and imprisonment area. There is.

I would like next to say a couple of things about the group of police envisaged by the operation of this act. And here again I would like to affirm at the beginning and then again, because I don't want to appear to be an Indian giver on this, there is no question but that there is great need for improvement in training and great need to develop techniques for utilizing trained personnel.

I would endorse everything that has been said along those lines. But again I think it is very necessary to place that in context because otherwise other opportunities are lost sight of, and one tends to place too many eggs in a basket that won't hold them.

What I am suggesting is that there are limitations on how much efficiency can be brought about by the program set up by the Law Enforcement Assistance Act. These are not limitations that are beyond human control. In fact, I would suggest that these are limitations which can be met head on and grasped, and I am suggesting that they ought not to be obscured.

What are some of the factors that constitute some of these limitations on inefficiency? Mayor Briley of Nashville, in his statement, embodies many of the considerations that I am concerned with, and that is the great number of police agencies that we are dealing with. The consolidation that he has been able to achieve in the national area I think qualifies as a breakthrough equally as breaking through and going as far as anything we have achieved in the scientific area.

I would like to put into the record how far we had to go on this.

There is an authority named Bruce Smith who has written on this, who makes this compilation, and I think it is sufficiently impressive. He states:

State police forces and criminal investigation agencies of 50 States, sheriffs and deputy sheriffs in every one of the 3,000 counties plus a few county forces which either duplicate the sheriff's police jurisdiction or virtually displace it. The police of a thousand cities and over 20,000 townships or New England towns to which should be added an unknown number serving magisterial districts and county districts in the South and West. The police of 15,000 villages, bureaus and incorporated towns together with a small number of forces serving public quasi-corporations such as special or ad hoc districts. How impressive this array may be.

Smith goes on:

It does not completely reflect the full variety of American police. Hence there is no suitable niche in which to place the police force of the District of Columbia, nor such highly specialized agencies as the interstate bridge and tunnel force of the Port of New York Authority or the police of the Massachusetts Metropolitan District Commission. Such unique bodies define placing in anything but the most narrow categories.

He concludes by saying:

By way of general summary, it is clear there are 40,000 separate and distinct public police agencies in the United States. The vast majority consist of one, two, or three men who are employed on a part-time basis. Many of them are compensated solely by fees, or selected without regard to physical or mental qualifications, are wholly untrained and are largely unsupervised, are ill-equipped and undisciplined.

There is a residual of inefficiency that inures in having 40,000 police organizations that no amount of training, that no amount of techniques is going to overcome. There is the problem of achieving the kind of consolidation that has been achieved in Nashville.

What the reasons are for this great overlapping and conflict in jurisdiction of police forces is largely historical I think. But the forces which keep these forces separate are quite strong.

In the statement which I submitted to the committee I drew from my own experience one incident which I think illustrates what is involved, and that is when we in Massachusetts made a study of county jails and houses of correction we, after a quite thorough study, came up with the recommendation to Governor Volpe that there be a consolidation, that there was no longer room for county penology, and that it was inefficient and wasteful and prevented the development of specialized institutions which would constitute a great step forward.

But as I noted, we were not even able to get the legislature to print our recommendations, and today the sheriffs who would have been displaced as penologists, who are elected officials, have succeeded in preventing any implementing legislation.

Whatever their basic power it is strong, it is terribly strong, and it is not—and this is the crucial point—it is not a force, it is not an interest which is likely to be displaced by the impact of training grants or the impact of experimentations.

There is one other set of limitations that I would like to mention on achieving police efficiency, and that also is related to political power. I think one has to recognize that as deplorable as it is, and as regrettable as it is, there is a large area where much needs to be done in terms of taking policing out of politics. This is practically a platitude by now.

I would again cite the experience that I have had with the Massachusetts Crime Commission that I have mentioned in the statement I have provided the subcommittee, concerning what has happened to the Massachusetts State Police, and the impact of political influence in assignments, in promotions, and the great lowering of morale that has so affected negatively the efficiency of the police force that there isn't much that can be done without completely reorganizing the department of public safety, in which the State police finds itself, so as to take out or minimize at least the role of political influence.

None of these are problems beyond human control. They are problems very much related to what Mr. Johnson of Grand Rapids has mentioned. Now he was very much concerned with the image of a police officer. He was very much concerned with the ability to attract people to the police forces.

This is, I think, part and parcel of the problem of respect for law, and at this point I would like to mention that there is a great deal that can be done to improve this problem of respect for law, and that is by noting that central to the administration of the law are those who have the responsibility for administering the law, not for reasons of logic, because anybody who has worked it out that way as being the best way, but largely for reasons of history.

The lawyers are responsible for administering the law. We can have the most efficient police bringing offenders to justice, but if when they get to the court the work is dissipated through unjust decisions, if the work is dissipated through sentencing which does not attempt to achieve the greatest amount of rehabilitation, then whatever has been achieved in police efficiency is largely diluted.

Also I think that the image that the police have is at least in part a reflection which the image that the criminal bar has, and I think that it takes no great documentation to state that the image which the criminal bar has in this country today is not terribly good, and that there is a long way to go to improve both its dedication, competency, skill, and thereby its image.

Fortunately there is a way of doing this. Senator Kennedy of Massachusetts has introduced a bill that would create an educational institution, that would at once impart the prestige of the Federal Government to the central role of law enforcement. It would constitute a statement of the Government that those who share the largest responsibility in the administration of justice must be raised to a level of dignity and skill and achievement which is commensurate to their responsibilities.

The creation of a national academy of criminal justice as envisaged by Senator Kennedy would, I think, go a long way to providing not only the people who appear as active full-time members of the criminal bar, but it would also provide the leadership in society which is natural.

It would provide the leadership which would recognize and be vigorous about the priority of efficient law enforcement over the existence of vested political interests, that would provide the force that is necessary for consolidation of police districts, that would provide the force that is necessary to achieve a great deal that the police necessarily depend on.

I can just summarize the things that I have said by saying that the law enforcement assistance act is certainly a very much called for piece of legislation. Whether in this other category, this State category other than police and correctional officials it intends also to provide the lifting up of the legal profession in its necessary respects is something that is at least not clear from the bill, and certainly if this is one of the intentions of the bill, I think it ought to be made clear.

If it is one of the intentions, I would suggest that it is an unnecessary dilution of the impact that Federal action can have to do it this way, to have it done through a rather anonymous agency within the Department of Justice, rather than have the academy stand as a monument to Federal commitment to the importance of the administration of justice, as an enactment of Senator Kennedy's would accomplish. It is, I would suggest, a quite necessary supplement to the bill that is before this subcommittee.

Thank you very much, Senator Hart.

Senator HART. Thank you very much, Professor, for a very balanced presentation.

First, you do make clear the desirability of the enactment of the national academy bill, the Kennedy bill, a bill which I do support. But your other point which you make in your prepared statement—and if I have not ordered this, the record should include this statement in full as though given at this point.

Mr. Fox. After all of the research, investigations, and hearings that have taken place already on the problem of crime there is no point in rehashing all of the reasons why this constitutes not merely a pressing difficulty but a national disgrace as well. I would only point out at the outset that this disgrace will continue, not so long as crime continues to be a major evil—for its ultimate eradication may be beyond human achievement—but so long as there exist opportunities for exerting greater control and making more progress toward its elimination that are not firmly grasped and enthusiastically pursued. The fact that the present administration and Congress are seriously about the business of identifying these opportunities is a most welcome development.

I do not think there can be any dispute but that the Law Enforcement Assistance Act of 1965 deals with one of the significant opportunities to reduce crime. The identification of offenders and their apprehension will most certainly improve with the increased training provided those who have these responsibilities. The rehabilitation of convicted persons also represents a major crime preventive, especially in view of the large number of offenses now committed by those who have already been subjected to the correctional process. If a larger proportion of first or second offenders would go no further in their careers in crime there would be a vast improvement in the whole picture.

In his message to the Congress on this subject, the President observed that "Crime is a national problem" and that all levels of government must intensify their efforts in this area. What is the need for Federal participation which this bill is designed to meet? The answer gained from the President's message is that Federal money will be made available to intensify present training and procedures and to

foster experimentation to develop new and more efficient training methods and law enforcement procedures.

These are certainly important goals, and it seems clear enough that money, in significant amounts needed to achieve them must come from the Federal Government. To this extent this is wise and proper legislation. But there are questions raised that must be answered.

With that justification can it be said that we lack sufficient training and procedures, that experimentation languishes, due to a lack of such money? If there are other factors involved, then a failure to recognize them and deal with them effectively will render the financial assistance program created by this bill a costly and largely wasted effort.

I suggest that there are indeed other considerations afoot and that this committee should be aware of them so as to place this bill in its proper context. I do not, however, mean to suggest that I am opposed to enactment. Rather I want to emphasize the interrelationship of some things so that all that needs to be done will be done and so that a Federal crime program does not stop short of the kind of comprehensiveness that is necessary to render it a practical and efficient tool.

Let me take two aspects of the activity envisaged by this bill to illustrate what I have just said. The training of local police in technical and scientific skills essential to effective law enforcement is a major purpose of this bill. Why hasn't this been done already at the State and local level? Has it been purely a matter of money? Or do the reasons stand as likely barriers to achievement by this bill, also? It seems to me that local fund raising agencies, mostly State legislatures, have refrained from providing the financial backing for this kind of training for a number of reasons. Not outstanding among these is a lack of available money.

It is clearly the highly exceptional case when tax resources have not been adequate to support police training. There is, of course, a political reluctance to dip into the tax base but that too seems of secondary importance. Basic to this is the fact that local police organizations are not, on the whole, suited to receive this kind of specialized training. When every State, city, county, town, hamlet, and village has its own independent police force it would be folly and wasteful to attempt to make each into a little FBI. Let me quote from Bruce Smith's authoritative compilation of American police agencies. There are, he writes:

State police forces and criminal investigation agencies of 50 States;

Sheriffs and deputy sheriffs in over 3,000 counties, plus a few county police forces which either duplicate the sheriff's police jurisdiction or virtually displace it;

The police of a thousand cities and over 20,000 townships or New England towns, to which should be added an unknown number serving magisterial districts and county districts in the South and West;

The police of 15,000 villages, boroughs, and incorporated towns, together with a small number of forces serving public quasi-corporations such as special or ad hoc districts.

How impressive this array may be, Smith goes on, it does not completely reflect the full variety of American police. Hence there is no suitable niche in which to place the police force of the District of Columbia, nor such highly specialized agencies as the interstate bridge and tunnel force of the Port of New York Authority, or the police department of the Massachusetts Metropolitan District Commission serving the parks and parkways of the Boston metropolitan area. Such unique bodies defy inclusion in any but the most narrow categories.

Smith concludes with—

By way of general summary, it is clear that there are about 40,000 separate and distinct public police agencies in the United States. The vast majority consist of one, two, or three men, who are employed on a part-time basis. Many of them are compensated solely by fees, are selected without regard to physical or mental qualifications, are wholly untrained and largely unsupervised, are ill equipped, and undisciplined.

It seems obvious from this that the problem of police efficiency can yield but little to the pressure of Federal money. How efficiently can 40,000 separate, overlapping and conflicting police forces operate? The causes go a great deal deeper than governmental poverty. Let me mention but two large ones out of my own experience.

In 1961, Gov. John Volpe, of Massachusetts, appointed a committee to study the county jails and houses of correction in the Commonwealth. I was privileged to be a member of that committee. We spent a great deal of time trying to understand the role of county officials in the penology of the State and concluded that there was little to support it but the inertia of history and that the crime prevention effort in the State, particularly in regard to the rehabilitation of offenders, was being severely handicapped by the fragmented, outmoded, and inefficient county system. Accordingly, we recommended to the Governor that a coordinated statewide correctional system, incorporating the separate county units, be set up. We were not even able to get the legislature to print our report. The political power of the sheriffs was marshalled to prevent implementation of our recommendations and has thus far succeeded in preventing a step forward in the penology of our State that is recognized as a necessary reform by practically every expert in the field.

This is not the place for detailed discussion of the base of political power of the sheriffs. I only want to emphasize that to claim that a lack of money for experimentation in organization or procedures was in any way responsible for our failure to progress in this regard in Massachusetts is a complete distortion of the facts. County law enforcement, with all its inefficiencies, duplications, and anachronistic wastefulness has nothing to do with the question of Federal financing of the sort envisaged by S. 1825. The great problem of fragmented law enforcement will be left untouched by this legislation.

In 1962, Governor Volpe appointed a seven-member crime commission pursuant to a resolve of the legislature to look into organized crime and corruption in government. I was appointed to that commission and we have just completed 3 years of intensive investigations, some of which bear directly on the potential impact of the Law Enforcement Assistance Act.

It is common knowledge that a major barrier in the way of efficient law enforcement is the morale of the police and their ability to operate independently of political considerations. In regard to this latter point there is a range of degradations, going from the failure to ticket the car of a person with friends in city hall to the outright corruption of money changing hands in exchange for disloyal law enforcement. Concerning the former, there is nothing as important as the question of security, promotions and assignments based on merit and skill, uninfluenced by friends or enemies in positions of political power.

Concerning these factors I would like to quote one of the conclusions we were led to by our investigations of the Massachusetts State Police.

The State police is an outstanding group of men with exceptional potential as a law enforcement agency. However, in recent years it has been seriously affected by political influences and its effectiveness as a law enforcement agency is handicapped as a result. Due to a lack of leadership it has not engaged in an aggressive law enforcement program with the imagination and continuity that are essential for successful attacks on organized crime.

The political influences that have infiltrated the State police in recent years have depressed its morale, and morale is a dominant factor determining the success or failure of the force as a law enforcement agency. The present low morale is a major defect that cannot be allowed to continue. A striking example of political interference with adverse effects on morale was the inexcusable reinstatement in 1964 of a candidate in the State police training school whose dismissal for frequent infractions of the rules and failure to meet passing standards had been read to the entire school. The reinstatement was directed in order to pay a political debt.

The commission also found that promotions are often based on political influence which is frequently evidenced by the promotion of men who have acted as drivers for top-ranking State officials. High morale cannot be maintained when the men know that they have little chance for promotion without a political sponsor.

Those who are responsible for the work of the State police are severely handicapped by a lack of morale and esprit de corps, by political interference and by lack of professional leadership at the top. Although there is competence in carrying out the duties assigned to the various branches of the State police, there is a lack of imaginative planning and aggressive action.

There is no lack of ability among the officers and men. With a trained professional in command, supported by freedom from political interference and with adequate manpower, which requires adequate appropriations, the State police can be counted upon to take the initiative in the fight against organized crime that must be fought hard and without cessation.

I apologize for drawing an obvious conclusion here but I think it must be in the record that the remedial strength of S. 1825 on these problems is at best minor. We are here dealing with politics in the lowest sense of the word. The exchange of favors involving the law-enforcement machinery of the State has nothing whatever to do with money to experiment or to "beef up" training programs.

Let me say a word about the more venal kind of corruption of law enforcement, also gleaned from crime commission experience. The situation I have in mind is well described in another part of our report—

There is an established State police policy of making no raids in areas in which there are local police forces capable of enforcing the laws against gambling. If there are sufficient complaints that the local police are not enforcing the law, the State police investigate and warn the local police of existing conditions. In cities and towns where gambling is common, such warnings either go unheeded or the local police report that they have conducted raids which have resulted in no evidence of violations of the law. The State police then may take action but, because of lack of men available for continuous work in this field and because of a lack of an aggressive policy, such action is sporadic and of no lasting effect on local conditions.

The State police should act promptly and aggressively in places in which it is known that the local police are not enforcing the law. If communities want local control over law enforcement, their electorates should elect local officials who will establish and support police forces which will resist the pressures and temptations that have resulted in failure to enforce the law against gambling in the cities and towns where organized gambling operates extensively.

The implication strongly made here is that in some cities and towns the pressures and temptations have not been resisted by law-enforcement people. I am willing to say that if the Crime Commission had conducted investigations at these local levels we would have documented this with indictments.

It seems then that there are assumptions in the bill under consideration that cannot be sustained. Assumptions concerning the inherent efficiency potential of police organizations, of their ability to achieve efficiency in spite of political influences and of the possibility of efficient but dishonest law enforcement must be rejected. The receptacle into which the Federal money will be poured has many serious leaks. Let me add that my remarks are by no means meant to characterize all law enforcement in this country. I do mean to emphasize, however, that the impact of S. 1825 will be severely limited by the factors I have mentioned. More importantly, I mean to point out the obligation to deal with these factors as part of a comprehensive Federal program.

Effective law enforcement inevitably involves the respect for law and the legal process on the part of individual citizens. The President's message emphasized this aspect of the problem as well. It is thus proper to call to the attention of this committee a situation in which a great amount of disrespect is present, existing at the very heart of the law-enforcement process. I am speaking of the present low state of the criminal bar. The scandal of criminal law practice attracting few capable persons, of practitioners pleading their clients guilty so that they may do a large volume of business, of a breakdown of efficiency and quality in the crucial guilt-finding process is, I am sure, well known. It is fair to say that so long as this deplorable state of affairs exists the effort to achieve respect for law is bound to be but small accomplishment. What good will it do to train the police to high levels of detection and of ethical practice if the culmination of their efforts falls into the hands of poorly trained and improperly motivated attorneys?

Furthermore, how can the whole structure of the administration of justice be made "fairer and speedier" as the President said, without doing something to raise the level of those to whom society has entrusted the responsibility for that administration, the legal profession, particularly the criminal law practitioners? I think the answer in each case is that the time has come to take action in this area.

This suggestion is closely related to the problems I outlined a moment ago. The problems of the organization of police forces, of their relationships to local governmental units, of civil service status and freedom from debilitating political influence, of enforcing the laws against criminal corruption—there are all areas in which an active and informed legal profession can provide the leadership necessary for vital reform without which there simply cannot be police efficiency. In fact, it seems fair to observe that, considering the nature and strength of the vested interests that are involved, nothing short of enlightened and vigorous leadership of this sort can accomplish the necessary tasks.

It may well be asked why this leadership has not been forthcoming from the bar already on these pressing questions. The answer is

surely not a simple one. But close to the heart of the answer is the matter of education. One glance at the sad state of legal education concerning criminal law suggests that something near a revolution in legal training is called for in order to infuse the bar with attorneys who are skilled, sophisticated, and informed about the problem of crime in all of its dimensions. This is not an easy task, for in legal education, as in other aspects of law, conservatism is strong. Here is a great need for leadership to emphasize the need for bringing the criminal bar out of the doldrums. No more vital role for the Federal Government in the area of crime and the administration of justice can be suggested than to provide this leadership.

Senator Edward M. Kennedy of Massachusetts, has introduced a bill which would accomplish this. He has proposed creation of a National Academy of Criminal Justice that would fulfill the need for training, for organic treatment of the problem of crime as contrasted to the fragmented and piecemeal reforms of the past and for the skilled and dedicated servants of justice who would be active leaders in making police efficiency a real possibility.

I can summarize by saying that there certainly is a need for more money for training and experimentation. But the expectation that law-enforcement efficiency will follow upon the providing of this money is both naive and shortsighted. There are complex limitations on efficiency not related to money but which are related to the enlightened and informed leadership of those who are the natural leaders in this area, the bar.

Finally, creation of a National Academy of Criminal Justice, as proposed by the junior Senator from Massachusetts, presents the opportunity for the Federal Government to take action that is basic and far reaching in the war against crime.

Senator HART. You cite the leaks in the pot in which we are putting this money, and yet I think you would agree with me that some of the changes, a few of the changes at least, which you argue would improve materially the quality of law enforcement, will be made, if at all, long after we are dead, and the fact that this act, this program, will be undertaken in a setting where there are these factors that will be affecting it adversely nonetheless does not persuade you that we shouldn't make the effort.

Mr. Fox. No, I think that there is a definite progress involved. What I am suggesting is that so long as we have the momentum of concern on the part of the Federal Government this is a wonderful development, and there is every reason in the world why it ought to be as comprehensive as the need dictates.

Senator HART. Then you add the caution if we do in fact establish this program, let us not think that we have solved too much.

Mr. Fox. Yes.

Senator HART. And be conscious of these others in your statement—even more basic reforms that are desirable.

Mr. Fox. Yes.

Senator HART. Is your subject criminal law?

Mr. Fox. Yes, sir.

Senator HART. But you are not unaware of the difficulties involved in reducing the number of counties across the country?

Mr. Fox. I am not at all unaware of that. I have appeared on television debates with some of our sheriffs, and in terms of results I have come out second best. It is an extremely difficult job.

But there have been legislation and studies in Massachusetts going back, well, before we were born, making the same recommendations, and being unable to budge those who are interested in having this kind of fragmented law enforcement and penology.

But also along this period of development in which there have been these studies and these recommendations, there has been also a great deal of inaction on the part of the bar, and I think that it is not inappropriate to associate how little legal education, and I must certainly bear responsibility for this, how little legal education devotes itself to highlighting this responsibility and exploring means of fulfilling it with this kind of inaction.

Senator HART. Thank you very much.

Mr. Fox. You are welcome, sir.

Senator HART. Our last witness for today is the director of the legal internship program of the Georgetown Law School, Prof. William W. Greenhalgh.

STATEMENT OF PROF. WILLIAM W. GREENHALGH, GEORGETOWN UNIVERSITY LAW CENTER

Mr. GREENHALGH. Senator Hart, I have pursuant to so-called instructions prepared a statement for the committee. It is almost five pages long. I don't think we need take up any time. I could read it.

Senator HART. Let me direct if there is no objection that the statement be printed in full in the record as though given, and I would urge you to at least summarize it for us.

Mr. GREENHALGH. Yes, Mr. Chairman.

(The prepared statement of Prof. Greenhalgh follows:)

STATEMENT OF PROF. WILLIAM W. GREENHALGH, DIRECTOR, LEGAL INTERNSHIP PROGRAM, GEORGETOWN UNIVERSITY GRADUATE SCHOOL OF LAW

Mr. Chairman, members of the Senate Judiciary Committee, I am indeed honored today to be permitted to address myself to S. 1825 (Law Enforcement Assistance Act of 1965) and S. 1288 (National Academies of Criminal Justice Act), which, in purpose, are fundamental to the fair administration of criminal justice in the United States. They represent a valiant effort to reintegrate a field of the law in which some of us have frustratedly been laboring for several years. This legislation is timely. It is essential to the Nation's welfare.

We may ask ourselves why these bills were introduced. In that regard, perhaps a rapid glance at relatively recent cases concerning Federal and State criminal procedure can enlighten us. In the late 1950s and early 1960s the Supreme Court of the United States embarked on a series of decisions which greatly affected law enforcement in the Federal system. The Court in 1957, in exercising its supervisory power over Federal courts, resuscitated the old *McNabb-Upshaw* rule in the *Mallory* case. Then in 1958 it began to lay down new guidelines to Federal law enforcement officers in the fourth amendment area by reinterpreting the law of probable cause for making an arrest without a warrant and for the issuance of an arrest and search warrant. Such landmark cases as *Roy Jones*, *Giordenello*, *Draper*, *Henry*, *Rios*, *Cecil Jones*, *Wong Sun*, *Ventresca*, all have become courthouse words in the daily battles fought in the Federal arena. Also in 1958, the Court again relying on its Federal supervisory power, enunciated a further rule of exclusion of evidence in the *Blue Miller* case by holding that a Federal law enforcement officer in making an arrest with or without a warrant or executing a search warrant in fixed premises must announce his authority and purpose before breaking and entering.

Now while the Court was busily engaging in its Federal restatement of constitutional law in the fourth amendment area, most of the States were equally as busy ignoring these rules of exclusion because of *Wolf* decided in 1949. Then in 1961 came *Mapp* and throughout the land nothing was heard in State law enforcement circles except wailing and gnashing of teeth. Thus, the Court specifically held that by applying the same constitutional standard forbidding unreasonable searches and seizures the same exclusionary rule as used against the Federal Government since *Weeks* in 1914 was thereby enforceable against the States through the 14th amendment. Subsequent decisions since *Mapp*, such as *Fahy*, *Stoner*, *Preston*, *Aguilar*, *Beck*, *Stanford* and *One 1958 Plymouth Sedan* have merely incorporated federal standards of reasonableness in light of the "fundamental criteria" laid down by the Supreme Court applying the fourth amendment. The only exception to fourth amendment federalization was *Ker* in 1963 which held that the States did not have to follow *Blue Miller* since the Court was merely interpreting a Federal statute and not the Constitution.

To date, resistance by some of the States to *Mapp* borders on intransigence. Others have grudgingly endeavored to live with it, but do not follow the Supreme Court with decisional uniformity. Yet, a few apply it and its progeny as the law of the land. Primary culpability in defiance thereof almost universally rests with the trial courts, who cannot bring themselves to exclude otherwise admissible evidence predicated on an invalid arrest or unreasonable search and seizure. They believe that the criminal is not to go free because the constable has blundered. Thus, if the trial courts refuse to employ sanctions, neither do the prosecutors, and as a natural concomitant State law enforcement officers see no reason to comply. Therefore, a massive program of teaching, training, and technology as envisioned by the Law Enforcement Assistance Act of 1965 is needed. There is no better educator than the Federal Government, who has lived with this particular law enforcement problem since 1914. As Mr. Justice Brandeis once said: "Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example ***."

And within the Federal Government the unit best equipped to administer this act would be the Criminal Division of the Department of Justice. They are prosecution oriented and possess the knowledge of several decades of effective law enforcement. But even before this legislation becomes law, the Department of Justice should call a National Conference on Constitutional Exclusionary Rules similar to the highly successful National Conference on Bail held here in Washington in May of last year. This conference would embrace the fourth, fifth, and sixth amendments. Such a meeting would tend to alleviate the confusion caused some of the more controversial Supreme Court decisions, such as *Escobedo*, and ameliorate the administration of criminal justice in general. In the last analysis, the law enforcement assistance of 1965 represents sound legislation in a field where Federal experience and help are sorely needed. It should be enacted and quickly.

Turning to the National Academies of Justice Act, I heartily endorse the concept, not only for its bold, imaginative approach, but also for the selfish reason that I have been associated with a more modest program of its type for the past 2 years. Again, perhaps a little history can be helpful as to the need for some kind of legislation in this field. The success of the legal intern program at Georgetown University Law Center, I believe, is illustrative of the point.

In the District of Columbia and in the United States generally, the decade of the 1950's witnessed a substantial increase in the number of indigent persons accused of crime. As a consequence, there was a sharp rise in the demand for court-appointed counsel, ultimately culminating with the *Gideon* case in 1963. Much of the responsibility for the defense in these cases in the District of Columbia was assigned to younger members of the bar, who for the most part had only basic law school courses in criminal law, evidence and procedure to rely upon in achieving the professional skills demanded of them as defense counsel. To improve the quality of indigent defense, the U.S. attorney for the District of Columbia, Mr. Oliver Gasch, proposed to the law schools of the area in 1959 the establishment of some type of graduate internship program for young lawyers. With the aid of funds from an anonymous donor and from the university, Dean Paul R. Dean, of Georgetown University Law Center, in 1960 implemented Mr. Gasch's proposal, creating the first legal internship program in the United States. Fellowships named in honor of E. Barrett Prettyman, former Chief

Judge of the U.S. Circuit Court for the District of Columbia, were established which would provide a stipend to each of a select group of young men chosen for the program, in order that they could devote their full time to their studies and to the defense of indigents.

The program is now entering its fifth year, thanks to continued support from Georgetown University and a grant from the Ford Foundation. Since 1960, 41 Prettyman fellows have been selected from approximately 400 applicants. They have come from 21 States and from 25 law schools. During the first weeks of their residence they engage in a comprehensive study of criminal procedure and rules of evidence applicable in the District of Columbia. About 100 class hours are devoted to these subjects, with emphasis on the practical and ethical problems involved in defending against a criminal prosecution. Subsequent to completion of their indoctrination course and after admission to the bar of the District of Columbia, they actively engage in the representation of indigents before five different courts in this jurisdiction. All work in the courts is under the supervision of the program director who is also a member of the faculty. The 11 interns, representing each Federal appellate circuit, are appointed to approximately 200 felony cases and 100 misdemeanor cases during the year. In addition, juvenile court appointments and cases in both appellate courts are handled.

The program has been hailed by the President of the United States, the Attorney General, the president of the American Bar Association and jurists as a significant contribution to the administration of criminal justice. In the *Young* case, decided March 19, 1965, Chief Judge Bazelon of the U.S. Court of Appeals for the District of Columbia Circuit stated:

"While the Prettyman Fellows are young lawyers, they are closely supervised by faculty of Georgetown University and we are aware that they have had a salutary impact on representation of indigents in the courts of the District." (Editorial, 49 A.B.A.J. 561 (1963)). It would appear that the trial judge does not adequately comprehend the role of the Georgetown legal intern program in fostering creation of a highly qualified criminal law bar, both by training advocates and by providing an example for other law schools."

Thus, the concept of a small academy purely in the context of a public defender has been realized. But what about the average law student who may possess the consuming desire to become a prosecutor or defense counsel, but who because of his academic background would be ineligible to participate in a graduate program? Again, Georgetown Law Center offers an interuniversity course on criminal procedure to the five law schools in the District of Columbia. It is taught by six individual professors 2 hours a week for 30 weeks. The curriculum comprises cases and materials on right to counsel, probable cause, search, and seizure eavesdropping and wiretapping, confession suppression, bail, pretrial discovery, trial discovery and tactics, defenses, and appeal. It further requires that every student in the course must work at least 150 hours during the academic year as a student investigator and/or research assistant for the Legal Aid Agency—the Public Defender for the District of Columbia. There is a small stipend given to those taking the course, which is the result of a Ford Foundation grant. Unfortunately, the course is limited to 40 students on a pro rata basis between the 5 law schools. It is the most comprehensive kind of criminal procedure course in the country and goes a very long way in properly preparing a law student to render effective assistance of counsel in a criminal case.

Getting back to the National Academies of Criminal Justice Act itself, the course of study extending over 4 academic years seems perhaps too great a period of time for what could be accomplished by a more concentrated effort in less time. The curriculum is indeed comprehensive. Yet, there should be greater weight given to trial and/or judicial tactics, which I am certain would be so included. Furthermore, emphasis on criminal procedure, especially any rule of exclusion, is so critical to either a prosecutor or public defender. So many trial attorneys today are either unaware of existing case law or at a loss as to how to apply it. Again, the concept of the National Academy is sound. It but depends on the sense of the Congress to provide for some form of it.

Mr. GREENHALGH. I would like as background for this statement to state that I have spent my entire professional career since 1955 in the area of Federal law enforcement and the administration of criminal justice, 8 years as a Federal prosecutor, 2 years as a public de-

fender, and this subject is so near and dear to my heart in what you all are attempting to do in the U.S. Senate and the Congress that I think that it is a marvelous piece of legislation that you are considering here today.

I address my remarks first to the Law Enforcement Assistance Act of 1965, and also the National Academy of Criminal Justice Act introduced by the junior Senator from Massachusetts.

One of the first questions I posed is why the need for the introduction of both these bills. As you are very well aware, Senator, the Supreme Court in the late 1950's and early 1960's embarked on a series of rather earth-shaking decisions affecting law enforcement not only federally but in the States. As I pointed out in my statement, you first really in 1957 resuscitated the old *McNabb-Upshaw* rule in the *Mallory* case. Then further revivification occurred with new guidelines concerning the fourth amendment, that is to say probable cause for arrest without warrants, the issuance of arrest warrants and search warrants, a very, very heavy load of landmark cases burst forth from the Court in the late 1950's and early 1960's in this regard.

You have had a tremendous impact as a result of this in Federal law enforcement, and as you also well recall, while the Federal law enforcement officers were having a rather difficult time adjusting to this, the States, of course, were blandly going their way because of the *Wolf* decision in 1949 that they didn't have to pay much attention to the fourth amendment except for those States that had adopted the Federal rule in *Weeks*.

Then came *Mapp* in 1961, and the crushing burden then of effective law enforcement fell full square on your State officials. Since that time the Supreme Court has seen fit basically merely to incorporate by reference the earth-shaking decisions affecting the Federal Government previously in the late 1950's and the early 1960's. They have come around to almost adopting totally the Federal standards of reasonableness, the fundamental criteria in applying the fourth amendment.

The only notable exception that I know of is really basically an unfortunate decision in 1963 which was *Kerr* against California, where apparently the votes were not available. It was a 4 to 4 decision with Harlan kicking in on the tail in concurrence, saying that he concurred in the result of the case, which said that basically the *Blue Mirror* case would not be followed in the State because that was merely a statutory construction and not constitutional.

Now the reason I dwell on the fourth amendment—as I recall, Senator, you at one time were U.S. attorney for Michigan. Was it the eastern district?

Senator HART. Yes.

Mr. GREENHALGH. And you are very well familiar with the importance of the law of arrests in search and seizure. I would venture to say, based on my experience there, that about 50 percent of all the cases that come to Federal courts stand or fall as a result of that action, and certainly I would imagine even also in the States it might even be higher.

Now in this area then it is critical to educate the States to follow the *Mapp* decision and its project, in order that better law enforcement can be fully realized.

One of the best ways of doing that would be through this Act, and instill in the criminal division in the Department of Justice, and in my opinion the proper unit for this, because they have dealt with this problem over the years, at least since *Weeks* in 1914, they have many, many decades of experience, and have great sources of strength for calling out from all over the country former assistant U.S. attorneys or U.S. attorneys who have dealt with this problem, and can go out into the various regions and try to explain to the States exactly what the fourth amendment and its ramifications are all about.

I speak of my own personal experience. I have been quite active on a purely voluntary basis doing exactly that with the States Attorney's Association of Maryland as well as the Virginia Trial Lawyers' Association and the Commonwealth of Virginia, and getting down to my other remarks further on, it is rather a shocking situation when you find out while law enforcement officials on the State level are having such a time.

The primary culpability rests with the trial courts themselves, who absolutely refuse, time and time again, to set the criminal free because the constable has blundered. And when you have that attitude on your trial bench, and a typical circuit court judge, whether it be in Maryland or Virginia, obviously the police see no reason to comply, because they are not being taught.

No sanctions are being used. No cases are being thrown out. And you take a State like Virginia where there is no appeal of rights, you merely go by writ of certiorari to the Supreme Court of Appeals of Virginia. There is no intermediate court of appeals.

There is some agitation fortunately in this area both in Virginia and Maryland. But until you can get to a higher court, and if the defendant is indigent, which is 65 or 70 percent of the time, it is pretty tough for a lawyer who has to make a living to use his expense and time, effort, and money to take the case to the big court.

I think education in this regard is absolutely essential. Now whether or not we are going to educate the judges overnight, that is a little difficult as you well know. But certainly the prosecutors throughout the country have a higher obligation to go to their police departments and try to encourage effective law enforcement and follow the Supreme Court, and if this is done, and you are paying consultants and you are paying people to go out to help them, and suggest these national standards within the fourth amendment area, I think it will go a long way to straightening out and making more uniform this very critical area of law enforcement.

Second, I propose in my remarks, Senator, that the Department of Justice should waste no time in calling another national conference. I call it a national conference on constitutional exclusionary rules, which would be with the fourth, fifth, and sixth amendments.

Right now the law in criminal justice is in an extreme state of flux. However, the Supreme Court has come around almost completely in the fourth amendment area, and the States should be in a position to receive the law as it has been given.

In the fifth amendment it is not quite as settled. However, with the case it came down last year called *Johnson v. Dino* on constitutional procedures, this is uniformly to be the law throughout the United States both Federal and State. And of course the last amendment has just recently arisen through *Gideon*, and the most controversial

case naturally was the one last year, Mr. Justice Goldberg's *Escabedo* case.

I think if you could bring the same type and quality of people to Washington that were brought in in May of 1964 at the national conference, that this would have a tremendous impact to show to the States that the Federal Government has worked with these problems, and maybe not having solved them, but has dealt with them on such a basis for so many years that the situation is not insoluble. I don't know whether the Department is going to follow the suggestion or not, but I think it does have merit because the National Bail Congress was a tremendous success, as you well know.

Senator HART. The bail conference was great. Have you discussed this with the Department?

Mr. GREENHALGH. Well, I planted a few seeds, Senator. Frankly this is the first time I have ever said anything publicly about it, but I think it is something that could be done. It wouldn't take an awful lot of effort.

There are many competent people over there that could run it. In fact, I will tell you the truth of the pudding as to the competency of the criminal division is that a very, very close friend of mine who recently resigned, as Assistant Attorney General in charge of the criminal division, now heads our local crime commission here, Herbert J. Miller, Jr., and Fred D. Vinson replaced him, and there isn't any doubt in my mind that they have got the talent over there to pull something like this off if they really want to do it.

Senator HART. A little more lively subject than bail conference.

Mr. GREENHALGH. I would imagine so, since there are not many really national or really State bail cases involved. We teach, as I said in my remarks, a very high-powered course in criminal procedure at Georgetown. It is 60 hours, and one of the areas we handle is bail, and there are not more than 8 or 10 cases which you can really put your finger on, whereas in my area, the fourth amendment, you can go anywhere from 150 to 300 with no problem.

I am interested in Professor Fox' comments. Incidentally, Professor Fox might not know this, but one of his recent graduates from Boston College of Law is a legal intern this year, he having taken his master's degree at Georgetown. In fact, he will be graduating next week, and I can tell him that he has been very well prepared on the undergraduate level, because he is probably one of my most shining lights this year. I will address him later on that.

Senator HART. You always hear about the other kind.

Mr. GREENHALGH. As you saw, Senator, in my statement, the legal intern program is in the concept a small academy in itself. We operate on a limited budget, through a Ford Foundation grant. We do perform, in my opinion, a valuable public service in this jurisdiction by representing at least 200 people charged with felonies, and at least 100 misdemeanors.

That is a group of 10 young graduates that have just come out of law school. In other words, the bold imaginative approach in Senator Kennedy's bill is there. This can be done.

Now whether or not it is going to be done when you have 100 of them that you are grinding out on that basis over a 4-year period I am not prepared to say, although I can tell you based on our own experience we

have had a tremendous degree of success in the operation of the legal intern program in the last 5 years.

Also I think this interuniversity course that we teach down there, where we bring in students from all five law schools in the District of Columbia, has gone a great way in preparing the ordinary graduate to render effective assistance and counsel in a criminal case. Great strides have been made in this area.

I am sorry to say some of the law schools haven't picked up the impetus. My own law school, which is the University of Virginia, is finally emerging in this area, and I talked to the dean there earlier this week to find out exactly what they are doing, and they are beginning to add more courses, seminars in criminal procedures as well as the possibility of trying to apply for a grant to run programs similar to ours.

I think that you have, based on our success, the nucleus of a program, and I heartily endorse Senator Kennedy's measure as such. I think it is a wonderful thing for those of us who have been rather frustratingly laboring in the fields for a few years now to see that the Congress is taking the lead here, and really doing something about a really critical national problem.

Senator HART. I intend to finish the full statement that you filed with us before you leave. Professor, thank you very much. You said that you had planted some seeds with the Department suggesting that it be considered at a conference. I think I will plant some seeds too there.

Mr. GREENHALGH. You are in a much better position than I am, Senator.

Senator HART. If we could just insure that it wouldn't be any more difficult than the Bail Conference, but I don't think we can tell them that.

Mr. GREENHALGH. I think you are right for two reasons. Four hundred of us were there last year, and this area is so much more complicated. But I think frankly, sir, that since the law now has become rather static in fourth amendment area, thanks to these decisions since early 1958, that merely by suggesting procedures to follow, not telling them but suggesting them could be a great deal of help to local law enforcement, because it is frightening sometimes to talk to judges as well as prosecutors that don't even bother to talk in terms of affidavits in support of search warrants or what is a search warrant or something like that, it is very distressing to say the least.

Senator HART. I am glad also to have met the man who has the legal intern program about which I have heard a great deal, and it is all good.

Mr. GREENHALGH. Thank you, sir.

Senator HART. The witnesses scheduled to be heard today have been heard. The committee will adjourn to resume on July 30, when testimony will be received from the spokesmen for the American Civil Liberties Union, the Institute of Government at Chapel Hill, the International Association of Chiefs of Police, and the American Bar Association.

(Whereupon, at 11:55 a.m., the committee recessed, to reconvene on Friday, July 30, 1965.)

LAW ENFORCEMENT ASSISTANCE ACT OF 1965

FRIDAY, JULY 30, 1965

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10:30 a.m. in room 2228, New Senate Office Building, Senator Sam J. Ervin, Jr., presiding.

Present: Senators Ervin and Tydings.

Also present: Francis C. Rosenberger, professional staff member.

Senator ERVIN. The subcommittee will come to order.

The first witness will be Senator Bartlett.

STATEMENT OF HON. E. L. BARTLETT, A U.S. SENATOR FROM THE STATE OF ALASKA

Senator BARTLETT. Thank you, Senator.

Senator ERVIN. We are delighted to have you with us.

Senator BARTLETT. I am very glad to be here. I have a reasonably short statement, Mr. Chairman, and if you care to have me do so, I will read it.

It is a pleasure, Mr. Chairman, to appear before this subcommittee to testify in support of S. 1792.

The proposal to establish a Federal program to assist in the training of State and local law enforcement officers is one of great merit. This is true of the populous and crowded Eastern and Midwest States with their many demands for government services. It is true of the more sparsely settled and farflung States of the West, with their relatively small annual budgets and large distances.

Alaska has the largest area and one of the smallest annual budgets of any State. Yet crimes occur there with sufficient frequency to have required a budgetary item of \$1.98 million for the support of the activities of the State police in fiscal 1965.

Of this amount only \$9,400 was specifically allocated to training. However, through participation in police training courses offered by police departments of other States, and notably by the Federal Bureau of Investigation, the value of the training which will be offered Alaska State Police officers this year will approximate \$40,000. Only through such regular training and refresher courses can police officers keep current on the latest techniques for detecting crime, tracking suspects, preserving evidence, and presenting testimony in court.

There exists at the Federal level, within the Department of Justice, an impressive body of experience in the most advanced and sophisticated techniques for crime detection. S. 1792 would make this experi-

ence available to State and local police departments throughout the country.

Commissioner Martin Underwood of the State of Alaska Department of Public Safety wanted to be here to testify in person in favor of this legislation proposal. Recently, however, he underwent surgery in Seattle for a back injury. His assistant, James J. Goodfellow, has written me expressing the position that Commissioner Underwood would have taken had he been able to be here. I would like to place in the record a portion of his letter.

We are unable to send a representative to the hearings, but I feel sure I am expressing Commissioner Underwood's sentiments when I recommend passage of S. 1792. Training of Alaska State Police personnel is a continuing drain on State funds which would be used to provide additional needed personnel. Because of the limited number of troopers available to police our large districts, it is essential that the men we have be highly skilled, not only in the services they perform, but in teaching recruits.

We have been fortunate in that Federal and other State agencies have been very cooperative in inviting our participation in various courses and schools. We take advantage of as many of these offers as possible, and have also been fortunate enough to receive some grant-in-aid assistance.

Training of qualified personnel is, of course, the basis upon which sound law enforcement is built. Any assistance from the Federal Government in obtaining training assistance for States will surely benefit the entire country.

Mr. Chairman, Senator Ervin, I am a cosponsor of S. 1792. Alaska needs the program it will establish. Many other States will benefit from its passage. I urge this subcommittee to recommend it favorably to the full Judiciary Committee and to urge its passage by the Congress.

Senator ERVIN. On behalf of the subcommittee I wish to thank you for your appearance and for giving us your views. As you stated, you are a cosponsor of this proposed legislation, and throughout your activities in the House and in the Senate you have manifested a great interest in fair and just law enforcement by competent officers.

Senator BARTLETT. Thank you, Mr. Chairman. I want to express my personal appreciation for the opportunity you have given me to appear here and testify.

STATEMENT OF HON. JAMES H. SCHEUER, A REPRESENTATIVE IN CONGRESS FROM THE 22D CONGRESSIONAL DISTRICT OF THE STATE OF NEW YORK

Senator ERVIN. Representative Scheuer, on behalf of the subcommittee, I wish to thank you for your appearance. I know you have been interested in this field for a long time and have done a lot of work in it, and also I think you have a somewhat similar bill pending in the House.

Mr. SCHEUER. Yes, I do, Senator. May I say how grateful I am for this opportunity to appear before you, and I applaud Senator Hart's bill. It is an excellent bill. By bill would simply add two ingredients to Senator Hart's bill, the administration proposal.

Senator ERVIN. Let the record show that the entire statement of Representative Scheuer will be printed in the body of the record at this point.

Mr. SCHEUER. Mr. Chairman, members of the Judicial Subcommittee, I appreciate the opportunity that you have given me to testify

before you today. I am here to urge that the law enforcement assistance bill, S. 1825, introduced by the distinguished Senator from Michigan, Mr. Hart, be amended to include, as additional features, the provisions of a bill which I have introduced in the House of Representatives, H.R. 8110.

My bill adds two elements to the excellent and well-conceived program introduced by Senator Hart. First, it would establish a Science Advisory Committee to advise the Attorney General on advances in the physical and communications sciences which could produce new police techniques of crime prevention and detection. There appears to be no effective liaison between physical scientists and law enforcement agencies. Apparently, no national scientific body now exists which regularly advises law enforcement officers and other people concerned with the ramifications of crime prevention and detection on the application of current scientific developments to their specific fields of interest. While it is true that the FBI does some work in this area, it is apparently on a scale inadequate to meet the present needs.

In the New York Times of July 19, 1965, it was reported under a London dateline that Scotland Yard has just developed two new weapons in the war against crime—closed-circuit television cameras and buttonhole microphones. The closed-circuit television cameras are carried in unmarked vans and are used to monitor areas known to be high in crime incidence, such as the Soho and Mayfair districts of London. The buttonhole mikes represented an enormous breakthrough in police communications. Whereas the police formerly had to communicate via inconvenient telephone boxes, they can now report their movements to the operations room in headquarters with the aid of a microphone placed on their person.

Scotland Yard has long held a reputation as the world's foremost agency in the field of criminology. A number of the techniques which it has developed have been taken over by local law enforcement agencies in the United States. I see no reason whatever why the United States which will spend nearly \$21 billion this year on scientific research and development—over 10 times our requested budget for our war on poverty—cannot effectively apply much of this massive research effort in assistance of its own "War Against Crime."

Perhaps this effort would be of less critical importance if the national crime rate were diminishing. Rather, it has been increasing steadily. Last year there was a rise of 13 percent in reported serious crimes over the previous year. More than 230,000 men, women, and children were killed or injured as a result of a criminal action. This represents a number larger than the entire population of Richmond, Va. The United States has established several Federal research programs for diseases which maim and kill less than this.

We have now advanced from an age of science fiction to an age of science fact. From the days of Jules Verne and Dick Tracy, we are now at the stage where it is quite feasible to develop sidearms that fire pellets which stun temporarily rather than kill—quite permanently. This would give the police more latitude in using their guns than they have now and at the same time would reduce the number of innocent bystanders killed or wounded by police action.

This program should be given top national priority. At this time, when relations between the races leads to tension-ridden and highly sensitive community situations, in both North and South, it is imperative that the use of firearms be controlled. Instead of bringing a suspect into a morgue on a marble slab, development of this new weapon would enable the police to bring in their suspects safe and sound. The police themselves favor the development of such a new weapon. Instead of bearing the brunt of criticism for accidentally injuring or killing innocent bystanders, or persons wanted for interrogation, their jobs would be made much easier as they could temporarily disable a suspect without inflicting grievous or mortal physical injury.

Transistors and IBM machines can also be invaluable aids. The myriads of vital information could be quickly coded and sorted for use by the law enforcement authorities. In fact, the police could instantaneously ascertain, by the use of these machines, critical problem areas and send men there with the utmost dispatch.

It has been well known for a long time that dark streets are an open invitation to crime. However, no large-scale studies, to my knowledge, have been carried out concerning the science of street and park lighting and how, finally, to remedy this problem. The Attorney General, himself, stated in testimony before this subcommittee that "police face the 20th century criminal with 19th century methods and weapons." He said that more funds are necessary to develop " * * * more sophisticated equipment for the collection and dissemination of information * * *". Gentlemen, I think that my proposal could meaningfully fit into section 8(a)(1) of S. 1825. However, instead of simply authorizing the Attorney General to appoint a technical or advisory committee, I believe we should instruct him to do so, with the proviso that a certain proportion of the committee should be experts in the physical and communications sciences. A similar view was expressed by Mr. Quinn Tamm, executive director of the International Association of Chiefs of Police when he testified before you last Friday.

I have just cited a few possibilities. There are many others. The second element which my bill adds to that of Senator Hart is in the administrative aspect. Every program to work, must have a "daddy" in charge.

My bill would put responsibility for carrying out the provisions of the law enforcement assistance bill in the hands of an assistant attorney general. I feel this is much more preferable to the delegating and redelegating of responsibility, as could now occur under section 4 of S. 1825. By giving one man full responsibility for this program on a full-time basis, with adequate status, staff and funds, he would be able to give real leadership and direction to a massive research and training program. It has been my experience both in business and government that diffused authority often ends in inertia and non-action, whereas clear designation of authority often brings forward momentum and positive action.

To date, my proposals have received the endorsement or support of the International Association of Chiefs of Police, National Police Officers Association of America, the National District Attorneys Association and the National League of Cities. Several other interested groups have informed me that they have scheduled formal consideration of my bill at upcoming meetings.

Thank you once again, gentlemen, for your courtesy in letting me appear before you.

(H.R. 8110, referred to above, is as follows:)

[H.R. 8110, 89th Cong., 1st sess.]

A BILL To provide for a program of assistance in training State and local law enforcement officers and other personnel, and in improving capabilities, techniques, and practices in State and local law enforcement and prevention and control of crime; to provide for an additional Assistant Attorney General in the Department of Justice to administer such program; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Law Enforcement Assistance Act of 1965".

SEC. 2. For the purpose of improving the quality of State and local law enforcement and correctional personnel, and personnel employed or preparing for employment in the programs for the prevention or control of crime, the Attorney General is authorized to make grants to, or to contract with, any public or private nonprofit agency, organization, or institution for the establishment (or, where established, the improvement or enlargement) of programs and facilities to provide professional training and related education to such personnel.

SEC. 3. For the purpose of improving the capabilities, techniques, and practices of State and local agencies engaged in law enforcement, the administration of the criminal laws, the correction of offenders, or the prevention or control of crime, the Attorney General is authorized to make grants to, or contract with, any public or private nonprofit agency, organization, or institution for projects designed to promote such purposes, including, but not limited to, projects of research into the application of scientific techniques to crime prevention and detection and other projects designed to develop or demonstrate effective methods for increasing the security of person and property, controlling the incidence of lawlessness, and promoting respect for law.

SEC. 4. The Attorney General may arrange with and reimburse the heads of other Federal departments or agencies for the performance of any of his functions under this Act.

SEC. 5. (a) The Attorney General shall require wherever feasible, as a condition of approval of a grant under this Act, that the recipient contribute money, facilities, or services for carrying out the project for which such grant is sought. The amount of such contribution shall be determined by the Attorney General.

(b) The Attorney General is authorized to prescribe regulations establishing criteria pursuant to which grants may be reduced for such programs, facilities, or projects as have received assistance under section 2 or 3 for a period prescribed in such regulations.

(c) Payments under section 2 or section 3 may be made in installments, and in advance or by way of reimbursement, as may be determined by the Attorney General, and shall be made on such conditions as he finds necessary to carry out the purpose of section 2 or section 3, as the case may be.

(d) Payments under section 2 may include such sums for stipends and allowances (including travel and subsistence expenses) for trainees as are found necessary by the Attorney General.

SEC. 6. (a) The Attorney General is authorized to make studies with respect to matters relating to law enforcement, organization, techniques and practices, or the prevention or control of crime, including the effectiveness of projects or programs carried out under this Act, and to cooperate with and render technical assistance to State, local or other public or private agencies, organizations, and institutions in such matters.

(b) The Attorney General is authorized to collect, evaluate, publish, and disseminate information and materials relating to studies conducted under this Act, and other matters relating to law enforcement organization, techniques and practices, or the prevention or control of crime, for the benefit of the general public or of agencies and personnel engaged in programs concerning these subjects, as may be appropriate.

SEC. 7. Nothing contained in this Act shall be construed to authorize any department, agency, officer or employee of the United States to exercise any direction, supervision or control over the organization, administration or personnel of any State or local police force or other law enforcement agency.

Sec. 8. (a) (1) The President of the United States shall appoint an advisory committee consisting of fifteen members, one of whom shall serve as Chairman, each of whom shall be a recognized authority in one or more of the physical sciences. Such advisory committee shall advise and consult with the Attorney General with respect to new developments in the physical sciences which can be utilized in the prevention and control of crime and to recommend appropriate research projects. The additional Assistant Attorney General appointed pursuant to section 9 of this Act shall be a member ex officio of such advisory committee.

(2) The Attorney General is authorized to appoint such other technical or other advisory committee to advise him in connection with the administration of this Act as he deems necessary.

(3) Members of any such committee not otherwise in the employ of the United States, while attending meetings of their committee, shall be entitled to receive compensation at a rate to be fixed by the Attorney General, but not exceeding \$100 per diem, including travel time, and while away from their regular homes or places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(b) As used in this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

Sec. 9. (a) There shall be in the Department of Justice in addition to the Assistant Attorneys General now provided for by law, one additional Assistant Attorney General, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The Attorney General shall administer the provisions of this Act through the Assistant Attorney General appointed pursuant to subsection (a).

(c) Paragraph (19) of section 303(d) of the Federal Executive Salary Act of 1964 (5 U.S.C. 2211(d) (19)) is amended by striking out "(9)" and inserting in lieu thereof "(10)".

Sec. 10. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(b) There are also authorized to be appropriated such sums as may be necessary for the expenses of commissions or committees which have been or may be established by the President to study crime and delinquency.

Mr. SCHUEER. My bill would add two elements to this excellent proposed piece of legislation. First, it would designate a specific position of an Assistant Attorney General, of which there is one vacant now, who would be in charge of this program of working out a comprehensive program of research and implementation of new devices, new developments, new tools, techniques, and approaches, in assistance of local communities in their law enforcement efforts.

Now, I am not wedded to the detail of whether this responsibility is given to an Assistant Attorney General or whether it shall be given to the Deputy Attorney General, or whether it shall be in the office of the Attorney General himself. My principle is that there should be one man in charge of this program with full responsibility for it. My experience in business and in government has been that where a program does not have a "daddy," where there is no centralization of responsibility, it frequently falls between two chairs and is lost from the point of view of effective implementation, and that where there is a single individual who is concerned with the program and exerts direction and leadership and driving force, that is the program that is going to make progress and have a real impact.

So whether the particular office of an Assistant Attorney General is chosen in which to vest this responsibility or whether it is some other high-ranking official in the Department of Justice who will have full responsibility is not the real issue. But the issue of centralized re-

sponsibility, authority, and control at a top level in the Justice Department for this program I think is essential.

The second element of my bill would establish a Scientific Advisory Council in the Department to constantly scrutinize all of the developments in the physical sciences and in the communications sciences that we have made in recent decades that have enabled us to place a man in outer space, to talk with them, to take pictures of them, to be in constant communication with men traveling in outer space at the rate of 18,000 miles an hour. If we can do that, we ought to be able to equip a police officer on the beat with something more than a billy club and a .45, which is exactly what he had a hundred years ago.

The British are far ahead of us in this respect. The British bobby on the beat at this point in time has a lapel microphone which keeps him in constant touch with his precinct. The British now have unmarked cars, and trucks equipped with television monitoring, which are parked in places like Soho and Mayfair, which are trouble spots, on the streets so that the police have a way of monitoring those public areas without having a massive force of police officers there, which we know in itself can be a cause of trouble.

We are spending in this country about \$21 billion a year for research. It seems to me that the \$10 million that is proposed in this bill, which is less than one-twentieth of 1 percent of the amount that we are spending on research, as the sum which we would spend in developing this broad program for security in our cities and our streets and our parks, is grossly inadequate, and that that sum should be radically increased.

Now, the existing agencies of Government, of the Federal Government, concerned with local crime, specifically the FBI but perhaps other divisions of the Department of Justice, have been interested in this problem to a degree, but the intensity of their concern and the flow of resources channeled at the problem also has been, in my view, clearly inadequate to the need, and I feel that a massive program of experimentation, of research in the physical and communications sciences is necessary to apply existing knowledge to local crime detection and prevention. I will cite just one example.

When a deer in Yellowstone Park awakes and gets cantankerous, he is shot with a pellet that puts him to sleep, and then he is taken to another place or removed from the premises if there are children about.

In Africa, if they want to move a herd of bison or a herd of buffalo or a herd of giraffe from one area to another because of drought or because they want to build a dam, again they shoot them with a temporarily disabling pellet that puts them to sleep, and then they are transferred by truck or helicopter or what have you.

Now, if we have developed a temporarily disabling but noncrippling and nonlethal weapon to effect the apprehension, temporary apprehension of animals, why can we not do it, apply this technique to law enforcement? In the condition of our urban centers today, North as well as South, we know know that the proper execution of policemen's duties in apprehending suspects often leads to the most sensitive and the most ugly and unpleasant kind of racial tensions, intergroup tensions. It is not the fault of the police. If the police see a young man of 17 or 18 running away from the site of a suspected crime, whether

it is a car theft or a matter of dope passing or assault, or what have you, it is that policeman's obligation to apprehend that suspect, and if he fires two shots in the air and the young person is still running away, he must stop him.

Would it not be far better if he had a temporarily disabling weapon so he could pick that kid up and put a bandage on a wound, and take him, slightly dazed, to the police station for questioning, rather than pick up a corpse in a pool of blood, and set him out on a marble slab in the morgue?

And have we not had repeated evidence in New York City and in other cities where the incident of a cop shooting a young person, particularly a minority person, and seriously wounding him or killing him, in instance after instance after instance in the last 12 months has led to the most ugly kind of interracial conflicts and prospectively explosive situations.

I say the simple development of a weapon that a policeman would have—and he would have to have both lethal and nonlethal weapons; he might on occasion need a lethal weapon for his own protection—but if he had the choice of using a nonlethal weapon, in the present context of a society in the most complicated and sophisticated and perplexing kind of change, rapid change, in a rapidly changing society, would not this weapon be enormously helpful to us in maintaining a healthy fabric of an integrated heterogeneous society North as well as South.

I think that more or less would conclude my remarks, Senator, and I want to thank you again for your kindness and courtesy.

Senator IRVIN. There has been a proposal made that the program of training law enforcement officers be placed under the control of the Department of Health, Education, and Welfare. I take it from your testimony that you share my view that the appropriate place to put the training program would be under some agency of the Department of Justice.

Mr. SCHEUER. Senator, I am not enough of an expert to have an expert opinion on that, but I am inclined to think that we are not dealing primarily with sociology or with health, education, and welfare. We are primarily dealing with the prevention of crime and the apprehension and detection of criminals and the prevention of criminal activity, and that is mainly a Justice Department function.

I would say, however, that in this heterogeneous and pluralistic society, and with the current sensitive state of our intergroup relations, particularly in our cities, that the pure problem of administering justice and the pure problem of law enforcement, the crime prevention and detection, does take on many sociological aspects of the kind that I was just discussing, the intergroup significance of a white cop, of a white police officer killing a minority youth, simply because he had no other way of stopping him when it was his lawful duty to stop him.

So crime prevention today in our society, where we are living in an age of radical change, we are all having to make very perplexing adjustments, does take on sociological aspects, and I have no doubt that the Department of Health, Education, and Welfare might have a great contribution to make in the training of police officers, and if the Justice Department had a massive training program, which I hope they

will develop, it might well be that HEW might participate in drawing up some aspects of that course of instruction. It might contribute some of its experts to teach seminars or classes in such an instruction, in such a course of instruction.

I think there are clearly implications in the training of local municipal police officials in which the Department of Health, Education, and Welfare would have a very proper and legitimate and appropriate concern, and I would hope that they would make that participation very effectively. However, if I had to give an offhand judgment, I would agree with you, Senator, that it is basically the organization and direction and administration of such a training program that probably should remain in the Department of Justice.

Senator ERVIN. You have made some very constructive suggestions. Your bill I think is a very constructive proposal, and I wish to commend you on it and thank you for it.

Mr. SCHEUER. Thank you for your courtesy, both of you gentlemen.

Senator ERVIN. Larry Speiser, representing the American Civil Liberties Union. I am delighted to welcome you to the subcommittee.

**STATEMENT OF LAWRENCE SPEISER, DIRECTOR, WASHINGTON
OFFICE, AMERICAN CIVIL LIBERTIES UNION**

Mr. SPEISER. It is good to appear again before you, Mr. Chairman. I would like to have my statement introduced in the record. I will not read it.

Senator ERVIN. Let the record show that the entire statement will be printed at this point in the body of the record.

(Mr. Speiser's statement in full follows:)

STATEMENT OF LAWRENCE SPEISER

I am very pleased to have this opportunity to testify on behalf of the American Civil Liberties Union in support of the Law Enforcement Assistance Act of 1965. We heartily endorse the purposes of this act, which, it is hoped, would enable the Federal Government to render a substantial amount of assistance to the efforts of local and State governments to improve the quality of law enforcement in the United States.

The Law Enforcement Assistance Act of 1965 would authorize the Attorney General to make grants or contracts to establish, improve, or enlarge programs and facilities to provide professional training and related education to law enforcement and correctional personnel. He would also be authorized to make grants or contracts for projects which will serve to improve the capabilities, techniques, and practices of State and local agencies engaged in law enforcement, administration of criminal law, correction of offenders, or prevention and control of crime. The second provision would enable the Federal Government to aid in establishing pilot projects and experiments as effective means of law enforcement.

Individual police officers play a role of enormous responsibility in our society. They are representatives of the Government with whom individual citizens, law-abiding and otherwise, have the most contact. Their job is a delicate and onerous one. As Judge George Edwards, of the U.S. Court of Appeals for the Sixth Circuit said in a recent speech to the National Conference of Mayors:

"Law enforcement in a rural society and law enforcement in our modern urban society are vastly different. Most of America today lives in metropolitan areas, where millions of people who do not know one another nonetheless live and work in close proximity with greatly increased chances for conflict. At least partly out of necessity * * * we have turned over to the police officer of our big cities many functions which used to be among the most important duties of the individual and the family.

"The policeman has the task of reconciling freedom and order. In the big city it is quite a task."

We, in the United States, are faced with the problem of effectively dealing with an increasing crime rate in the context of an increasing concern for the protection of civil rights and liberties of all our citizens. They are not and must not be considered mutually exclusive problems. To the extent that the criminal is free to operate and violate the rules of our society, the liberties and rights of all law-abiding citizens are diminished. The citizens of our country are entitled to an environment of safety from malicious actions in which to carry on their lives.

For this reason, all attempts to make police operations more efficient and effective, within the scope of what is constitutionally permissible, should be encouraged and fostered. It is clear that new and improved methods of crime detection and prevention must be formulated and tested. Section 3 of the Law Enforcement Assistance Act makes this possible in providing Federal aid for such projects.

Implicit in all that I have said is the necessity to have police officers who are trained to know and respect the constitutional rights of all those with whom they deal. Police officers must be trained to operate instinctively to protect the rights of all people. Our constitutional protections are of little value if our high elected officials enunciate wonderful sounding phrases of equality and justice, while their local representatives, the police officers, act in a directly contrary spirit. No minority member who has ever been subjected to police brutality will believe the fancy and empty phrases, nor should he, on the basis of his experience. It may be true that incidents of police brutality as disclosed in the Wickersham Commission report 35 years ago have decreased. It is important that this type of experience be eliminated from our lives entirely.

We must, to quote an old and tired saying, "practice what we preach." And the "we" who practice is all too often the patrolman on the beat. The provisions of section 2 of this act, which will help our cities and States to put better trained and higher quality police officers to work will improve the lives of all of us. Since police expenses have been a large item on local budgets, Federal financial aid is necessary and helpful in allowing for increased expenditures for training of officers, both in the detection of crimes and in improved means of community and individual relations.

The Law Enforcement Assistance Act provides for Federal aid to local law enforcement, but wisely maintains responsibility for law enforcement in State and local governments. We feel that passage of the act and appropriation of sufficient funds will provide a strong beginning to improvement of all aspects of law enforcement in the United States.

The American Civil Liberties Union wishes to commend this subcommittee for its interest with regard to this problem, and to thank you for the opportunity to present this testimony. We urge your prompt favorable action on this bill.

Mr. SPEISER. The thrust of the statement is that the American Civil Liberties Union wholeheartedly backs the enactment of this bill—the Law Enforcement Assistance Act of 1965. There are two points I would like to emphasize which I do not think are emphasized in the statement. One of the kinds of programs we would like to see developed under the Law Enforcement Assistance Act is a program to train local and State law enforcement officers in constitutional law and the rights of individuals who come into contact with them. Many municipalities and police agencies do have such programs. But there are police agencies that are relatively impecunious, and it seems to me that this is something that should be developed, and perhaps Federal financial aid is necessary for that.

The second matter I would like to emphasize—and I am not sure that it can be done under the present language of the bill, and if it cannot, I would like to suggest an amendment to the bill—one of the constant complaints as to why there are difficulties in which police officers find themselves is that in too many cases the amount of pay that is paid to police officers is not sufficient to attract the caliber of individuals that should be engaged in this kind of work, and I think this is a

very justifiable criticism. Police officers are notoriously low paid. I would like to suggest that if the bill cannot cover it, that pilot programs be developed under the bill to have financial grants directly to some selected State and local police agencies for the purpose of increasing the pay of police officers to attract higher educated police officers with higher standards, and this would be an attempt to see whether this will alleviate some of the problems in which police officers have found themselves, that with the ability to attract police officers with pay commensurate with the kind of duties they are involved in and the dangers they are involved in, that this would be something that the Federal Government should be interested in.

It is with these two additional factors I would like to end by thanking the committee for holding the hearings and giving us an opportunity to back the enactment of this bill, the Law Enforcement Assistance Act of 1965.

Senator ERVIN. I can certainly concur wholeheartedly in your first suggestion, which I believe the bill is broad enough to authorize. I know from long experience we too often have law enforcement officers who are not informed as to the circumstances under which the law permits him to make arrests. I recall even a man elected sheriff in a county of North Carolina, who if he had known enough about the law would have gotten a warrant before he started out apprehending a man who had been reported to him as engaged in criminal activities, he would have been thoroughly protected in what ensued. But as a result of failing to get a warrant, why he really made himself guilty of a criminal homicide which could have been avoided if he had just known enough law to get a warrant before he started.

I think it is one of the tragedies we put people out to protect society so often without giving them any instruction as to what extent they have authority to act in respect to searches and seizures. I think that is a very worthwhile suggestion which I wholeheartedly endorse.

Your other additional suggestion is certainly worthy of serious consideration by the committee.

Mr. SPEISER. Thank you, Mr. Chairman.

Senator ERVIN. I want to thank you for your appearance and the constructive suggestions which you have made on this occasion as well as constructive suggestions you have made in times past in the field of other proposed legislation.

Mr. SPEISER. This is another instance in which I think the chairman and the committees that you have been associated with have been performing thoroughly worthwhile endeavors, and I enjoyed appearing before you, and I am very enthusiastic about the kind of bills that have been before the committee and on which I have appeared before you in past recent months.

Senator ERVIN. Thank you very much.

Mr. SPEISER. Thank you.

Senator ERVIN. John Sanders, director, Institute of Government, Chapel Hill, N.C.

John, I welcome you to the subcommittee. I appreciate your coming. I would like to make a statement at this point with respect to the Institute of Government at Chapel Hill.

This great institution is the brain child of one of my very longtime and close friends, Albert Coates. So far as I know, at the time Albert

conceived the idea of establishing an institution where the public officials could be instructed with respect to their duties and powers of offices that they occupy, there was nothing else like it in the United States. I am aware of the tremendous sacrifices which he made of his time, his energy, and of his own earnings, and the great encouragement which his wife, Gladys Coates, give to him in this endeavor, and I think that he is one of the persons who has made an original contribution, whose value to society is historical and he has been able to do this because he has not only received material assistance to construct this Institute of Government, but he has been helped throughout the years by persons like yourself who have devoted their time and their energy and their consideration and their study to these problems.

Until he developed and implemented his great concept, most of the local officials in North Carolina embarked upon the performance and duties of their office without any knowledge of what those duties were or with very little knowledge and without any authoritative guidelines as to the powers they had, but as a result of his dream, I think that North Carolina not only has had a marvelous record during recent years of having competent officials in the law enforcement field, but also has had remarkable performance by other officials such as clerks of the superior court, registrars of deed, and all the other administrative officers on the local level. And incidentally, the Institute of Government at Chapel Hill has published books on different offices and a very fine monograph on the law of arrest with information for law enforcement officers of North Carolina and other articles and books on such things as traffic violations.

I might say, incidentally, they overruled one of my decisions in a publication and after consideration, I decided the publication was right about it and I was wrong in the decision I wrote for a unanimous supreme court.

We are delighted to have you here as a representative of the Institute of Government at Chapel Hill.

STATEMENT OF JOHN SANDERS, DIRECTOR, INSTITUTE OF GOVERNMENT, CHAPEL HILL, N.C.

Mr. SANDERS. Thank you, Mr. Chairman. We will be eternally grateful to you for the friendship and support which you have given the Institute of Government over the many years of your service in public office in North Carolina and here in Washington.

I have submitted to the subcommittee a statement which I would like to have appear in the record in full. I will summarize and read portions of that statement this morning.

As the chairman has noted, the Institute of Government of the University of North Carolina has been providing training, research, and other services for State, county, and city officials in our State for some 35 years. We got our start by providing training for law enforcement officers, principally county and city officers. We have grown greatly over the years and each year we reach 7,000 State and local officials and employees through conferences and State courses. We have broadened our program vastly, but training for law enforcement and correctional officers and those working in the area of juve-

nile delinquency continue to be one of our primary responsibilities and concerns.

Of a professional staff of 25 people, approximately one-quarter spend their full time in these areas of law enforcement and correctional training, and they are supported by other members of the professional staff of the institute and of the faculty of the University of North Carolina.

We reach in the course of the normal year nearly all of the 1,000 State employed law enforcement officers in North Carolina, some 150 probation officers employed by the State, and about 150 to 300 of the 5,000 county and city law enforcement officers in North Carolina. We also assist State correctional agencies and State and local law enforcement agencies in an advisory and consulting capacity. We prepare and issue publications dealing with various aspects of criminal law and procedure and related topics, and pursue independent research in these areas. In addition, we have for the last 3 years maintained as a unit of the institute, with Federal assistance, a training center on delinquency and youth crime. This center is conducting a series of training programs for persons who deal with delinquents and potential delinquents, and for correctional and welfare officials in particular, offering a multidisciplinary approach to the problems of delinquency, its causes and control.

I have recited these facts to illustrate that for the Institute of Government and for the University of North Carolina, training in the law enforcement and correctional field is an old and familiar territory and one in which we are delighted to see broadened interest being taken these days.

Other witnesses here have amply demonstrated the need for more intensive and extensive training for law enforcement officers at the State and local levels. I will not try to recapitulate that testimony. The responsibility for law enforcement and the associated responsibility for training State and local law enforcement officers properly rests with the States and their political subdivisions. But it is clear enough, whatever the reasons for it, that our State and local governments generally have not fully met this responsibility.

The State of North Carolina, through its support of our own institution and others, and through its appropriations to training budgets of some State enforcement agencies, has been more forward than many States in financing law enforcement training. Substantial investments in police training have also been made by municipalities in many instances.

It is no disparagement of the efforts which have been made to say that they have not been enough, and that so long as they must be financed entirely from State and local resources, they are not likely to grow in scale with the needs. And I suspect that many States have not been as aggressive and generous in this matter as has North Carolina.

Therefore, it seems evident that Federal financial assistance will be necessary if the training needs that have been described here are to be met in appropriate measure. The approach of S. 1825 and the companion bill, S. 1792, wisely leaves responsibility for the initiation, planning, and conduct of training programs—and presumably for a

substantial part of their financing—with the States and their political subdivisions.

I hope it will be understood by all that no short-term, crash program is going to meet the police training needs of the Nation. Those needs are going to grow, because the factors which now call for more and higher levels of training are going to magnify with time, and because the more training people receive, the greater their awareness of their need for still more training.

I hope, therefore, that when the Federal Government enters the field of assistance to law enforcement training through such programs as that projected by the pending bill, it will be with the intention of continuing this form of Federal-State-local cooperation on a long-term basis. The aim should be to build or strengthen continuing stable training institutions and programs, an aim not likely to be achieved without reasonable assurance of continued financial support.

What I have said with respect to training for police officers applies equally to training for correctional officers and to research and developmental efforts in the whole field of crime prevention, law enforcement, and the correction of offenders.

I have no suggestions for amending the bills pending before you. I do have a few suggestions for consideration at the stage of administration, but these I would like simply to submit for the record. In conclusion, the bills before you, S. 1825 and S. 1792, appear to me to be a sound start toward a program of Federal assistance which can help to make our Nation a safer and happier land. I urge that you give these bills a favorable report.

Thank you, sir.

(Mr. Sanders' statement in full follows:)

TESTIMONY OF JOHN L. SANDERS, DIRECTOR, INSTITUTE OF GOVERNMENT, UNIVERSITY OF NORTH CAROLINA, CHAPEL HILL, N.C.

I am grateful for this opportunity to appear on behalf of S. 1825, a bill to provide assistance in training State and local law enforcement officers and other personnel, and in improving capabilities, techniques, and practices in State and local law enforcement and prevention and control of crime, and for other purposes.

As a preliminary, may I explain the interest of the organization which I represent, the Institute of Government of the University of North Carolina at Chapel Hill, in the subject of S. 1825. The institute was established in 1931 by Prof. Albert Coates of the University of North Carolina law faculty. It is a training, research, publishing, and consulting agency, serving the governmental officials of the cities, the counties, and the State of North Carolina.

The institute of government had its beginning in training schools for State and local law enforcement officers. Over a third of a century, our program has grown greatly in size and scope, and today it reaches some 7,000 public officials each year. Yet one of our principal concerns continues to be with the broad field of criminal justice, ranging from the law enforcement officer through the coroner, the jailer, the clerk of court, the judge, the prison official, and the probation officer to the parole officer.

Our annual training programs in the fields which would be affected by S. 1825 include:

A 150-hour course in police administration for police chiefs and others in command positions in city, county, and State law enforcement agencies.

A 3-day school for sheriffs and their deputies.

A 2-day school for city and county jailers.

A 3-day school for coroners and medical examiners.

Two 90-day recruit schools for the State highway patrol.

A series of fourteen 3-day in-service schools for the 700 members of the State highway patrol.

Several schools for driver license examiners, license and theft inspectors, and driver education representatives of the State department of motor vehicles.

A 2-week school for driver improvement personnel of the Southeastern States, cosponsored by the American Association of Motor Vehicle Administrators.

Basic and in-service schools for the wildlife resources commission, which is our game and inland fisheries protective agency.

Basic and in-service schools for the division of commercial and sports fisheries of the department of conservation and development.

An in-service, basic, forest law enforcement school for personnel of the forestry division of the department of conservation and development.

An in-service school for the State board of alcoholic control.

Several series of schools for supervisors and field personnel of the State probation commission.

Under a 3-year grant from the President's Committee on Juvenile Delinquency and Youth Crime, we maintain within the institute a training center on delinquency and youth crime. That center is conducting a variety of training programs, primarily for personnel of correctional and welfare agencies, emphasizing a comprehensive, multidisciplinary approach to the causation and control of juvenile delinquency.

Through these programs we regularly reach about 1,000—or nearly all—of the State law enforcement officers, 150 State probation officers, and 150 to 300 of the 5,000 city and county law enforcement officers.

We assist the State department of community colleges in conducting some of its training programs for local law enforcement officers. We also aid the State prison department in curriculum planning and instruction in its own training center.

Publications on criminal law and procedure and related topics, prepared by our staff and published by the institute, are distributed to law enforcement agencies throughout the State. We also pursue research in this area, such as a bail bond study currently underway.

We advise State and local law enforcement and correctional agencies on legal and administrative problems.

We provide instruction and serve as secretariat for organizations of superior court and inferior court judges and clerks of those courts, and serve as staff to commissions studying the State courts.

Of our 25-member professional staff, about one-quarter spend their full time in teaching, research, and consulting in the fields of law enforcement, corrections, and juvenile delinquency. They are assisted by other specialists on the institute's own faculty, and by other members of the university faculty as needed. Last year we spent roughly \$110,000 in State funds and \$50,000 in Federal grant funds to maintain these programs.

I have recited these facts to illustrate that the field of training and research in law enforcement and corrections is an old, familiar, and important territory for the Institute of Government and for the university of which it is a part.

You know well the need for more effective enforcement of the law at the State and local levels. Other witnesses have testified to the necessity of improvement in the training of law enforcement officers—improvement in the quality, intensiveness, and availability of such training. Criminal operations are steadily becoming more complex and cunning. Federal and State judicial decisions are imposing on law enforcement officers a more scrupulous regard for the constitutional rights of citizens. Only the law enforcement officer who has the benefit of sound and up-to-date training in the law he administers and in police science can be expected to perform at the level of competence increasingly required of him.

The responsibility for the enforcement of State law properly rests with the police agencies of the States and their political subdivisions. The State and local governments also have, and should continue to have, the attendant responsibility for training their law enforcement personnel. But it is clear enough, whatever the reasons for it, that our State and local governments generally have not fully met the latter responsibility. The State of North Carolina, through its support of the Institute of Government and the Department of Community Colleges, and through its appropriations to the training budgets of several of the State law en-

forcement agencies, has been more forward than many States in financing law enforcement training. Substantial investments in police training have been made by many of our municipalities.

It is no disparagement of the efforts which have been made to say that they have not been enough, and that so long as they must be financed entirely from State and local resources, they are not likely to grow in scale with the needs. And I suspect that many States have not been as aggressive and generous in this matter as has North Carolina.

Therefore it is evident that Federal financial assistance is necessary if the kinds of training needs that I have mentioned are to be met in appropriate measure. The approach of S. 1825 wisely leaves responsibility for the initiation, planning, and conduct of training programs, and for a substantial part of their financing, with the States and their political subdivisions.

I hope that it will be understood by all that no short-term, crash program is going to meet the police training needs of the Nation. Those needs are going to grow, because the factors which now call for more and higher levels of training are going to magnify with time, and because the more training people receive, the greater their awareness of their need for still more training.

I hope, therefore, that when the Federal Government enters the field of assistance to law enforcement training through such programs as that projected by S. 1825, it will be with the intention of continuing this form of Federal-State-local cooperation on a long-term basis. While the "seed money" approach doubtless has its merits and should be tried here, I am not confident that it can reasonably be assumed that the stimulus of Federal generosity will inspire State and local governments in general to spend large amounts of training money which they have heretofore been unable or unwilling to provide. The aim should be to build or strengthen continuing, stable training institutions and programs, an aim not likely to be achieved without reasonable assurance of continued financial support.

What I have said so far goes almost entirely to section 1 of S. 1825 and the aid it would give to "professional training and related education" for law enforcement officers. I believe that, while this may be the area of greatest urgency, the same arguments and considerations apply to training for persons in the correctional field, and to the development and demonstration of more effective methods for the enforcement of the law and the correction of offenders.

I have no suggestions for amending S. 1825. If it is in order, however, I should like to offer a few thoughts for possible consideration at the stages of regulation drafting and program administration. First, the technical or advisory committees which are appointed by the Attorney General under section 8(a)(1) should include substantial representation from practitioners in the field of State and local law enforcement and corrections, in order that the programs may be geared to the practical needs of their agencies.

Second, rigorous standards should be established and enforced for the agencies and programs seeking support under the program. This may tend to encourage fewer and larger grants and to favor existing institutions. The emphasis should be on the quality of instruction rather than on the numbers of persons enrolled in courses. Adequate follow-up procedures should be devised to insure reasonably effective performance by grantees.

Third, to the extent that local contributions are required, present effort should be creditable as a substantial portion of local matching.

Fourth, the regulations should be so written as to protect the grantees from the temptation to substitute Federal for local training dollars.

Fifth, perhaps the most pressing single need in the police and correctional training areas is for more capable instructors in all aspects of those fields. The present shortage of such instructors may well be the greatest impediment to the rapid implementation of the proposed program. Therefore, a portion of the funds which are appropriated to implement this program should go to the establishment or strengthening of State and regional institutions and programs for the training of instructors to staff municipal, State, and other training programs in law enforcement and corrections.

Sixth, funds should be available to finance the preparation, publication, and distribution of manuals, textbooks, training bulletins, and other instructional and informational materials for use by law enforcement and correctional personnel. Especially in areas such as criminal law and procedure, these must be prepared on a State-by-State basis.

In conclusion, I am persuaded that S. 1825 is a sound start toward a program of Federal assistance which can help to make our Nation a safer and a happier land. I urge that you give it a favorable report.

Senator ERVIN. I was much gratified when the Attorney General was before the subcommittee to note in his response to a question by me that he was familiar with the fine work that the Institute of Government at the University of North Carolina was doing, and I have every reason to believe that in the event this bill is passed that the Department of Justice will be calling upon the Institute and upon you for advice and assistance in carrying out the program which the bill envisages. I want to thank you very much for your appearance here today.

Mr. SANDERS. Thank you, sir.

Senator ERVIN. Mr. James V. Bennett.

**STATEMENT OF JAMES BENNETT, AMERICAN BAR ASSOCIATION;
ACCOMPANIED BY LOWELL BECK, WASHINGTON REPRESENTA-
TIVE, AMERICAN BAR ASSOCIATION**

Mr. BENNETT. Good morning, Senator Ervin.

Senator ERVIN. Good morning. I want to express first to you the regret that on the previous day of hearing that the session of the Senate prevented us from meeting in the afternoon and express regret that you were asked to come a second time. We certainly do appreciate your willingness to come.

Mr. BENNETT. You are very busy people up here now, Senator, and it is very encouraging and heartening to me that you should be able to find time to come here and listen to our testimony on this very fine bill.

I have with me Mr. Lowell Beck, the Washington representative of the American Bar Association.

Senator ERVIN. We are happy to have you with us also.

Mr. BECK. Thank you, sir.

Mr. BENNETT. I will file my statement in full with the committee, but with you indulgence, sir, I would like to summarize it and point out a few of the things, first of all, that the American Bar Association is doing.

Senator ERVIN. Let the record show that the statement will be printed in full in the body of the record immediately after the conclusion of the witness' remarks.

Mr. BENNETT. The American Bar Association, as you know, Senator—you have attended our meetings and participated in many of our discussions—has taken on an increasing interest in this whole field of criminal law administration. Under its present leadership of Mr. Lewis Powell it has made a new and vigorous start in trying to solve some of the very perplexing problems in the field of criminal justice.

Among other things—and you had an important part to play in it—to try to go forward and implement the Criminal Justice Act, and with the help of a grant from the Ford Foundation it is now making some money available to the local communities for the purpose of helping develop a practical approach toward finding counsel for indigent defendants.

It has also recently published a volume on the law of arrest, which I think will be a very useful volume, that field of law changing so rapidly.

Another thing, Senator, that you will be very much interested in because of your activities in the field of mental health—I had the pleasure of appearing before you when you were discussing that—the Bar Foundation is undertaking some research in problems of hospitalization of the mentally ill. It has been cooperating very closely with Mr. Justice Tom Clark in his program for developing a more effective administration of justice.

Now, it is altogether consistent with these things that at the association's meeting in Puerto Rico, the board of governors of the American Bar Association should enthusiastically endorse this bill, and it is for that reason that I am here, to let you know that whatever we can do to support this legislation we will be very happy to do.

It is not very difficult, Senator, for people familiar with the problems of crime to suggest ways in which any funds that are likely to be appropriated on this bill can be usefully expended. You have heard a lot of them. But I am afraid most people, including myself, do not understand the dimensions of this problem until you sit down and give it a little thought. For example, there are 365,000 persons in this country engaged in the field of police work. There is another 50,000, 60,000, 70,000 men and women working in correctional institutions, upward of 25,000 probation and parole officers, aftercare workers, teachers, psychiatrists, and so on. Not less than 500,000 people in this country are engaged in these activities, and of course anything that can be done to improve their training or make available to them additional training materials will be very worth while in this campaign to reduce crime which the Government has undertaken, to set up pilot projects of various kinds, to point the way toward what can be done.

We are woefully lacking, Senator, in courses. The University of North Carolina is one of the few universities in the country that have a well-organized program for training its correctional workers, and so on. There is virtually nothing available in the way of understandable training materials for correctional people. We have a tremendously challenging task, Senator, in keeping our police officers, sheriffs, deputy sheriffs and so on abreast of various changing laws affecting the administration of criminal justice, search and seizure, questions relating to representation by counsel, mental competency for crime, and so on.

And then of course, as was pointed out here by the Congressman, we have got this problem of alerting people and keeping them aware of the rapidly developing new electronic devices, not merely surveillance devices, but computers and methods of determining where the critical spots are.

You are aware, Senator, and I think most of the Congress is aware, how woefully lacking we are in really effective statistics. We have some statistics, some head counts, but we do not know very much about the association background of the people, and until we begin to learn something about crime causation and the kind of people that are engaged in it, we are not going to be able to reduce crime.

But another thing with which you are also familiar is this staggering problem that our courts are facing in the administration of crim-

inal justice. Our minor courts particularly are being inundated by a tremendous massive increase in the number of criminal cases. Untold thousands of alcoholics, juvenile delinquents, drug addicts, mentally ill persons, social misfits, and habitual offenders are now being disposed of on an assembly line basis, very hurriedly.

Obviously then, if this goes on, we are losing tremendous opportunities to get to the roots of crime.

Under section 3 of this bill, the Federal Government can provide some of the seed money to demonstrate how the workload of the criminal courts may be reduced so that some attention can be given to the basic needs of the individuals involved. A study, for instance, by efficiency experts outside the legal profession could do much to reduce court paperwork, expedite the administrative housekeeping work of the criminal courts. Perhaps a system of civil penalties, Senator, for clinic treatment of alcoholism would be well worth while. It would follow many recommendations by various experts that have been made along that line, if we could get the alcoholic out of jail. There are thousands of them—18,000 persons were convicted of alcoholism in the District of Columbia alone last year, Senator.

If we can stop this revolving door of the alcoholic in and out for 5 days, put him under some kind of clinic treatment where he would have constant surveillance, I think we would make a big inroad in curing or stopping some of these repeated offenders, and that is altogether possible if we can start a demonstration project. And this will point the way toward a really worth while contribution to law enforcement.

We could organize under this program, too, Senator, local judges councils or seminars to discuss these and various other problems, reach some conclusions on up-to-date information on current thinking about crime. You could sponsor judges sentencing institutes similar to those authorized by the Federal statutes, which have proved tremendously helpful in developing more consistent sentencing principles and philosophy. I think you attended one of those, Senator.

Senator ERVIN. Yes.

Mr. BENNETT. In the fourth circuit. If we could find—

Senator ERVIN. I might state that in addition to the fine work that the fourth circuit did, and is doing now, and which was originally I think probably initiated under Judge John J. Parker—

Mr. BENNETT. Yes, sir, it was.

Senator ERVIN (continuing). That in North Carolina when I was on the State superior court we had a meeting every year of all the superior court judges, and I know it was of great benefit to me. On handling these different problems maybe one judge had developed a method which was very efficacious, and he would give us the benefit of his experience, and we would swap experiences. I think that your suggestion about the meeting of judges to do that is a most invaluable suggestion because what one judge has learned as a result of experience he can share with all the others in similar work.

Mr. BENNETT. That is right, sir, especially when the appointments to the bench are turning over so rapidly.

Now, if we could just demonstrate what happened in the Federal system and in North Carolina to other sections of the country, which

you could do with a relatively small amount of money here, the fine work that Judge Parker cradled could spread throughout the country. He really dedicated his life to that kind of work you know, and this would be a fine way of memorializing him.

The Ford Foundation, among others, has been spending upwards of \$5 million a year on projects of this type that I have been enumerating. The Vera Foundation has spent money likewise on the bail project. Kellogg Foundation, and the Avalon group have been devoting large sums of money to researches and demonstration projects of this kind.

The legal profession, as a matter of fact, is now where the medical profession was some 20 or some years ago when medical research was supported entirely by private foundations. Now, as you know, the Federal Government is spending annually over \$1 billion on medical research.

I think, Senator, that the battle against crime and adverse behavior is as important as the battle against, at any rate, some phases of disease.

Now, let me show, if I may, specifically what we might be able to do with correctional agencies. Let me spell out, if you please, a few of the more compelling needs.

We need constructive inmate vocational training and work programs in our institutions. Most American prisons unfortunately are vast idle houses, where time is filled listlessly and where hostilities are aggravated. A little money, a little public awareness can change that and show the value of tested rehabilitative procedures.

Diagnostic procedures and facilities for the use of judges in sentencing are also all but nonexistent around the country. Not 15 percent of the felony cases tried in this country—outside of the Federal system, New York, and Illinois—are based on even the most casual presentence investigation. If the value of good presentence investigations to the judges—in felony cases—can be demonstrated, we will go a long way in cutting down premature release of dangerous offenders on the one hand and avoid hunch commitments for too long a period on the other.

Aftercare programs for discharged prisoners are an iridescent dream almost everywhere. Take my own State of Maryland as an example. All but the pitifully few who are discharged by parole go out scot free with no one to supervise, help, or guide them. Almost all of them are without friends, money, or know-how to find a job. They are feared and discriminated against, and it is no wonder then that upward of 60 percent, and in some places more, are back in prison within a year. Now we can pierce this hard shell of prejudice and indifference with a little bit of money and ingenuity, and perseverance and demonstration programs, which would be possible under this bill.

If we could just get money enough for a few case workers, guidance counselors, a shelter home, or a halfway house in Baltimore, for instance, in my State, we could prove to the Legislature of Maryland, I believe, the value of such a program and the value of money thus expended.

Probation and parole systems are in dire need of lifegiving transfusions in terms of higher grade officers, more experienced and better

trained board members, development of behavior-predictive techniques, counseling and guidance methods, as well as ways to overcome community hostilities.

This bill, Senator, will enable us to reach these goals. I consider it one of the most promising and important bills before the Congress. I have enumerated a few of these projects, but I am sure that the testimony before the committee and yourself will suggest a number of other ways.

Mr. Beck and I are here to pledge you the support of the American Bar Association in this worthy proposal and we would like to be of help, sir.

(Mr. Bennett's statement in full follows:)

STATEMENT BY JAMES V. BENNETT ON BEHALF OF THE AMERICAN BAR ASSOCIATION

Mr. Chairman and gentlemen of the committee, I am James V. Bennett, a member of the District of Columbia bar and the representative of the Criminal Law Section in the House of Delegates of the American Bar Association. I was, as some of you know, also the Director of the Federal Bureau of Prisons for 27 years until I reached mandatory retirement age last August.

By way of introduction I ask the indulgence of the committee to say a few words about the activities of the American Bar Association in matters relating to improving the administration of criminal justice.

The American Bar Association under the leadership of its current president, Mr. Lewis Powell, his immediate predecessors, and its newly designated leaders has taken a fresh look at its responsibilities in the field of criminal law. It is making a new and vigorous effort to cope with the rising problem of crime. To mention just a few of the things it is sponsoring through its committees, sections, and research foundation may I call attention to the following highlights:

One of the activities with which you are no doubt familiar has been our advocacy and support of the Criminal Justice Act of 1964 which authorizes the appointment and payment of counsel for indigent defendants in Federal courts. Final approval of this act was the result of many years of working hand in hand with all Attorneys General since Mr. Homer Cummings.

Now we are following through by supporting the activities of the National Legal Aid and Defender Association. With the assistance of the Ford Foundation a program has been designed to set up model defender services in a few key communities and also to strengthen many of the existing defense organizations.

The American Bar Foundation, the research arm of the legal profession, has recently published an important volume on the troublesome problem of "arrest." This volume is the first of a series of publications stemming from the foundation's "Survey of the Administration of Criminal Justice in the United States." A project soon to be published by the American Bar Foundation is "Hospitalization and Discharge of the Mentally Ill and the Mentally Ill Criminal Offender."

Recently the association, in collaboration with the Institute of Judicial Administration, has organized a project to formulate minimum standards of criminal justice with Chief Judge J. Edward Lumbard, of New York, as chairman.

Another important highlight is the work of the American Bar Association and several other legal organizations which have sponsored during the past few years the Joint Committee for the Effective Administration of Justice. The committee has been led by a distinguished chairman, Mr. Justice Tom C. Clark. Its goals have been to provide a continuing education program for State court judges, to improve the process of selection of State judges and, to relieve backlogs in the courts. All of this is, of course, directed to the improvement of the administration of justice.

Consistent with its longstanding interest and activity in seeking to improve the administration of criminal justice, the association this year has, as you know, also taken action in supporting three important Federal legislative measures: bail reform; Federal prisoner rehabilitation; and the Law Enforcement Assistance Act of 1965.

Finally you might like to know that one of the advisory committees now working with the association's criminal justice project is a distinguished committee to

deal with the mounting concern relating to preserving fair trials without infringing on the rights of a free press.

Consistent with these policies and activities the president and Board of Governors of the American Bar Association adopted a resolution urging enactment of the pending Law Enforcement Assistance Act (S. 1792) which I submit for the record.

Anyone the least familiar with our present-day problems of crime prevention and control need not unduly tax his imagination to suggest ways in which any funds authorized by the Congress can usefully be spent for the wide-ranging types of projects authorized by the bill. May I suggest just a few?

There are 365,000 persons in this country engaged in some form of police duty. There are between 50,000 and 75,000 men and women working in correctional institutions of one type or another. There are upward of 25,000 probation, parole, and aftercare workers as well as a considerable body of social workers, teachers, psychiatrists, doctors, and guidance counselors trying to control criminal tendencies and help disturbed and hostile people who rebel against the law.

Some of the 500,000 men and women engaged in these activities have high qualifications and are well trained but it's a relatively small percentage. We cannot properly train all of these people in the wide-ranging kinds of techniques required to prevent and reduce crime with the money that is likely to be made available under this bill, but we can start and set up pilot and demonstration projects in the various States and localities which in time will bear abundant fruit. We can develop training materials now woefully lacking, encourage and support university courses, and provide a few fellowships and awards for outstanding contributions to the field.

Think, for instance, of the challenging task of keeping our police officers, sheriffs, deputy sheriffs, custodial officers, and probation people abreast of the changing law of arrest, search and seizure, representation by counsel, mental competency for crime, and so on. Add to that the need for alerting them to the possibilities of utilizing the new electronic detection devices, data processing equipment and computers for spotting crime areas, and developing meaningful crime statistics and you see how tremendous are the dimensions of the problem and how great the need for training funds and facilities.

But difficult and challenging as are these aspects of the law-enforcement picture I suggest that as lawyers you pause a moment to consider the situation with regard to our courts and the administration of criminal justice. Our trial courts, particularly the minor courts, have been inundated by a massive increase in the number of criminal cases. Untold thousands of alcoholics, juvenile delinquents, drug addicts, mentally ill persons, social misfits, and habitual offenders are now being disposed of on an assembly line basis.

Obviously, this means we are losing vast opportunities to strike at the very roots of crime. Under section III of this bill the Federal Government can provide a little seed money to demonstrate, for instance, how the workload of the criminal courts may be reduced so attention can be given to basic needs of the individuals involved. A study by efficiency experts outside the legal profession, for instance, might find ways to reduce court paperwork and expedite the handling of criminal cases. Perhaps a system of civil penalties or clinic treatment for offenses involving some social maladjustments, alcoholism, or drug addiction can be developed and tried out. Such a plan for drug addicts is suggested in a bill pending before this committee. Perhaps public administration experts not encrusted with the barnacles of legal tradition can show how to conform our due process ideals with computerized courts. At least it's worth a try and this bill will make such experiments possible.

We must also do some imaginative thinking and experimenting to discover how we can best provide competent counsel for every defendant charged with crime. The public defender system is one answer particularly in the larger courts but we must devise something besides a full-time defender for the rural areas and for specially involved cases coming before traffic courts, juvenile courts, drunk courts, and family courts.

With a small grant from the funds made available by this bill, we could also organize pilot, local or regional judges, councils or seminars to discuss these problems, reach some conclusions and also provide up-to-date information on current thinking about crime.

We could also sponsor judges' sentencing institutes similar to those authorized by Federal statutes which have proved tremendously helpful in developing more consistent sentencing principles and philosophies. Perhaps thus we could find

some way to counter the hue and cry about how soft the courts are because of the actions of a single judge. Such institutes could discuss and reach a consensus on a host of other questions troubling courts and court administrators to the great advantage of the whole system of criminal justice.

When you consider the Ford Foundation alone has been spending, I judge, upward of \$5 million a year on projects of this type, and other foundations like the Vera Foundation, the Kellogg Foundation, and the Avalon group have been devoting large sums to similar researches and demonstration projects, you can see how great is the need for Government aid. The legal profession is now where the medical profession was 20 or so years ago when medical research was supported entirely by private foundations. Now, as you know, the Federal Government alone is spending annually over a billion dollars on medical research.

The need and the challenge in the area of controlling adverse behavior is as urgent as the battle against disease. To show specifically what we require with regard to making our correctional agencies more effective let me spell out briefly a few of the more compelling needs:

1. We need constructive inmate vocational training and work programs. Most American prisons are vast idle houses where time is pulled listlessly while hostilities are aggravated. A little money and public awareness can change that and show the value of tested rehabilitative techniques.

2. Diagnostic procedures and facilities for the use of judges in sentencing are all but nonexistent. Not 15 percent of the felony cases tried in this country (outside the Federal system, California, New York, and Illinois) are based on even the most casual presentence investigation. If the value of good presentence investigations to the judges, in felony cases can be demonstrated we will go a long way in cutting down premature release of dangerous offenders on the one hand and avoid hunch commitments on the other.

3. Aftercare programs for discharged prisoners are an iridescent dream almost everywhere. Take my own State of Maryland as an example. All but the pitifully few who are discharged by parole go out scot free with no one to supervise, help, or guide them. Almost all of them are without friends, money, or know-how to find a job. They are feared and discriminated against on every hand. No wonder upward of 60 percent are back in prison within a year. How to pierce this hard shell of prejudice and indifference is a task requiring not only ingenuity and perseverance, but money.

If, for instance, we could get money enough out of this bill to employ a few case workers, guidance counselors, a shelter home or halfway house, say in Baltimore, we could prove to the legislature of Maryland the value of such a program in terms of reduced crime.

4. Probation and parole systems are in dire need of life-giving transfusions in terms of higher grade officers, more experienced and better trained board members, development of behavior predictive techniques, counseling and guidance methods, as well as ways to overcome community hostilities.

This bill could help us reach some of these goals. I am sure, Mr. Chairman and gentlemen of the committee, that as I have talked here many other projects and needs have occurred to you. I do not need to elaborate further.

It is sufficient to pledge to you the support, help, and gratitude of the American Bar Association in this most worthy proposal. We will do our level best to see that whatever facilities and money you make available will return a hundredfold.

RESOLUTION ADOPTED BY THE BOARD OF GOVERNORS OF THE AMERICAN BAR ASSOCIATION, MAY 23, 1965

Law Enforcement Assistance Act of 1965

Resolved, That the American Bar Association urges the Congress of the United States to enact H.R. 6508, 89th Congress (Law Enforcement Assistance Act of 1965), or similar legislation, which would provide Federal assistance to public or private nonprofit organizations for projects and studies to promote the enforcement and administration of criminal laws, corrections, and the prevention or control of crime.

Senator ERVIN. You have made some very constructive and very thoughtful suggestions. I was a local judge for 2 years, and the problem of alcoholism in the courts is to my mind one of the serious problems, as you pointed out. The amount that could be saved in welfare

outlays, if we could find some way to deal with that problem, would far exceed the entire cost of appropriation suggested in this bill. In other words, the appropriation suggested in this bill would dwindle into insignificance as compared with what the Federal Government alone, not to mention the States and local governments, could save if we could find some way to deal with that problem. I have long been convinced it is a disease rather than a crime and ought to be treated as you suggested in your observations.

I wish to thank you very much for your appearance and to state what I have stated on a number of occasions before, that as a result of your enlightened administration of Federal prisons that you have made all America better.

Mr. BENNETT. Thank you, sir.

Senator ERVIN. I thank both of you gentlemen for your appearance.

Mr. Quinn Tamm, representing the International Association of Chiefs of Police, Inc. I wish to thank you for your appearance here today and also to express our regret, as I did to Mr. Bennett, on account of the fact that the situation arose that required us to ask you to come back a second time.

STATEMENT OF QUINN TAMM, EXECUTIVE DIRECTOR, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, INC.; ACCOMPANIED BY CHARLES E. MOORE, PUBLIC RELATIONS DIRECTOR, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

Mr. TAMM. Thank you very much, Senator.

I have with me Mr. Charles Moore, who is public relations director of the International Association of the Chiefs of Police.

Senator ERVIN. We are delighted to have both of you with us.

Mr. TAMM. Before I get into my statement, Senator, I would like to mention the fact I have been very interested in your remarks concerning the institute of government in North Carolina, and to mention to you that back in 1935 or 1936 I was the instructor in the first series of police schools which Albert Coates held in the State of North Carolina.

Senator ERVIN. I am certainly glad to note that.

Mr. TAMM. We had a caravan then that went from city to city before he got his institute of government started. He traveled with Governor Hoey, who was Governor of North Carolina at that time. I consider Albert one of my very close friends, and I am very strongly of the opinion, as you are, that you expressed to the Attorney General at the time that he testified. We are interested in seeing that schools such as the institute of government in North Carolina continue in existence, and that they receive assistance from the Federal Government and the help that we feel is vitally needed in the local States where they are trying to do something concerning the training of police officers.

In sum and substance, my statement, which is very brief—and which I will summarize for you, sir—has to do with that particular phase of this type of legislation.

I would like to point out that the International Association of Chiefs of Police, which has its headquarters here in Washington, has been in existence since 1871, and our membership consists of some

5,600 law enforcement executives in the United States, Canada, and some 70 other free world countries.

We are very heartened by administration and congressional interest in the vital problems which are facing the law enforcement establishment today. We feel that the time now has come when people are really expressing concern about the problems which face the law enforcement administrator.

We are very highly gratified by the fact, if I may say so, that the fourth vice president of IACP, Chief of Police Thomas J. Cahill, of San Francisco, Calif., has been appointed by President Johnson to the President's Commission on Law Enforcement and Administration of Justice.

With the increasing complexity and seriousness of the local law enforcement function, and the expressed interest of the Federal Government in assisting local law enforcement, there is a greater need than ever for continuing dialog among Federal, State, and local government representatives. We are heartily in support, Senator, of S. 1825 and 1792, and its counterpart in the House, H.R. 6508. I do, however, have some suggestions on the part of local law enforcement officers.

In line with administration and congressional abhorrence of a national police force, the International Association of Chiefs of Police is vitally interested in helping to insure that Federal support for local law enforcement will be wisely meted out, it will be profitably used, and will be aimed at significant problems.

There is always a danger, of course, that studies and programs could come into being under these laws which would be of little help to local law enforcement. It is my firm conviction that this bill should contain wording to the effect that the Attorney General be required to have the benefit of advice and counsel of professional State and local police executives. I refer specifically to section 8(a)(1), which is so broadly worded that the bill's administration could be delegated to persons or bureaus who have no direct responsibility for professional policing at the local level.

I believe that the success of the bill depends upon whether or not practicing local law enforcement officials will be called upon to share their experience with those responsible for administering the Federal program.

The Criminal Division, the newly created Office of Criminal Justice in the U.S. Department of Justice, which has the working responsibility for Federal assistance to local law enforcement agencies, has already indicated a need for guidance from local law enforcement executives, and we, the International Association of Chiefs of Police, have declared our intention of being as cooperative as possible with the Department of Justice.

We are most anxious that State and local police in this country receive as much assistance as possible. At the same time, however, press speculation has already begun to indicate the Federal Government will carry the initial burden of implementing the program. Said one newspaper, and I quote:

The most likely plan would offer Federal funds and Federal officers in a joint effort with local governments for nationwide clinics for State and local law enforcement officers.

I must express some trepidation at these speculative reports and truly hope that the Law Enforcement Assistance Act will extend beyond this type of activity in order that the voice of the local police may be heard in determining their own course.

I feel that the direct involvement in an advisory capacity of recognized authorities in State and local police operation and administration could assure that the bill would enhance both the integrity of local autonomy as well as the other desirable goals we all seek to achieve.

At the present time the International Association of Chiefs of Police and its members are working diligently on a program for establishing, throughout the 50 States, minimum standards for recruiting and training of police officers. At the same time we are working to improve curriculums and police administration for use by junior colleges, 4-year colleges, and graduate schools. We are also endeavoring to induce more junior colleges, colleges, and universities to inaugurate courses in police administration. We are doing this through the graciousness of a grant from the Ford Foundation. We believe that when better men are chosen to serve in the police establishment, when these men are better trained and educated, then the effectiveness of law enforcement cannot help but be better, and, as a result, our profession, our Nation, and the individual citizen will benefit.

The members of the International Association of Chiefs of Police are dedicated professionals and, to the end that this bill will enable them to do a difficult job better, we endorse this bill and urge its adoption with amendments along the line of the comments I have made.

I would like also to echo the remarks made by the Congressman here this morning with regard to the need for extensive research and assistance along the lines of improving the methods which law enforcement will have available in the enforcement of laws. This to us is an extremely important item. We are using methods that were used a hundred years ago. We are using methods that have not been validated, and this has been brought about by the fact that the law enforcement agencies themselves have had not the time nor the money to engage in this type of research.

We hope that this legislation, if passed, will furnish law enforcement on a local level with an opportunity to better serve this country.

Thank you very much.

Senator ERVIN. Thank you very much. You have made some very constructive suggestions, particularly that of avoiding having this merely as a federally directed and federally implemented program. I think it is essential that we get a program which takes into consideration the experience of law enforcement officers at all levels. Some of the most difficult problems arise in the localities, and that is really where the problem is worse and where it needs the most attention, I think.

Mr. TAMM. That is right, and that is where it needs the most assistance, if I may say so.

Senator ERVIN. I also note with interest that you share the recommendation which Mr. Bennett made that it would be a highly desirable thing if we could get more universities and colleges interested

in this problem, with the view of their having courses in police administration and related matters.

Mr. TAMM. Yes, sir. We are very strongly interested in this. As I say, we do have a program which is financed by the Ford Foundation which specifically provides us with funds to assist colleges and universities in installing schools of police administration, and we feel that it is very important and very necessary that we raise the educational level of the law enforcement officer as he enters on duty. We think this will make a major contribution to better law enforcement.

Senator ERVIN. We all too often overlook the fact that really the police officer needs so many capacities and so much specialized knowledge as well as needing to be a great psychologist among other things, and he needs to have an understanding of law, and all too often we have men go on and serve society without any adequate opportunity to be trained. I think it is particularly true we need that on the local level; so I want to thank you for your very constructive suggestions.

(At this point in the proceedings Senator Tydings entered the hearing room.)

Mr. TAMM. Thank you very much, Senator.

(Mr. Tamm's statement in full follows:)

STATEMENT OF QUINN TAMM, EXECUTIVE DIRECTOR, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, INC.

I am very pleased to have an opportunity to testify before this subcommittee on S. 1825, the Law Enforcement Assistance Act of 1965. My name is Quinn Tamm and I am executive director of the International Association of Chiefs of Police with headquarters in Washington, D.C. Our association has been in existence since 1871 and our membership consists of some 5,600 law enforcement executives in the United States, Canada, and some 70 other free world countries. I should like to add that we are highly gratified with the administration and congressional interest in the vital problems which are facing the law enforcement establishment.

With the increasing complexity and seriousness of the local law enforcement function and the expressed interest of the Federal Government in assisting local law enforcement, there is a greater need than ever for continuing dialog among Federal, State, and local government representatives.

While we are heartily in support of S. 1825 and its counterpart in the House, H.R. 6508, I do have some suggestions.

In line with administration and congressional abhorrence of a national police force, the International Association of Chiefs of Police is vitally interested in helping to insure that Federal support for local law enforcement will be wisely meted out, will be profitably used, and will be aimed at significant problems. There is always the danger, of course, that studies and programs could come into being under S. 1825 and H.R. 6508 which would be of little help to local law enforcement, and it is my firm conviction that this bill should contain wording to the effect that the Attorney General be required to have the benefit of advice and counsel of professional State and local police executives. I refer specifically to section 8(a)(1) which is so broadly worded that the bill's administration could be delegated to persons or bureaus who have no direct responsibility for professional policing at the local level. I believe that the success of the bill depends upon whether or not practicing local law enforcement officials will be called upon to share their experience with those responsible for administering the Federal program.

The newly created Office of Criminal Justice in the U.S. Department of Justice, which has the working responsibility for Federal assistance to local law enforcement agencies, has already indicated its need for guidance from local law enforcement executives, and we have declared our intentions of being as cooperative as possible with that office.

We are most anxious that State and local police in this country receive as much assistance as possible. At the same time, however, press speculation has already begun to indicate that the Federal Government will carry the initial burden of implementing the program. Said one newspaper, "The most likely plan would offer Federal funds and Federal officers in a joint effort with local governments for nationwide clinics for State and local law enforcement officers." I must express some trepidation at these speculative reports and truly hope that the Law Enforcement Assistance Act will extend beyond this type of activity in order that the voice of the local police may be heard in determining their own course.

I feel that the direct involvement in an advisory capacity of recognized authorities in State and local police operation and administration could assure that the bill would enhance both the integrity of local autonomy, as well as the other desirable goals we all seek to achieve.

At the present time, the IACP and its members are working diligently on a program for establishing throughout the 50 States minimum standards for recruiting and training of police officers. At the same time, we are working to improve curriculums in police administration for use by junior colleges, 4-year colleges, and graduate schools. We are also endeavoring to induce more junior colleges, colleges, and universities to inaugurate courses in police administration.

We believe that when better men are chosen to serve in the police establishment, when these men are better trained and educated, then the effectiveness of law enforcement cannot help but be better and as a result our profession, our Nation, and the individual citizen will benefit.

The members of the International Association of Chiefs of Police are dedicated professionals, and to the end that this bill will enable them to do a difficult job better we endorse this bill and urge its adoption with amendments along the lines of the comments I have made.

Senator ERVIN. In order that the record might be complete, I will order printed in the record right after the remarks of Representative Scheuer a copy of his bill, H.R. 8110.

I am delighted to welcome to the subcommittee Senator Tydings of Maryland. I think we have a constituent of yours who is scheduled to testify, and we will be glad to have you present him.

Senator TYDINGS. That is right, Mr. Chairman. I am pleased to introduce to the committee Dr. Robert L. Derbyshire. Dr. Derbyshire is an assistant professor of sociology and psychiatry at the University of Maryland School of Medicine, in Baltimore. He was educated at the university, and he received his Ph. D. in sociology and psychiatry.

Dr. Derbyshire, Mr. Chairman, has a wealth of personal experience in working with and studying the problems of crime and delinquency. He taught in the Baltimore public school system, worked his way through school driving a taxi.

In his professional capacity he spent a great deal of time working on adjustment problems of the urban and city dweller, particularly the Negro. I ask, Mr. Chairman, that a list of Dr. Derbyshire's publications be included in the record at this point. I want to add that he is a friend of mine, too, and I appreciate the chairman's courtesy in permitting me to introduce him.

Senator ERVIN. Thank you, Senator.

(The list of publications referred to follows:)

1961

Review of "Neglected Areas in Family Living," T. E. Sullenger, *Journal of Nervous and Mental Disease*, 133 4 (November 1961), 361.

1962

Review of "Premarital Dating Behavior," W. Ehrman, *Journal of Nervous and Mental Disease*, 134 1 (January 1962), 95-97.

1963

- Derbyshire, R. L., E. B. Brody, and C. B. Schleifer, "Family Structure of Young Adult Negro Male Mental Patients: Preliminary Observations From Urban Baltimore," *Journal of Nervous and Mental Disease*. CXXXVI (March 1963), 243-251.
- Derbyshire, R. L., and E. B. Brody, "Personal Identity and Ethnocentrism in American Negro College Students," *Mental Hygiene* XLVIII, 2 (April 1964), 202-208.
- Brody, E. B., and R. L. Derbyshire, "Mental Status, Anti-Semitism and Anti-Foreign Prejudice in American Negro College Students," *Archives of General Psychiatry*, IX, 6 (December 1963), 619-628.

1964

- Derbyshire, R. L., and E. B. Brody, "Marginality, Identity, and Behavior in the American Negro: A Functional Analysis," *International Journal of Social Psychiatry*, X, 1 (winter, 1964), 7-13.
- Derbyshire, R. L., and E. B. Brody, "Identity Conflict and Social Distance in American Negro College Students," *Sociology and Social Research*, XLIX (April 1964), 301-314.
- Schleifer, C. B., R. L. Derbyshire, and J. Brown, "Symptoms and Symptom Change in Negro and White Hospitalized Mental Patients," *Journal of Human Relations*, autumn, 1964.
- Schleifer, C. B. and R. L. Derbyshire, "Desegregation of a State Mental Hospital for Negroes: A Study of Staff Attitudes," *American Journal of Psychiatry*, (April, 1965), vol. 121, No. 10, pp. 947-952.
- Derbyshire, R. L., "Social Structure, Social Process and Individual Behavior: Hypotheses Concerning the Uncompleted American Negro Family," the *Journal of Human Relations*, in press (1965).
- Derbyshire, R. L., "United States Negro Identity Conflict," *International Journal of Social Psychiatry*, in press (1965).
- Derbyshire, R. L., "The Social Control Role of the Police in Urban Racial Conflict, Maryland magazine, in press (1965).

Professional societies

Alpha Kappa Delta (honorary sociological society).
 District of Columbia Sociological Association.
 Eastern Sociological Association.
 American Sociological Association.
 National Council on Family Relations.
 Medical Sociology Section of American Sociological Association.
 International Sociological Association.
 American Association of University Professors.

Unpublished manuscripts

M.A. thesis: "Social Aspects of Suicide in Baltimore City for the years 1954, 1955, and 1956."
 Ph. D. dissertation: "Personal Identity: An Attitude Study of American Negro College Students."

STATEMENT OF PROF. ROBERT L. DERBYSHIRE, SCHOOL OF MEDICINE, UNIVERSITY OF MARYLAND, BALTIMORE, MD.

Senator ERVIN. Dr. Derbyshire, we are delighted to have you here. Senator Tydings referred to the fact you were a taxi driver. I receive a large part of my education from taxi drivers in the city of Washington.

Dr. DERBYSHIRE. Yes; that is where I got mine, from persons like yourself who rode in the cab.

Thank you, Senator Ervin. I appreciate being here and being asked to be here.

I have a statement that I would like to have included in the record, but I will make some remarks in reference to some of the things that have been said today, and try to summarize what I have to say, if I may.

Senator ERVIN. Let the record show that the statement will be printed in full in the body of the record immediately after the remarks of the witness.

Dr. DERBYSHIRE. Thank you.

I must agree wholeheartedly with the testimony that has been given this morning, particularly that testimony by Congressman Scheuer and Mr. Speiser, and Mr. Tamm and Mr. Sanders. I feel that we must recognize that police departments everywhere have really three functions. These functions are the functions of control, detection, and prevention. Most police departments are set up to operate most efficiently in the area of detection and control, but the idea of prevention is one which is necessary in our urban changing society.

If we stop for a moment and go past our own experiences, I know, as middle-class youngsters, and our young children, we go to school, we hear a great deal about the policeman being our friend. But yet we see the policeman very seldom. Children who are reared in inner-city areas have seen the policeman almost at birth. The first contact they have outside of the household they see the policeman performing all types of functions. This policeman then becomes a symbol of what it means to be an authority figure in the outside world. Unless we can have policemen on our force who are individuals who will provide for these youngsters someone to look up to, not someone now who does not perform his function of detection and control, but also performs his function of prevention—and by this I mean he is able to apprehend a criminal but apprehend him in such a way as to make the individuals respect him in the neighborhood.

If you have to waylay a criminal in some way or another, and tie him down, you also must be able to talk with him after he is subdued, to help him up to his feet, to get him to a hospital if necessary and quickly as possible.

These are some of the things that build, into persons who observe police behavior, respect for the policeman. One of the reasons we have such a high rate of crime has to do with a lack of respect for law enforcement and the agencies.

I have a number of suggestions that I would like to make, that I feel that this bill will help provide in terms of working with lower class persons in many of our urban communities.

Having done a great deal of research with inner-city individuals, particularly lower class Negroes, I find from talking with them that their lack of respect for policemen has not so much to do with the fact that we do not put Negroes in Negro communities, but that really the police have not hired fully qualified personnel, white or Negro. So that more important than in placing Negro policemen in these communities is to rid the police-hiring procedures of discrimination.

The most highly educated and motivated, and those persons whose character is beyond reproach, should be placed in the inner-city areas. These persons should seek out and identify indigenous leadership and they cannot do this unless they are trained by some either in-service training or training that is gotten outside of the police department.

I might respond here for a moment, too, to what has been said, whether this should come under the Health, Education, and Welfare or the judiciary. In my experience in communicating with top officials in the police department, at this point anyway, social scientists and police commissioners do not speak the same language. We have difficulty getting our ideas across to one another. So that possibly if we are going to really aid these local police departments, it seems to me that the administration of such a program may be better administered by the judiciary who have individuals already who can communicate with police departments. If we are going to work with colleges and universities, we cannot do this until colleges and universities are willing to help the police departments with the problems that they see they have, and not try to implement things that universities would like for policemen to have.

These persons then should seek out and identify indigenous leadership. Also they should learn to communicate effectively with persons in the community. These policemen should gain knowledge of potential igniters of tension and conflict and, after the identification of these persons, it would be the policeman's duty to try to seek attitudes or changes in attitude. He can do this by calling in other agencies. He must begin to look at people in his community as in the totality and not just their criminal activity or their defiant activity. He must himself be a very stable person, and he cannot be this unless he is paid an adequate salary to attract a stable individual to the police force.

We must raise the social status of the police by increasing the quality of the men who are hired, and requesting improvement programs for those men who are already on the force.

Education programs sponsored and promoted by law enforcement agencies in collaboration with behavioral scientists in universities are indispensable. State and local officials and police organizations must stop paying lip service to the need for responsible, educated policemen. They must begin to have them.

The police also must be able to change their image in front of the public so that every mother will say, "I would like to have my son become a policeman," just like she says, "I want him to be a doctor." Each policeman involved in learning this role is going to have problems, and he should be aided in these problems. That means he must be able to identify the difference between control, detection, and prevention. He must also support prevention.

These are some of the criteria that I think would make better policemen and reduce crime rates in many of our communities.

I feel that the enactment of the Law Enforcement Assistance Act would aid this.

Thank you.

(Dr. Derbyshire's statement in full follows:)

THE SOCIAL CONTROL ROLE OF THE POLICE IN CHANGING URBAN COMMUNITIES

(By Robert L. Derbyshire, Ph. D.¹)

Public criticism of police and their tactics is a favorite American pastime. The validity of most police criticism is analogous to reprimanding a physician for not saving the life of one whose heart has been punctured by a bullet. In

¹ Assistant professor of sociology in psychiatry, the Psychiatric Institute, University of Maryland. School of Medicine, Baltimore, Md.

the case of the physician, there are biological and physiological forces determining the patient's expiration, over which the physician has little or no control. Similarly, policemen are exposed in their battle against deviancy to cultural, social, and psychological forces over which they have little or no control. Generally, these social forces are the political structure of the community, including the efficiency and reliability of elected and appointed officials; the patterns of coercion, leadership, and responsibility of and between police officials and political leaders; the capabilities, training and experience of policemen; the attitudes and behavior of citizens toward the police; and the particular conditions or set of circumstances under which these forces interact.

The urban condition is complex. Reciprocal relations between community and police present myriad problems. Police systems operate at an efficiency level commensurate with their ability and training, their status and salary and the community's attitude toward its own responsibility for social control. More recent problems illustrated by urban conflict in northern cities during the summer of 1964 require a reevaluation and reexamination of the social control role of police systems in these centers of culturally excluded citizens.

SOCIAL CONTROL

Social control among homo sapiens is based upon customs. The system of social control is those mechanisms and techniques used to regulate the behavior of persons to meet societal goals and needs. All cultures provide adequate controls over behavior. These controls are initiated either formally or informally. Informal controls usually start in the family and consist of orders, rebukes, criticisms, reprimands, ridicule, blame, gossip, praise, and others. How an individual responds to informal and formal social control outside in the community, frequently depends upon the consistency and certainty of these controls in his family experience while growing up. Most frequently, informal controls are used by primary groups. Primary affiliations require emotional reciprocity therefore, more subject to informal control.

Formal controls are those sanctions instituted by the body politic and its agencies. Since emotional attachment is seldom a part of secondary groups, laws, sanctions, and punishment are explicitly stated and theoretically apply to everyone, no matter what his position in the social structure. Schools, hospitals, welfare agencies, and the police are examples of secondary socializing agencies who use formal social control methods.

Theoretically, a continuum of social control exists from unregulated to institutional behavior. Unregulated behavior is unknown to contemporary man. Even within one's most intimate thoughts and isolated conditions, pressure from the social system both inhibit and stimulate behavior. Fantasies, hallucinations, and delusions of persons whose behavior appears most unregulated (e.g., the psychotic), are determined by socio-cultural experiences.

Unregulated and unrestricted behavior is detrimental to all societies. Societies are unable to maintain equilibrium without some form of social control. Each person's understanding of himself as a vital contributor to society, stems from his early experiences with social control systems. Behavior inhibitions start in the family and are developed, modified, and changed while the growing child interacts and interprets relations with family, peers, neighbors, the community, the adult world and all the beliefs, attitudes, and values available through his experience. Studies have shown that the more homogeneous and stable the people and the belief systems, the fewer the transgressions. In other words, violations of folkways, mores, and laws most frequently occur under conditions of transience, heterogeneity, and instability; where social relationships most frequently display anonymity, impersonality, and superficiality.

Social control systems operate most effectively and efficiently, the police notwithstanding, where this is constant and unified, both overt and covert, cultural and social support from all social control agencies. This support must be unambiguously stated in the value systems of families, community, and the greater society of which the individual is a functional part.

URBANISM

Urbanism, as a way of life, has been described by Louis Wirth as being "characterized by extensive conflicts of norms; by rapid social change; by increased mobility of population, by emphasis on material goods and individu-

alism; and by a marked decline in intimate communication." These characteristics have implications for urban social control.

Urban centers, particularly inner city areas, are the most difficult places to maintain overt behavior at a level acceptable to middle-class standards. Frontier and farm towns needed a sheriff more because of the transients than the town-folk. Sheriffs had most trouble with the out-of-towners who lacked integration with the local community and who, with their anonymity, used Friday and Saturday nights as moral holidays. As towns became larger and centers for attracting transients, segments of the community became notorious for housing persons with little integration in community life. Although most of the Nation's population is essentially urban, the urban attitude is most pronounced in the inner city. The inner city or slum areas exemplify Wirth's characteristics, as well as excessive amounts of personal, social, political, religious, family, and economic instability. A disproportionate amount of time is spent policing inner city areas.

URBAN CONFLICT

Summer riots in northern cities were not led by Communists or any other organization, nor were they racial in nature, states the Federal Bureau of Investigation. Even though these riots predominantly involved Negroes they were a product of conflicts in values and norms.

The ghettoized lower class Negro exists in a contraculture prone to deviancy from middle-class values. Absent-father households with matrifocal structures, insufficient skills for adequate employment opportunities, overrepresentation as welfare recipients, overcrowded and deteriorated inner city ghettos, education significantly lower and crime rates significantly higher than comparable white populations, 10 times more out-of-wedlock births than whites and twice the Caucasian infant mortality rate, are social facts related to being lower class Negro in the urban United States. There is a reciprocal relationship between these social facts, urban conflict, and problems of the U.S. Negro's acceptance and assimilation into American culture.

A lack of adequate communication between these urban Americans and the shopkeepers, police, pawnbrokers, welfare agencies, and all other agencies of social control generated certain frictions which aided in igniting the summer riots. Intensity of the conflict was related to the lack of contact and openness between the disputants. Because the conflict appeared to be free-floating and lack a central focus, middle-class Americans trying to place an identifying tag upon the conflict noticed, as the common denominator, that the majority of participants were Negro, therefore these riots were incorrectly defined as racial in nature. Since the communities in which these riots took place lacked integration, there was little internal leadership to lessen the conflict's intensity. Outside leaders, both Negro and white; police, politicians, and clergymen, all were unsuccessful at ameliorating the conflicts. It can be noted that the most poorly integrated members of the community; that is, the adolescents, ruffians, delinquents, school dropouts, and criminal elements aggravated the conflict to its uncontrollable position.

Also, the conflict's intensity was increased because of the uncertainty of the rules by which the conflict was to be resolved. Since large urban riots have been an infrequent phenomenon in the United States, legitimate and institutionalized means of arbitration and reconciliation had no established precedent on which to operate. Crisis of the nature as were seen in large American urban centers, during the summer of 1964, took place in the less integrated areas of the city and due to an indigenous lack of integration became more disruptive.

Lack of social cohesion and integration is a major problem in areas of high mobility. Cohesion and integration are major social control devices. Secondary socializing agencies are most effective when cohesion and integration have existed, but for some reason have suddenly broken down. Evidence supports the fact that the police, social workers, courts, and other secondary socializing agencies do their most effective work with persons who temporarily lack integration with the prevailing society, while they help the least, those individuals who have rarely or never experienced cohesive and integrated community life.

One of the penalties American society pays for its major value of progress is instability. Progress means change, and change encourages cynicism toward the traditional and sacred. High cultural values are placed on the new, young, and different. These are tied in with youthful attitudes that to be adventuresome

and dairing are good, while stability and conformity are for "squares." Where else is it more appropriate or easy to display these attitudes than during a riot?

Norm and social role conflicts are rampant in the inner city. Next door to a law-abiding citizen who maintains conventional sexual and moral behavior, may live a sexually promiscuous person who has little respect for law, officials, property, or others. Tremendous variations exist in religious beliefs, family systems, and means of achieving and satisfying human relationships.

The increased impersonality of city life fosters individual freedom. This individualism is a peculiar type. Most inner city or slum persons pay lip service to their own individuality while simultaneously conforming to the expected behavior of those persons or segments of their associations applying the most pressure at any particular time. With these persons frequently there is a lack of intimacy, yet a need to conform to perceived wishes; this type of man has been termed by David Riesman as "other directed."

Primary socializing agencies are the immediate family, relatives by blood and marriage, age and sex peers, neighbors and others who aid persons, usually on a long-term or face-to-face basis, with intimate contact, to learn culturally approved ways of controlling one's behavior. On the basis of present knowledge, it appears that social control is most effective when it is practiced at this level.

Secondary socializing agencies are those whose specific purpose is to aid in socialization or to resocialize individuals whose primary agencies have for some reason become ineffective. The presently established secondary agents of social control are most effective as reintegrators and are less effective as substitutes for primary agents of social control.

The police, particularly for the inner city urban community, are the most important agency of social control. Historically, police systems have been primarily concerned with coercive control. Coercive control which emanates from law and government agencies is accomplished by force or threat of force.

Power and authority are vested in the symbols of the uniform and badge and, if that is not enough, the spontoon, sidearm, and handcuffs take on functional elements of legal authority. Pillars of the middle-class community feel safe with the knowledge that this type of control protects their neighborhoods, while lower class persons, more frequently, view the coercive powers of the police as a threat. There is every reason to believe that the coercive powers of the police are most effective with persons who have internalized controls over their behavior. In other words, coercive control is most effective with those who need it the least.

Much of the requirements and education for police work places emphasis upon physical strength and stamina, marksmanship, self-protection, knowledge of certain laws, police tactics, investigation and interrogation procedures, and other methods of coercive control. Traditionally this has been necessary for adequate control but more recently it is not sufficient for effective control. The policeman's role has been primarily concerned with crime detection, control, and prevention. These behavior patterns have been sufficient and effective for small communities where social relations among members have been intimate and long term and where homogeneity of values, and behavior patterns prevailed. Under more intimate rural conditions, crime detection and control functions of police systems are more frequently aided by citizens.

Coercive control is a necessary function for all police systems, but even more important, particularly in urban centers is the need for the persuasive control functions of the police. Middle-class youth who have the advantage of intact homes and adequate supervision seldom see a policeman except possibly directing traffic. Middle-class citizens learn in school that "we should obey the laws" and "the policeman is our friend," but direct contact with him is seldom encountered. Little firsthand knowledge of behavior patterns associated with the police role exists in middle-class culture.

On the other hand, in the inner city many youngsters observe the police more frequently than their own fathers or other important relatives. These same children lack much of the informal social controls taught by and expected of the middle class. Young persons in lower class communities see policemen breaking up family fights, taking drunks and derelicts off the street, raiding a prostitute's flat or a gambling house, picking up some of the local boys for interrogation, knocking on the door because a disturbance had been reported, breaking up a game of pitching coins or shooting dice on the street, checking locked doors of

merchant neighbors, evicting slum residents, asking questions pertaining to rat control, transporting patients to mental hospitals, beating others and being beaten, taking bribes and arresting bribers, and numerous other behaviors associated with any particular police system. It is within this context that the growing lower class child forms his impressions and develops attitudes toward the police. These attitudes are then transferred toward the larger adult world and its systems of social control. Within this environment he gains his most purposive information about law, rights, duties, privileges, loyalties, and many other items necessary for adulthood. Many of these are developed from impressions received from the policeman, one of the few representatives of the social control system with whom he has had direct contact.

In the lower class community the function of the police is integrated into the child's knowledge before he knows the role of teachers. More important for the policeman in inner city crime control is the role of persuasive control. Lower class youngsters need a stable, steady, friendly person with whom to identify, to help them understand that controlling their behavior is most effective and appropriate when it is controlled because one wants to do what significant persons in his life wish him to do and not because he is afraid of force if he doesn't control his behavior.

The inner city situation for policemen is analogous to that for teachers, that is, seldom does one volunteer to assume the responsibilities for these areas because the problems are multiple. Therefore, more frequently lower quality police officers and teachers are assigned to areas that are in dire need of the highest quality professional.

Effective persuasive control emanates from a particular type of policeman who has the personality, the motivation, the interest and the fortitude to work closely with slum families and individuals. He should be specifically and adequately trained for this role and commensurately rewarded. An emulative image must be presented consistently so that children, adolescents, young and old adults alike will look to him for guidance in areas other than crime control.

One of the major reasons for members of urban communities standing passively by while policemen are being beaten is due to a total disinterest in, and disrespect for laws which have little meaning to them, and a lack of identification with persons who enforce these laws, for whom they have little respect. Any lack of respect is not totally due to the law, its enforcing agency or the lower class dweller. Responsibility for this behavior can be identified as the result of the interaction of these variables and a social system that permits inequities and irregularities in law, stimulates poverty, and inhibits initiative and motivation of the poor, and relegates low social and economic status to the police while concomitantly giving them more extraneous nonpolice duties than adequately can be performed.

Cities and States must pay adequate salaries, extend fringe benefits and provide professional pride and status to the degree that police departments can hire the type of men and women necessary to fulfill the role of future policemen. This new role should place greater emphasis upon crime prevention. Excellent persuasive control is good crime prevention. Certainly, knowledge of riot control and police tactics are essential to stopping riots and criminal activity after they start; this is a necessary coercive function of the policeman's social role. But, more important than stopping a crime is its prevention.

A number of suggestions for more effective social control of urban racial conflict during a period of rapid social change are: (1) More important than placing Negro policemen in Negro communities is to rid the police hiring procedures of discrimination. Hiring a man on the basis of his ability to meet specific criteria does more to increase the social status and image of the police in all Negro areas than "tokenism" as it has been practiced in the past. (2) The most highly educated and motivated, and those persons whose character is beyond reproach should be placed in inner city areas. These persons should seek out and identify indigenous leadership. Also, they should learn to communicate effectively with persons in the community. They should gain knowledge of potential ignitors of tension and conflict. After the identification of such persons, the policeman's duty is to seek a change in attitudes, to call in appropriate resocializing aid when necessary or at least to see that those persons who are potential agitators are immobilized during periods of high tension. In an area where stability is seldom evident, the policeman should be emotionally

stable and a pattern of social stability must exist in that turnover of men on these assignments must be minimized. Inner city dwellers need some source of a stable predictable relationship; this the police can provide. (3) Raise the social status of the police by increasing the quality of men hired and requesting improvement programs for those who are already on the force. Education programs sponsored and promoted by law enforcement agencies in collaboration with behavioral scientists in universities is indispensable. State and local officials and police organizations must stop paying lip service to the need for responsible, educated policemen. Responsible, emotionally stable, well-educated policemen will make more lasting contributions to crime prevention and control than many other measures already requested by responsible politicians. (4) The police image must be changed to such a degree that middle-class mothers will say with pride, "My son, the policeman." (5) Each policeman involved in learning this role must be aided to live with himself. That is, the dichotomy between persuasion and coercion is great and frequently appears incompatible, therefore each law enforcement officer must learn to integrate both roles with as little discomfort as possible. (6) Discrimination toward Negroes in areas of employment, housing, in fact, in all areas, must cease. As long as it exists institutionally or socially, the American lower class ghettoized Negro is a potential for urban conflict. He is in this conflict producing situation partly because he is Negro, but more, because he has the same American aspirations for achievement and success, but the social structure restricts this American's ability to obtain his goal.

Langston Hughes has related the explosive potential of the lower class urban Negro in the following poem:

"What happens to a dream deferred?
Does it dry up
like a raisin in the sun?
Or fester like a sore—
And then run?
Does it stink like rotten meat?
Or crust and sugar over—
like a sirupy sweet?
Maybe it just sags
like a heavy load.
Or does it explode?"

American urban policemen who involve themselves in the role of persuasive control can and will be the most influential and vital inhibitors of this explosion. If over the hot and humid summers during the next decade urban racial conflicts become a part of the American scene, it will be in the hands of persons who neglect to recognize the importance of the police as preventers of conflict, rather than just maintainers of order.

Senator ERVIN. Senator, do you have any questions you would like to ask?

Senator TYDINGS. No, I do not, Mr. Chairman.

Senator ERVIN. Doctor, we certainly appreciate your appearance here and the very constructive suggestions you have made in this field.

Dr. DERBYSHIRE. Thank you.

Senator ERVIN. This completes the hearings upon these bills with the exception of some insertions which I wish to make in the record.

I wish to insert a letter from Senator Hiram L. Fong and the attached statement from the chief of police of the Honolulu Police Department in support of the bills.

Also I would like to insert for printing in full in the body of the record a letter and statement from Patrick V. Murphy, dean of administration and police science of the College of Police Science in the city of New York.

Also a statement from Prof. A. F. Brandstatter, director of School of Police Administration and Public Safety, Michigan State University, and Professor Turner, a member of the faculty of that institution.

(The documents referred to, and other material received, follow:)

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
July 29, 1965.

Hon. SAM J. ERVIN, Jr.,
Chairman, Special Subcommittee, Senate Judiciary Committee,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that your special subcommittee is presently holding hearings on S. 1792 and S. 1825, the proposed Law Enforcement Assistance Act.

I would like to bring to the attention of the special subcommittee a letter I received from Chief of Police Dan Liu, of the Honolulu Police Department, in support of these measures.

I would appreciate your making Chief Liu's letter a part of the official record of your hearings on S. 1792 and S. 1785.

Thank you for your consideration in this matter.

With aloha,

Sincerely yours,

HIRAM L. FONG.

HONOLULU POLICE DEPARTMENT,
Honolulu, Hawaii, May 26, 1965.

Hon. HIRAM L. FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: Thank you very much for bringing this to our attention. Senate bill 1792 would be a real stimulus to the educational endeavor of local law enforcement.

We have been interested for some time, in concert with the University of Hawaii, in establishing a college of police administration at the university. S. 1792 may assist to make this a reality. If local law enforcement is to progress, it must set high standards which encompass most of the knowledge in its discipline. Police science schools should be established in every tax-supported college and university.

It is my understanding that a substantial grant would be necessary for an undertaking of this kind. The expense would be repaid many times over through more professional law enforcement. I know that you concur that high academic standards and other professional requirements will result in better protection to the innocent, better service to the public, crime will be more adequately controlled, crime prevention will become more scientific, and police officers will be given a broader perspective on the problems and aspirations common to all men.

S. 1792 could also be utilized to bring knowledgeable police authorities here to train police personnel, such as is being done currently during the summer sessions at the University of Hawaii.

Also meriting consideration should be the possibility of Government-subsidized scholarships for selective key personnel administrators at universities having an "accredited police program." In this particular connection, our Washington office of the International Association of Chiefs of Police, 1319 18th Street NW., Washington, D.C., can furnish you with complete information. Our association, at the moment, has a most competent staff that is conducting police courses in various parts of the country. It is also planned to establish a West Point type of police academy. You can readily recognize that staffed by a competent and practical police agency, it would make for the best of training.

Another item for consideration is a nationwide program of promoting better publicity for the police on an organized basis. Such an activity could be placed in the hands of our association to properly administer.

Of course, public education and anticrime propaganda should also go a long way toward impacting our citizens against its heavy tolls. I enclose a copy of a

recent talk which I made at our State law enforcement officials meeting which suggests some of the things we can do along these lines.

Generally, S. 1792 can contribute much to the natural growth process of modern police service. Thank you again for your concern.

Sincerely,

DAN LIU,
Chief of Police.

[From the Honolulu Advertiser, Friday, May 14, 1965]

POLICE PROFESSIONALISM

It's typical that Police Week has come and now almost gone with modest and dignified observance as the men of the Honolulu department went about their work.

There was, to be sure, some quiet reminders of the vital and hazardous role the police play in our lives.

A week ago there was a full-dress inspection where 20 officers were honored for heroism in last November's robbery-murder at the Star Supermarket in Moiliili. One of the department's highest awards went to the widow of Lt. Benedict Eleneki, who was shot to death in the market.

Even broader perspective was added Tuesday in a memorial service at Central Union Church honoring nine Honolulu officers who have given their lives in the line of duty in recent years.

Such ceremonies are important reminders that Honolulu has what is considered one of the finest police forces in the Nation.

But what is more important from a community standpoint is that Honolulu's police officers continue to enjoy the quiet respect of the community. For such respect, and the cooperation it brings, is part of a circular pattern that, in turn, leads to better law enforcement.

The cycle of performance and respect is as involved as it is important because it contains one of those delicate balances that must operate in a free society.

FBI Director J. Edgar Hoover has pointed out that the existence of law itself is no guarantee of the continued success of democracy. Its effectiveness depends upon citizen support which is related to the fairness, determination, and courage with which it is enforced.

But law enforcement in the American democracy gets more complicated than just a black-and-white struggle of the police against the forces of evil.

Honolulu Police Chief Dan Liu made an important point in his talk to Hawaii police officials gathered recently on Kauai. He said:

"Law enforcement must first and foremost recognize and respect that body of law which protects the citizen from transgression by the government. The Constitution of the United States and those of the individual States are touchstones in the exercise of police power.

"To ignore or to circumvent constitutional safeguards might conceivably make the police function more efficient. However, our society is seeking not efficient tyranny but effective freedom * * *. Freedom, within tolerable bounds, is the challenge * * *."

What does this mean to us?

It's obvious, of course, that the average citizen should understand the job of the police and that they are seeking to work in the constitutional manner suggested by Chief Liu.

But it also means that, as our society becomes ever more complex, there is an increasing need for higher skills and understanding on the part of police officers—in other words, more professionalism.

As Chief Liu stressed on Kauai, modern law enforcement demands an officer not only with more technical skills in crime detection but also more understanding of the nature of crime in society.

"He must have experienced the enlightenment that comes from a study of the humanities."

This is a tall order. It can be done with more training and by developing esprit that stimulates self-education on the part of individual police officers. Some of this is being done.

But, other factors being equal, the community only gets what it pays for in terms of a police force.

Considering the fact that a starting cadet gets only \$366 a month and a police officer's base pay is only \$466, Honolulu has gotten more than its money's worth. Citizens have the right to demand increased excellence from their police. But they also have the duty to see that the rewards are such to attract men willing to both take the risks and develop the professionalism demanded by society.

COLLEGE OF POLICE SCIENCE,
CITY UNIVERSITY OF NEW YORK,
New York, N.Y., July 23, 1965.

HON. SAM J. ERVIN, JR.,
U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: Attached is the statement I promised in support of S. 1825, the Law Enforcement Assistance Act of 1965.

Again, I regret that my attendance at the annual conference of the New York State Association of Chiefs of Police prevented my personal appearance at the hearing.

Sincerely,

PATRICK V. MURPHY,
Dean of Administration and Police Science.

STATEMENT OF PATRICK V. MURPHY

This bill holds tremendous promise as an aid in the advancement of training in law enforcement.

It takes advantage of the existence of the many presently constituted educational efforts in this field. Special projects and studies are well within the capabilities of college-level police science programs now operating in all parts of the country. Federal support can guarantee meaningful examinations of many needs in this new discipline.

The six questions, and the suggested areas of inquiry discussed in President Lyndon Johnson's March 8 Message to Congress on Law Enforcement and Administration of Justice, constitute an excellent summary of the ground to be explored.

We are proud to offer the services of our own unique institution, the College of Police Science of the City University of New York. It will be operational in the fall and is the first college in the country which will be aimed exclusively at training in the field of law enforcement, and in eventual stages in the fields of correctional administration, probation, parole, and allied disciplines.

I feel that the major effort in the implementation of the act should be in widening and deepening the field of knowledge in this comparatively new discipline by studies conducted at college-level educational programs rather than by a mere intensification of existing training operations.

STATEMENTS OF A. F. BRANDSTATTER, DIRECTOR, AND RALPH F. TURNER, SCHOOL OF POLICE ADMINISTRATION AND PUBLIC SAFETY, MICHIGAN STATE UNIVERSITY

The following joint statement is forwarded to the Honorable Philip A. Hart of Michigan for his use in committee hearings pertaining to S. 1825 and for inclusion in the record.

The statement represents the opinions of Prof. A. F. Brandstatter, director, School of Police Administration and Public Safety, Michigan State University, and Prof. Ralph F. Turner, a member of that faculty.

Prof. A. F. Brandstatter joined the School of Police Administration and Public Safety in 1946 and was followed by Professor Turner in 1947. Prior to these dates, both gentlemen were engaged in practical law enforcement work in Detroit, Mich. and Kansas City, Mo.

Since their association with the School of Police Administration and Public Safety, they have been occupied with the development and improvement of that program. The program is essentially a preservice educational program consisting of 4 years of study leading to the bachelor of science degree. A graduate program in the School of Police Administration and Public Safety leads to the

master of science degree. Since its inception in 1935, the School of Police Administration and Public Safety has graduated 1,280 students with the bachelor's degree and 59 students with the master's degree. The majority of these students have obtained employment in law enforcement and related fields at the Federal, State, county, municipal, and private levels. All of this is by way of indicating that the School of Police Administration and Public Safety at Michigan State University has been actively engaged in preparing young men and women for work in law enforcement and, also, in the development of responsible leadership in this branch of public service. As a result of this experience, these gentlemen are intimately acquainted with the needs of professional law enforcement services in this country.

A second phase of the work of the School of Police Administration and Public Safety has to do with the training of practicing police officers in the State of Michigan. To this end, a short course program covering many facets of police training was developed in 1951 and presently offers 10 different programs for police officers. This brings the school in close contact with current problems of law enforcement officials and provides for an understanding of the needs of police on a daily basis.

Professors Brandstatter and Turner have read S. 1825 and, based upon the above-described experience and knowledge, wish to go on record as supporting this bill and encouraging its favorable consideration by the Senate Judiciary Committee and the Congress of the United States. It does not seem appropriate at this time to comment on specific details of the bill, but, rather, indicate the desirability and urgent need for the U.S. Government to consider the establishment of a program as outlined in S. 1825. The need for action of this type on the part of the U.S. Government is great and the spirit and principles of the bill as understood by us are most desirable.

SOUTHERN POLICE INSTITUTE,
UNIVERSITY OF LOUISVILLE,
Louisville, Ky., June 4, 1965.

Hon. PHILIP A. HART,
U.S. Senator,
Senate Office Building, Washington, D.C.

DEAR SENATOR HART: Thank you very much for your kind letter of the 24th of May enclosing copy of Senate bill 1825.

Our staff is substantially in agreement with the bill. It answers an urgent need for better training and educational techniques for law enforcement personnel. If enacted into law, I believe that it will make a substantial contribution toward professionalization of the forces.

I would, however, have preferred that the bill were more specific on certain points. Specific references to "tuition and other scholarship grants," as well as to "law enforcement programs on the college and university level" would have been helpful. These are probably minor points and will be provided for under the Attorney General's regulations establishing criteria.

Please record us in favor of your bill.

Sincerely,

DAVID A. McCANDLESS, *Director.*

STATE OF CALIFORNIA,
DEPARTMENT OF JUSTICE,
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING,
Sacramento, July 7, 1965.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: As indicated in our recent letter, we placed discussion of your bill S. 1825 on the agenda of our last commission meeting.

The commission is highly interested in your bill and has referred the matter to the Peace Officers Association of the State of California and the Peace Officers

Research Association of the State of California. The combined strength of these two groups is believed to be the greatest of any State peace officer associations in the Nation. The two groups work very closely together and represent over 20,000 California peace officers.

An association legislative subcommittee recently reviewed Federal legislation and has endorsed the concept of S. 1825 and H.R. 6508.

Thank you for soliciting our comments.

Sincerely,

GENE S. MUEHLEISEN,
Executive Officer.

RESOLUTION ADOPTED AT 1965 ANNUAL CONFERENCE OF MAYORS, ST. LOUIS, MO.,
JUNE 2, 1965

LOCAL LAW ENFORCEMENT ASSISTANCE

Whereas our cities have increasingly been faced with a higher crime rate than rural areas; and

Whereas during the last decade 80 percent of the growth of our population has occurred in metropolitan areas; and

Whereas Census Bureau data reveals that 54 percent of the families with incomes of less than \$3,000 and over three-fourths of the unrelated single individuals with similar incomes live in urban areas; and

Whereas progress has been made by local government in strengthening and in improving local law enforcement as evidenced by the increase in numbers of personnel, the growing number of local police training academies and the increasing number of hours devoted to both recent and inservice training; and

Whereas there is need for further expansion of police training and improvement in local law-enforcement techniques; and

Whereas the experimentation, research, and development as well as demonstration projects that are needed in this field is beyond the resources of most individual cities: Now, therefore, be it

Resolved, That the U.S. Conference of Mayors endorses Federal financial support for improved police training and increased efforts at developing citizen support for local law enforcement; and be it further

Resolved, That all local government be encouraged to expand their police-community relations programs as a basis for enlarging citizen understanding and cooperation with local law-enforcement agencies.

RESOLUTION ADOPTED BY THE ASSOCIATION OF JUVENILE COMPACT ADMINISTRATORS,
JUNE 12, 1965

FEDERAL ASSISTANCE TO CORRECTIONAL PROGRAMS

Whereas the President of the United States in a special message to Congress recommended legislation for assistance to law enforcement and correctional activities; and

Whereas such legislation, notably H.R. 6508, is now pending before Congress: Now, therefore, be it

Resolved, That the Association of Juvenile Compact Administrators endorses the objective of such legislation and urges that the needs of the correctional field be emphasized in the implementation of such legislation; and be it further

Resolved, That the Secretariat is directed to send copies of this resolution to Representative Emanuel Celler, the sponsor of H.R. 6508 and to the congressional committees considering the legislation.

Senator ERVIN. The record will be kept open for further statements for a period of 7 days.

On behalf of the subcommittee I wish to thank all of those who have appeared and testified concerning the problem raised by this proposed legislation.

(Whereupon, at 11:45 a.m., July 30, 1965, the subcommittee was adjourned.)

(Other statements received subsequently follow:)

STATEMENT BY CONGRESSMAN CHARLES E. BENNETT, OF FLORIDA

Mr. Chairman, I deeply appreciate the opportunity to testify before the committee considering legislation to provide assistance in training State and local law-enforcement officers and to improve capabilities and techniques for the prevention and control of crime.

This legislation, I believe, is needed to halt the continuing rise in serious crimes in the United States, which increased 13 percent in 1964 over 1963, according to FBI Director J. Edgar Hoover. Of a more serious nature, this legislation is also sufficiently drawn to combat the rising juvenile delinquency crime rate, also up 13 percent in 1964 over 1963. This figure is alarming to all law-abiding Americans, especially when you consider that the population 10 to 17 years old increased only 4 percent over the previous years, while the increase in arrests of persons under 18 years of age jumped 13 percent.

Crime is a national responsibility, although it is the direct responsibility of State and local law-enforcement agencies, in that it is up to each citizen to do what he can to reverse these drastic increases in crime rates.

Prior to the President's suggestion for a "Law Enforcement Assistance Act of 1965," included in the legislation before the committee today, I introduced a package of three crime and juvenile delinquency bills, which I thought would help halt crime, delinquency, violence in the streets, and adult apathy in their tracks.

The positive measures which I introduced on February 16, 1965, include a resolution calling for a White House Conference on Crime Prevention and Juvenile Delinquency; secondly, a bill to establish a National Advisory Commission on Interstate Crime; and thirdly, legislation to provide grants to teach local law-enforcement officers modern methods of crime detection, and to provide grants for research to determine the causes and cures for various types of criminal behavior. The second bill has been administratively adopted by the appointment by President Johnson of a national commission to study crime prevention methods and criminal behavior.

My third suggestion, H.R. 4937, to provide Federal assistance for programs of research and experimentation in crime prevention and detection, and for training of law enforcement personnel, is now pending before the House Committee on Education and Labor.

The bill would establish grants under the direction of the Commissioner of Education, in cooperation with the Attorney General, to institutions of higher education to study and do research in the causes and cures of criminal behavior and for the study of new and improved methods or techniques of crime prevention and detection and of law enforcement generally.

H.R. 4937 would also establish grants for the purpose of training personnel in the law-enforcement field which could be made to any Federal, State, local or other public or nonprofit agency, organization, or institution. I have also introduced H.R. 8677 which is similar to the bills before your committee today—"Law Enforcement Assistance Act."

Mr. Chairman, we have talked too long with too little action about the basic problems of crime and juvenile delinquency, gnawing at the very basic roots of our Nation's moral and ethical fiber.

The greatest need in American life today is a "safe society," and no one will dispute this.

The prime responsibility in the prevention of crime and juvenile delinquency, which costs the country annually \$27 billion, rests with the State and local governments, but this legislation will help them to make a "safe society." I am strongly supporting this legislation and congratulate the chairman and the committee for the work they are doing in this critical field.

Thank you.

NORTH CAROLINA,
STATE BUREAU OF INVESTIGATION,
DEPARTMENT OF JUSTICE,
Raleigh, July 16, 1965.

Hon. SAM J. ERVIN, Jr.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ERVIN: I have carefully read Senate bill S. 1825. This appears to be a most forward step in the training of local law-enforcement officers.

As you know the Federal Bureau of Investigation through the FBI National Academy has made a tremendous contribution to law enforcement through its training program at the academy and through the local schools held in the various States.

The Institute of Government of the University of North Carolina has likewise made a great contribution not only to law enforcement in North Carolina but also to all phases of governmental operation.

However, with both of these great services available there were the small departments with two, three or a dozen men who needed training in basic law enforcement. It has been to this group of law-enforcement officers that we in the bureau have directed our attention in the past 5 years. It is to this group of officers throughout the Nation that I would hope this bill might give assistance. The larger departments can have a training program. They can have a training officer. Funds are available to help with instructional materials. This is not true for the small departments in the rural communities.

If funds were available on a matching basis we could hold 20 regional schools of 2 weeks' duration each year here in North Carolina. Last fiscal year we assisted in the training of 930 law-enforcement officers in our State. In the matter of return to our citizens who provide the funds through the taxes they pay, we believe the dividends to them were in excess of \$40 million.

Should you desire more information on what we are doing and how this assistance could be of help I shall be delighted to furnish same to you.

Sincerely yours,

WALTER F. ANDERSON, *Director.*

CRIME COMMISSION OF PHILADELPHIA,
Philadelphia, Pa., July 28, 1965.

Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee,
Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: Never before in the history of the Nation have the objectives of pending legislation been as imperative as are the purposes of S. 1825, the Law Enforcement Assistance Act of 1965. The officers and directors of the Crime Commission of Philadelphia endorse them wholeheartedly and urge you to act as expeditiously as possible on this legislation.

As a voluntary citizen agency dedicated to improving the effectiveness of law enforcement in all of its aspects the crime commission is in a good position to understand the import of the proposed Law Enforcement Assistance Act of 1965. We have worked for a great many years to strengthen the machinery of law enforcement but rarely with the encouragement that would be provided if S. 1825 were to become law. We have learned over the years that the machinery of law enforcement fails when it neglects what industry calls preventive maintenance. The stocktaking of projects to control crime and the criminal and to promote respect for the law would represent an entirely new departure in law enforcement.

It is our function to examine closely the workings of police, courts, jails, prisons, probation, and parole. Within this spectrum of law enforcement instruments there are many gaps. We see the Law Enforcement Assistance Act as designed to develop the bridges and to demonstrate their effectiveness in increasing the security of person and property.

Sincerely,

DAVID F. MAXWELL, *President,*
EPHRAIM R. GOMBERG, *Executive Vice President.*

U.S. CONFERENCE OF MAYORS,
Washington, D.C., August 2, 1965.

SENATE JUDICIARY COMMITTEE,
New Senate Office Building, Washington, D.C.

DEAR MR. ROSENBERGER: Attached are two copies of a resolution on law enforcement adopted at our annual conference on June 2.

We would like to have this resolution included in the special subcommittee print of hearings on S. 1792 and S. 1825, bills designed to improve law-enforcement facilities in the United States.

Sincerely yours,

HUGH MIELDS, Jr.,
Associate Director.

[Resolution adopted at 1965 Annual Conference of Mayors, St. Louis, Mo., June 2, 1965]

LOCAL LAW ENFORCEMENT ASSISTANCE

Whereas our cities have increasingly been faced with a higher crime rate than rural areas; and

Whereas during the last decade 80 percent of the growth of our population has occurred in metropolitan areas; and

Whereas Census Bureau data reveals that 54 percent of the families with incomes of less than \$3,000 and over three-fourths of the unrelated single individuals with similar incomes live in urban areas; and

Whereas progress has been made by local government in strengthening and in improving local law enforcement as evidenced by the increase in numbers of personnel, the growing number of local police training academies and the increasing number of hours devoted to both recent and inservice training; and

Whereas there is need for further expansion of police training and improvement in local law enforcement techniques; and

Whereas the experimentation, research and development as well as demonstration projects that are needed in this field is beyond the resources of most individual cities: Now, therefore, be it

Resolved, That the U.S. Conference of Mayors endorses Federal financial support for improved police training and increased efforts at developing citizen support for local law enforcement; and be it further

Resolved, That all local government be encouraged to expand their police-community relations programs as a basis for enlarging citizen understanding and cooperation with local law enforcement agencies.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., August 5, 1965.

HON. SAM J. ERVIN, Jr.,
Chairman, Special Subcommittee, Senate Committee on the Judiciary, New Senate Office Building, Washington, D.C.

DEAR SENATOR: Thank you for the invitation and opportunity to comment briefly upon S. 1792 and S. 1825, as well as the House-passed H.R. 8027, bills designed to improve law enforcement in the United States.

We are particularly pleased that this proposal would authorize assistance in training State and local law enforcement officers, and believe it will be of significant help in combating problems relating to crime in the United States. Other than as citizens, however, our primary interest and concern is expressing the hope that this bill will be interpreted as extending to State personnel who enforce laws relating to the preservation and management of public fish and wildlife resources, boating, water pollution, fire control, etc.

The administration of fish and wildlife laws probably offers a situation unique in the field of enforcement. By law, ownership of fish and wildlife resources rests in the people in their joint capacities as States. Yet, by practice, State wildlife agencies are almost exclusively financed by funds resulting from the sale of hunting and fishing licenses. This situation forces severe limita-

tions on the numbers of officers who can be employed for this work affecting millions of people. And, conservation officers accost more armed citizens than any other field of law enforcement.

For the above reasons, it is imperative that these officers have the best possible training. It is our hope that they will be covered in scope of the proposed Law Enforcement Assistance Act.

Sincerely,

THOMAS L. KIMBALL, *Executive Director.*

WAYNE STATE UNIVERSITY,
DELINQUENCY CONTROL TRAINING CENTER,
Detroit, Mich., August 4, 1965.

Senator SAM J. ERVIN, Jr.,
Committee on Judiciary, U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: The statement below is designed for inclusion in the testimony that your committee has been taking relative to legislation for Federal financing of aid to education for police officers.

The delinquency control training center at Wayne State University has had two experiences with programs for the training of police officers.

In one of these we developed a modest program of instruction to police officers in the on-the-street handling of youth. This program was utilized by a number of police departments in the Detroit metropolitan area. We got into such topics with the officers as ways in which the police can forestall incidents by opening communication with youth at an early stage, ways in which the police can win the respect of youth so that they cooperate with rather than take an antagonistic attitude toward police, and ways in which the police can make use of the juvenile court's regulations and the social agency structure of the community to obtain early preventive action. Although we would not want to take credit, it is of interest to us that during the past spring and summer, when there was a rash of incidents involving clashes between youth and police in the metropolitan area, none of these occurred in those departments which had made use of our program. Because funding of our program on the police level had to be somewhat sketchy, we feel we merely scratched the surface. Had there been available to the police department adequate funds for training, we feel that programs such as the one which we founded could be much more scientifically developed, and much more adequately staffed. Were this the case, and if it were possible for the police department to do so without undue burden, then we feel that reaching all police officers with such a program might make it possible to reduce friction between police and youth, and in doing so set the basis for much more responsible attitudes of the future citizens toward police in a manner which would greatly strengthen the law enforcement activities throughout the country for the future.

The second program in which we worked involved joint training of police with social workers, recreation leaders, school people, and court workers. This resulted in a series of events which made it possible for the city of Detroit and the State of Michigan to cope with a crisis affecting police work with youth which came to a peak about 2 years ago. The measures which were taken at that time have had a significant influence in making the Detroit area one of the few areas in the country where there has been a genuine reduction in delinquency.

I would like to support the proposed legislation because of the fact that it will open possibilities for fruitful work with the police that can result in substantial gains. Throughout the country, police are tending to react with understandable resentment against what many feel are uncooperative attitudes on the part of the general public and unsympathetic rulings on the part of the courts. It is our belief that with better training in the management of relations with youth in particular and the public in general, real progress can be made in reversing these attitudes so that the police can operate in an atmosphere of greater respect for law.

Very truly yours,

WILLIAMS W. WATTENBERG, *Director.*

NATIONAL POLICE OFFICERS ASSOCIATION OF AMERICA,
Washington, D.C., August 17, 1965.

GEORGE B. AUTRY,
Chief Counsel, Subcommittee on Revision and Codification, Old Senate Office
Building, Room 341, Washington, D.C.

DEAR MR. AUTRY: Enclosed is a telegram from the National Police Officers Association of America stating our views concerning present legislative efforts to aid law enforcement. Please feel free to use this telegram in whatever way you deem suitable.

We are very grateful for your support, and if ever I can be of any assistance to you, please contact me.

Respectfully,

WILLIAM C. GEASA,
Congressional Liaison Officer; Chairman, Legislative Committee.

VENICE, FLA., August 9, 1965.

WILLIAM C. GEASA,
Congressional Liaison Officer, Washington, D.C.:

The National Police Officers Association of America applauds the legislative efforts of Senator Hart and Representative Scheuer who have introduced similar measures to provide assistance to local law enforcement through a central educational and scientific effort to be administered by the Attorney General.

The battle in the war against crime has high stakes unless a national effort is made to provide America's first line of defense—her 480,000 battle-weary law enforcement officers—with every possible resource. It is conceivable that law and order as we know it today will perish under lawless acts. It is not enough to provide a gun and a badge; every officer who serves his Nation in the preservation of law and order must be superior in physical, moral, and mental standards. Education and inservice training is especially needed in the smaller police forces which cannot afford the funds, yet, who are the backbone of the American way of life. The NPOAA calls for the united effort of all law enforcement organizations to support the valuable bills as a step toward achieving the professional standards necessary to overcome the crime problem in the United States.

FRANK J. SCHIRA, Executive Director.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
August 18, 1965.

HON. SAM J. ERVIN, JR.,
Chairman, Subcommittee of Senate Judiciary Committee,
Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I understand the record is still open on the hearing which you conducted on S. 1792. If so, I would like to place in the record a letter from the Coast Guard Commander of the 17th Coast Guard District in Alaska.

Could you see to it that the enclosed letter is placed in the record of the hearing following this language:

"MR. CHAIRMAN: Additional support from Alaska has come to my attention in the form of a letter from Rear Adm. George D. Synon, Commander of the U.S. Coast Guard, 17th Coast Guard District with headquarters at Juneau, Alaska. I believe that your subcommittee will find of interest Admiral Synon's remarks concerning the need for a Federal law enforcement program to assist State and local officers.

"Therefore, Mr. Chairman, I ask that the letter which I received from him on August 13 be included as a part of my testimony before this subcommittee."

Thank you for this courtesy and for the assistance rendered to me by Mr. Rosenberger of your committee's staff.

With best wishes, I am,

Sincerely yours,

E. L. BARTLETT.

TREASURY DEPARTMENT,
U.S. COAST GUARD,
Juneau, Alaska, August 13, 1965.

Senator E. L. BARTLETT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BARTLETT: I was greatly interested to see in your "Report from Washington," dated July 30, 1965, an item stating that you are cosponsoring with Senator Moss legislation to establish a Federal program to assist training of State and local law enforcement officers.

In my view, such a program is overdue. It is a well recognized fact that local law enforcement officers ideally should be recruited to the extent practicable from the environment in which they are to perform their duties. In outlying parts of our Nation—Alaska being one—law enforcement officers and potential law enforcement officers simply do not have a background in the more sophisticated methods of law enforcement found among individuals who come from, and are trained in, populous localities. Consequently, State and local police officers must seek help from more knowledgeable members of Federal enforcement agencies.

It is my thought that specific information that a program of the kind you are sponsoring has already been started here in Alaska may be of some interest or value, should you again testify in support of the bill. Hence, this letter.

In past years, the Coast Guard has provided investigative and law enforcement training on an occasional basis to Alaska State and local agencies. In March 1965, we assisted the Alaska State Police in instructing 16 native police officers from various communities in southeastern Alaska. These men received a total of 5 hours formal instruction by the Coast Guard. We expect to do this again.

Through our membership in the several Alaska police and peace officers associations, numerous other opportunities have arisen for the Coast Guard to provide individuals and groups with training and instruction in investigative procedures. Frequently, this training has been administered in the course of handling a specific case.

It should be understood, however, that training and instruction of this nature can continue to be administered by the Coast Guard only as its available resources permit. The press of our other Federal duties may from time to time reduce the cooperation we are able to afford State and local agencies along these lines.

Accordingly, in my opinion, there is a decided need for an organized program of the kind espoused by yourself and Senator Moss. It is my further opinion that the efficacy of most Federal agencies—and this certainly includes the Coast Guard—would be correspondingly improved to the degree that the capabilities of the State and local agencies, with which they must cooperate, are improved.

Sincerely,

GEORGE D. SYNON,
Rear Admiral, U.S. Coast Guard,
Commander, 17th Coast Guard District.

COOK COUNTY SHERIFF'S POLICE DEPARTMENT,
Chicago, Ill., August 19, 1965.

HON. JAMES O. EASTLAND,
Chairman, Judiciary Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR EASTLAND: Because of my feeling that more Federal legislation is vital and necessary in support of law enforcement, I am most interested in H.R. 8027, the Law Enforcement Assistance Act of 1965, which I understand is pending before the Judiciary Committee of the Senate.

If I can be of assistance by testifying in favor of this bill, I would be most willing to do so.

I would appreciate being advised of the dates of hearings as they are scheduled.

I strongly urge you to hold hearings on this matter and do everything possible to secure passage of this legislation.

Your truly,

ARTHUR J. BILEK, *Chief.*

INTERNATIONAL CONFERENCE OF POLICE ASSOCIATIONS,¹
Washington, D.C., August 26, 1965.

Mr. JOSEPH DAVIS,
Chief of Staff, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR JOE: With reference to our conversation of this date relative to H.R. 8027 which is similar if not identical to S. 1792 and S. 1825 on which your committee held hearings on July 22, 23, and 30, 1965.

I am enclosing a copy of our statement before the House Subcommittee on the Judiciary with reference to H.R. 6508 and which became H.R. 8027, reported and passed the House on August 2, 1965.

It will be appreciated if you will have this made a part of the record of the hearings.

Respectfully yours,

ROYCE L. GIVENS, *Executive Director.*

STATEMENT OF NATIONAL CONFERENCE OF POLICE ASSOCIATIONS

Mr. Chairman, honorable members of the committee, my name is Robert D. Cutts. I am a lieutenant of police and have been employed as a police officer since November 5, 1945 in the Los Angeles Police Department. I am not here speaking for the Los Angeles Police Department, but as a member of the executive board of the National Conference of Police Associations with a membership in excess of 200,000 full-time, sworn police officers, of which the Los Angeles police officers are members.

I have had some experience in the field of police education having graduated from the University of Southern California in 1951 with an associate degree in police administration. Since then I have been actively engaged as a student in the field of police science or in law school. I have taught police administration for 3 years in East Los Angeles College and have lectured on police subjects in the Los Angeles Police Training Academy, as well as numerous civic organizations throughout the country. I have served on the professionalization committees of both the State of California peace officers groups and the national group.

On behalf of the working police officers who are members of the National Conference of Police Associations, I would like to address myself to Mr. Celler's bill, H.R. 6508, pointing out that the bill though very broad, contains much which we can support. With the permission of the committee we would like to present some of our thinking on the bill and some suggestions for amendments.

First, our association strongly supports improved standards governing police recruitment. It also supports better and more effective recruitment training programs, however, as an employee group, we take the position that course content is an administrative prerogative and that our association should refrain from voicing its opinions in this field. We do feel that the attitude of the public toward law enforcement is of importance to every police officer and as such, our association is on record advocating Federal grants and aids to establish programs within the nonprofit accredited college institutions offering degrees in the field of police science or education.

Section 2 enumerates correctional personnel; we cannot speak for the correctional personnel, therefore, our views are solely those of the police members of our association.

In line 7, we suggest after the word "or" eliminate the word "prepare" and insert in lieu of 3 words "certified as eligible." We would like to add a subsection to section 2, to read as follows: "An eligible police officer who, having satisfied the entrance requirements of a college level institution participating under this program and which offers a course in police science or education, shall be entitled to educational assistance under this act, for a period equal to that ordinarily required for a baccalaureate degree."

¹ Formerly National Conference of Police Associations (incorporated April 7, 1954).

Under section 5, subparagraph b, page 3, line 7, after the words, "may be" insert "granted or."

Section 6A, line 21, eliminate beginning with words "matters" up to and including on line 23 the word "including."

Under B of this section 6, on page 4, line 5, after the word "act" beginning with the word "and" down to line 7, and ending with the word "crime" that these words be eliminated.

Section 7, that the entire section be eliminated and that section 7 read as follows: "(a) Nothing contained in this act shall be construed to authorize any department, agency, officer, or employee of the United States, including the officers and employees mentioned herein to exercise any direction, supervision, or control over the organization, administration, operation, or personnel of any State or local police force, or over the policies of enforcement, or law enforcement in the communities over which such personnel of any State or local police force has jurisdiction.

"(b) Nothing contained in this act shall be construed to restrict the authority of any Federal, State, or local law enforcement agency with respect to its personnel."

Section 7, page 4, commencing with line 20, that there be added after the word "necessary", "not less than two-thirds of said committee shall be composed of college level academicians and police practitioners."

Section 9, page 5, line 10, that the word "to" be eliminated.

In 1960, an English Royal Commission on Police summarized the importance of the police functions as follows: "the maintenance of law and order ranks with the national defense as a primary task of government. It is essential condition of a nation's survival and happiness." Our purpose here is not to discuss the sociological conditions affecting crime but rather to address ourselves to the needs for educational opportunities to improve the quality of the individual officer and to bring about a healthy respect, born not out of fear but predicated upon the individual conduct and competency of the police officer.

The ever increasing number of assaults upon police officers is now in excess of 13 per 100 officers. The increasing number of officers killed in the line of duty is now in excess of 90 per year, coupled with the increasing crime rate makes shockingly clear the increase of lawlessness and a lack of support for not only the law enforcement officers but the concept of law as the foundation of an orderly society.

As an employee spokesman I wish to make known that the police officers throughout this Nation are disillusioned and discouraged with the lack of support received from the people whose law they enforce—frustration with in-explainable court decisions, such as recently occurred in Judge Leighton's circuit court of Chicago—is experienced by all police officers. Some elected officials who enact laws in the peoples' name, stand back and frequently join in the popular sport of verbal mud slinging at the police officers. Certainly this is not the type of recognition your police officer seeks.

Currently, our Government extends grants and aids to further the educational purposes of persons in the medical and technicological fields. It seems to us police officers that these opportunities should be extended to us.

Law enforcement can no longer be thought of as a necessary evil. Steps must now be taken to bring about the advance of law enforcement as a recognized profession. Less emphasis should be placed on the quasi-military nature of police duties and more thought given to the individual police officer who is competently trained and educated. An officer who can make valued judgments in effecting the protection of life and property for all our citizens.

We do not suggest a weak or political dominated police agency, but rather advocate firm, fair and impartial law enforcement. The day that we seek is that day when the American people identify their police officers as accepted and respected members of their community, feeling free to seek them out for advice and discussion in the same attitude as is now reflected toward the teaching and medical professions, sharing with him the responsibility and willingness to assist in coping with a crime problem that has become a national disgrace.

On behalf of our association we would like to thank this committee for its consideration and patience in allowing us to express our views.